

Nashville, Tennessee



REPORT FROM THE CAPITAL

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NewsMakers

◆ **John Upton Jr.** was elected executive director of the Baptist General Association of Virginia at the group's annual meeting Nov. 8-9. He will succeed **Reginald McDonough** as head of the organization of about 1,400 congregations. McDonough, who will retire from the position after serving 15 years, was elected chairman of the Baptist Joint Committee in October. Upton will assume his new position March 1.

◆ **Councilman Kent Pullen** of Metropolitan King County Washington sponsored an amendment to the county's charter explicitly guaranteeing the free exercise of religion. Pullen said the amendment, approved with nearly 58 percent of the vote in a Nov. 6 referendum, does not change current law but could help the county avoid lawsuits by emphasizing the importance of religious liberty. The proposal was initiated in response to measures before the county council that would have placed land-use and other limits on churches in rural areas.

◆ **Deanna Fowler** of Cincinnati, Ohio, has begun a fall internship at the Baptist Joint Committee. She is a 2000 graduate of Georgetown College in Georgetown, Ky., with a degree in history. Fowler recently returned to the United States from Jordan where she served in the Peace Corps. △

House approves nonbinding resolution on school prayer

A nonbinding resolution passed by the U.S. House of Representatives has sparked a debate over school prayer.

Critics said the Nov. 15 resolution endorses government-sponsored prayers in public schools, which the Supreme Court has ruled unconstitutional. Supporters countered that it simply encourages schools to allow students to pray voluntarily, a practice the high court recently declined to disturb in a dispute over a Virginia minute-of-silence law.

The resolution passed Nov. 15 on a vote of 297-125, with only three Republicans voting in opposition and 84 Democrats voting in support. The House suspended its rules to pass the resolution without first sending it through the usual legislative committee process.

The resolution, sponsored by Rep. Walter Jones, R-N.C., states that U.S. public schools "should set aside a sufficient period of time to allow children to pray for, or quietly reflect on behalf of, the Nation during this time of struggle against the forces of international terrorism."

Church-state separationist groups criticized the House action.

"It is not the business of government to tell children when, where or what to pray," said K. Hollyn Hollman, general counsel at the Baptist Joint Committee.

"It is unfortunate that the sponsors of the resolution would respond to our nation's tragedy by pushing this politi-

cally opportunistic and legally misguided proposal," Hollman added.

In lively debate on the House floor Nov. 13, proponents said that they believed critics' fears were misdirected. "Mr. Speaker, this resolution encourages and does not require the schools of America to set aside a sufficient period of time for children in America to pray for or reflect on our nation," said Rep. Johnny Isakson, R-Ga.

Proponents also noted that the resolution does not endorse prayer over secular forms of meditation or reflection.

"The U.S. Congress has absolutely no right telling my children how to pray."

— Rep. Chet Edwards



Nonetheless, opponents of the resolution said the measure goes beyond what the Supreme Court has permitted in that it proposes a particular object of the prayers or meditations. "I am afraid

that the resolution is really about, once again, trying to introduce some form of content or prayer into the schools under the guise of the tragedies of September 11 and the events that have occurred since then," said Rep. George Miller, D-Calif. "We should really not do that."

Rep. Chet Edwards, D-Texas, said that in addition to the constitutional problems the resolution creates, it also sets a dangerous precedent by suggesting the subject of school children's prayers.

"As a parent, I want my children to pray for our nation in this time of need; but as a citizen, I will say here and everywhere, that the U.S. Congress has absolutely no right telling my children how to pray." △

Holiday tree sans religious ornaments draws lawsuit

The lack of religious themes on ornaments of a Capitol holiday tree is the focus of a new lawsuit regarding church-state separation in Wisconsin.

Eight state residents filed suit Nov. 5 in a Madison federal court because they believe the state's refusal to have such ornaments on a tree at the Capitol violates their free-speech and religious rights.

Mike Dean, general counsel for the Family and Freedom Foundation, is representing the residents who say the ban on religious ornaments is "unconstitutional, content-based discrimination."

Several plaintiffs want to "include messages that invoke God's blessing on the United States of America in light of the tragedies of Sept. 11, 2001," the suit states. Defendants named in the suit include the Wisconsin Municipal Clerks Association, which sponsored this year's collection of handmade ornaments from around the state. The association distributed a state guideline that ornaments for the tree — known as the "State of Wisconsin Holiday Tree" — in the Capitol rotunda could not be religious in nature.

The state has had an unwritten policy against religious ornaments since the mid-1980s. Δ

Supreme Court declines religious harassment case

The Supreme Court has declined to hear a Florida case about employees' rights to share their faith in the workplace.

In 1993, Kenneth Weiss was fired from his technician's job with REN Laboratories Inc., in Fort Lauderdale, Fla. His employers claimed that they terminated Weiss in part because he harassed co-workers by offering a Bible to a Muslim co-worker and showing a lesbian co-worker Scripture passages calling homosexuality "vile."

Weiss subsequently sued his former employer under the 1964 Civil Rights Act, claiming religious discrimination. Weiss said the activities leading to his dismissal were an integral part of his faith.

A Florida jury initially found in Weiss' favor and awarded him \$129,000. But the judge threw out the ruling, citing a lack of evidence of wrongful termination.

The Supreme Court's decision not to hear the case leaves intact a decision by the 11th U.S. Circuit Court of Appeals, which said that, though Weiss' workplace behavior was not prudent, a jury should determine if he was wrongfully dismissed. Neither Weiss nor REN Laboratories were satisfied with that decision.

Attorneys for the company told the *Miami Herald* that they were "between a rock and a hard place" in Weiss' case, since he was a supervisor and some of the people who felt harassed by his actions were working for him. The company also said that other, nonreligious issues contributed to Weiss' termination.

Weiss was represented by the Rutherford Institute, a conservative group that often represents Christians who claim they have been discriminated against in workplace, school or public accommodations. Press reports indicated the group had hoped the Supreme Court would use the case to set clearer guidelines for workplace witnessing.

However, Brent Walker, executive director of the Baptist Joint Committee, said it would be difficult for the courts to provide conclusive guidance to private employers on such matters. "These cases are all fact-sensitive," he said. "It is impossible to come up with a bright line between permissible religious expression and religious harassment for all cases."

Walker said private employers and employees might find helpful guidelines for religious expression in the federal workplace issued by the Clinton administration in 1997. Those guidelines provide

examples of permissible and impermissible religious behavior by government workers. For instance, according to the guidelines, handing a gospel tract to a co-worker is permissible unless the worker asked beforehand not to be given the tract. A supervisor requiring employees to accept and read religious materials, however, would be unacceptable under the federal guidelines. Δ

Bush urges Senate to revive faith-based initiative

In a strong signal that he plans to revive his stalled domestic agenda, President Bush asked the Senate to revive his controversial "faith-based initiative" and allow more Americans to give to the country's hurting charities.

Bush wrote Senate Majority Leader Tom Daschle, D-S.D., and Minority Leader Trent Lott, R-Miss., on Nov. 7, urging them to pass his bill by the end of the year and give aid to charities, which have been "suffering" since the Sept. 11 terrorist attacks.

"America's charities have stood by America," Bush said. "It is now time for America to stand by her charities, as they suffer from the economic consequences of Sept. 11."

The president's bill, which would provide federal money to religious groups and charities to provide social services, passed the House last summer but is bogged down in the Senate.

Opponents of the legislation are concerned that religious groups would be able to use federal money to discriminate in hiring and providing services.

Sen. Joseph Lieberman, D-Conn., and Sen. Rick Santorum, R-Pa., are working on a compromise bill that would address those concerns.

Some would like to see a less controversial provision — which was also passed by the House — separated; it would allow taxpayers to donate more to charity and increase giving incentives for companies. Bush said he wants to see both.

Religious and civil liberties groups, however, urged caution. A broad coalition, including the Baptist Joint Committee, wrote Bush, saying now is not the time to take up a divisive bill.

In addition, minority faiths that have come under attack since the Sept. 11 events "would only be further ostracized in the funding and selection process due to misinformation, false stereotyping and retaliation," the groups said in a letter spearheaded by the Interfaith Alliance. Δ

Freedom for minority faiths should be lauded, not resented



Have we gone overboard in protecting the religious liberty of Muslims in the aftermath of 9-11-01? Chuck Baldwin, pastor of Crossroad Baptist Church in Pensacola, Fla., thinks so. He has written a commentary highly critical of the decision by

New York school officials to reserve a room for Muslim students to pray during Ramadan.

He asserts that this gesture amounts to "religious preference and favoritism" and complains that Christian students are not similarly accommodated in our nation's public schools. He concludes that while we have the "separation of church and state," we apparently do not believe in a "separation of Mosque and state."

These sentiments are off base. While the state, through the public schools, should not advance or promote religion, it should — and sometimes must — accommodate and protect *students'* rights to exercise their religion freely.

Although the record is checked, public schools have a long tradition of accommodating minority religious faith. Indeed, the Bill of Rights in general and the religion clauses in particular are premised on the need to protect the rights of the minority against the sometimes tyrannical majority sentiment. For example, we accommodate Jehovah's Witnesses students by not insisting that they recite the Pledge of Allegiance. We uphold the right of Sikh students to wear turbans even though hats are banned for other students. We generally refuse to compel students to wear garb (i.e., T-shirts and shorts at P.E.) that they regard as immodest. Many school districts with a significant enrollment of Jewish students close entirely during Yom Kippur.

All of this points out the fact that, although schools must protect the free exercise of all of its students, not all accommodations need to be equal or identical. The setting aside of a separate room during Ramadan where the students can kneel

on mats and face Mecca during their mandatory prayer time, it seems to me, is a perfectly permissible accommodation based on the unique needs of Muslim students.

Nor is it true that Christian students are given short shrift. Again, sometimes school officials get it wrong, but to suggest that there is some kind of widespread anti-Christian animus in the public schools is off the mark. Although majority religions often do not need special accommodation as much as students of minority faiths, the law *does* generously accommodate the practice of Christianity. Christians can form Bible clubs to meet in rooms on campus before and after school — and sometimes during lunch. They can meet immediately after school for prayer even in elementary school under the supervision of off-campus leaders. They can pray around the flag pole with near impunity, be released from the school day for religious observance at a church or other house of worship and generally may pray as they wish and at any time during the day as long as it does not disrupt the education process.

Moreover, many of the accommodations we make to Christians in the public schools are built into the culture and afforded by the expression of majority will. For example, Sabbath and Lord's Day worship is accommodated because there is generally no school on Saturdays or Sundays. Easter falls on a Sunday and school is canceled in many districts on Good Friday. A student who needs to be accommodated, for example, on Ash Wednesday should receive that concession swiftly.

It's unseemly for members of the largest and most powerful religious group in this country to carp about our commitment to protect the religious freedom of minority faiths. Instead we must redouble our commitment to accommodate the religious needs of *all students* without allowing government, through the schools, to advance or promote religion.

Our commitment to religious liberty is best revealed and tested by how we treat minorities. Δ

Student prayer restrictions could cost school districts

Public school districts that unlawfully restrict student prayer or deny equal access to the Boy Scouts will lose federal funding if President Bush signs an education bill that has been revised to include such provisions.

A Congressional conference committee working to present a final version of the education bill to Bush has approved language that, for the first time ever, ties federal education funds to whether a school district complies with U.S. Department of Education guidelines on student-led prayer in schools.

Language approved by the committee also denies federal funding to school districts that do not allow the Boy Scouts equal access to school facilities for meetings.

Although it does not allow government-sanctioned school prayer, the First Amendment does protect student-led prayer and other student religious expressions in public schools within certain parameters. The compromise education-bill language adopted by the House-Senate conferees requires the government to deny funding to any school district that violates Education Department guidelines designed to clarify students' rights to religious expression. Δ

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REPORT FROM THE CAPITAL

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Book Review

**I, Roger Williams
A Fragment of an Autobiography.**

Mary Lee Settle. W. W. Norton Co., New York, 2001. 312 pp., \$24.95.



To a Baptist the name of Roger Williams evokes pride and appreciation. The connection between that name and religious liberty, separation of church and state, and liberty of conscience is instant and meaningful. Reading this historical novel, cast as an autobiography, is an epiphany for those dedicated to religious freedom.

Mary Lee Settle has previously contributed to understanding the English roots of democracy in the "new experiment," the United States of America. Her Beulah Land books reveal her careful research, creativity and art as a writer.

In this book Roger Williams tells his story as an old man reflecting on his turbulent life and times. He evaluates his efforts and looks at the possible long term results of his commitment to God's gift of individual conscience and responsibility.

As the clerk of Sir Edward Coke, Williams begins as an observer and recorder of events in England under the reigns of James I and Charles I. As clerk for the greatest jurist in England, the 14-year-old lad employs his gift for languages, his own invention of a secret writing and devotion to his master. This association makes possible his learning of English law and tradition.

Coke's character, his unrelenting demands for the rights of Parliament, his patience and intelligence are a model for the young Williams. A significant idea of Sir Edward is grasped by Williams: thoughts are not criminal under English law unless they cause riots.

Sir Edward sees to it that Williams receives an education at Pembroke College at Cambridge. He takes his degree but is not ordained because of his Puritan views. Eventually he and his wife, Mary, are forced to flee to New England to escape the persecution pursued by Bishop Laud. Here he begins his work as the champion of freedom of conscience. He is expelled from the Massachusetts Bay Colony, helped to survive the winter wilderness by Indians, founds the colony of Providence, R.I., and lives out his life there.

To read this book is to be present with this man who is counted by many as one of the ten most influential religious leaders of the last one thousand years! With her artistry, Mary Lee Settle lets us hear the authentic voice of Williams. Her work with his letters and other primary documents brings him alive and underscores the debt this country and the world owes to him.

Settle includes the following thoughts from Roger Williams' old age. "Perhaps because sometimes when the fire is over, in the ashes of it there is left a small survival like a living ember. I have lived to see some of my words become rallying cries, for once tasted there are such thoughts that are not allowed to go up in flames. What I had hoped, had growed (sic) to a rallying cry in other voices, the ember long forgotten. Some still martyred for their conscience slip across the borders of other colonies to ours, where they breathe, speak, run riot, alas, while we labor to keep the peace."

I, Roger Williams is a gift. Readers are indebted to Mary Lee Settle for powerfully telling Williams' story.

— June McEwen
Chattanooga, Tenn.
Board Member
Baptist Joint Committee

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