

Report from the Capital

NEWSLETTER OF THE BAPTIST JOINT COMMITTEE

Panel offers 'common ground' proposals

A broad-based coalition has issued a report outlining "common ground" ways to facilitate the role of faith-based organizations in providing social services.

But the consensus report does not resolve the two thorny issues that have stalled President George W. Bush's faith-based legislation in the Senate — whether tax dollars can be used to fund pervasively religious ministries and whether religious organizations can discriminate in hiring for tax-funded jobs.

The Working Group on Human Needs and Faith-Based and Community Initiatives released the 54-page report Jan. 15. The panel, made up of representatives of a wide spectrum of organizations, was led by former Sen. Harris Wofford, D-Pa., at the request of Sen. Rick Santorum, R-Pa., the chief sponsor of faith-based legislation in the Senate.

Wofford and other organizers hope the report's 29 recommendations will facilitate the work of faith-based and community groups in meeting human needs.

The report calls for expanding tax incentives for charitable giving and cutting red tape to allow religious groups to compete for government funds. It also calls for a "major increase" in financial support from private individuals, foundations and corporations for social service providers.

Baptist Joint Committee Executive Director Brent Walker said the panel properly focused on areas of agree-



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— Charles Haynes
Freedom Forum
First Amendment Center

ment rather than disagreement.

"Let's go forward on all that we agree upon," said Walker, whose organization has opposed "charitable choice" proposals that would shift tax funds to pervasively religious organizations.

"Why get bogged down in trying to pass something that many of us think runs roughshod over the Constitution?"

The report states that cooperation between government and faith-based programs must be carried out in ways that protect individual conscience, preserve the autonomy of faith communities and treat all faith communities equally.

The panel agreed that government funds not be provided "for the purposes of religious worship, instruction, or proselytization, on the one hand, or for denigration of religion on the other."

The report said that protecting religious liberty and other constitutional principles "must not be an afterthought in the work of meeting human needs; it must be at the heart of our efforts. Constitutional ground

rules are not barriers that must be overcome; they are the guiding principles that have made religious diversity and vitality possible in American life."

Among the panel's recommendations:

- ◆ Allow nonitemizing taxpayers to deduct charitable donations. The House version of the faith-based plan passed last summer scaled back \$90 billion in incentives to just \$13 billion.

The panel endorsed the original Bush proposal.

- ◆ Religious groups should form separate, nonprofit organizations to deliver social services if government funds are involved. The report did not attempt to resolve disagreement over whether the Constitution requires the formation of separate nonprofit entities and the degree to which religion can be integrated into government-funded programming.

- ◆ Increase "technical assistance" to faith-based groups in structuring and operating their programs.

- ◆ Government social service programs should not treat faith-based and secular providers differently unless required to do so by the Constitution or law.

Panel members hope their work will move forward the debate over the role of faith-based organizations.

"Yes, there are still battles ahead ... but why not focus on where we agree and get something done for those most in need?" asked Charles Haynes, a senior scholar at the Freedom Forum's First Amendment Center. △

NewsMakers

◆ **Rep. Mark Souder**, R-Ind., recently introduced legislation that increases tax incentives for individual and corporate charitable contributions and provides technical assistance for applying for grants and 501(c)(3) tax-exempt status.

◆ **Li Guangqiang**, a Hong Kong businessman who tried to deliver thousands of Bibles purchased by American worshippers for an underground Christian congregation in China, has reportedly been indicted by a Chinese court on charges that he "used a cult to undermine the enforcement of the law." The U.S. State Department has registered its concerns with the Chinese Embassy in Washington.

◆ **Martin Marty**, author and director of the Public Religion Project at the University of Chicago, was honored with a 2002 First Freedom Award recently for his continuing work to encourage dialogue among U.S. religious groups. The award, sponsored by the Council for America's First Freedom, honors individuals and groups that have championed religious freedom.

◆ **Enaas Sansour**, 17, a junior at the Islamic Saudi Academy in Alexandria, Va., who was forced in December by an airline security screener at Baltimore-Washington International Airport to remove her head scarf said, "I want an apology, because there was a nun covered from head to toe, and they didn't make her take it off. I only cover my head, and they didn't do anything to her." △

Tenn. Christian school seeks exemption from Internet law

Citing a concern about "unlimited filth" online, a small Christian school in Knoxville, Tenn., has requested that the state legislature permit exemptions from a law requiring computer education.

The state has required since 1994 that students receive a full year of computer education, including "online communication," to obtain a high school diploma. *The Commercial Appeal* of Memphis reported. Administrators at the Oakmont School in Knoxville asked a state legislative committee to recommend approval of a bill that would permit students at public and private schools to be excused from the rule if a parent or guardian submits a written statement explaining a "reason of conscience" for opposing the computer instruction.

"We don't have computers, radios or televisions in our homes or businesses, and we don't wish our children to be, you might say, infected with what's on them," Oakmont principal Floyd Rochat told the joint House-Senate Education Oversight Committee.

"Computers may be connected to the Internet with access to unlimited filth for their young minds to feed on. We respectfully ask for making this exemption a part of the law so that Christian conscience may be maintained and at the same time, provide our children with a good quality education."

The bill in question was introduced last year, but was deferred in a House subcommittee to the 2002 session of the General Assembly, which began Jan. 8.

The school has about 13 students in grades 6 through 12 but the waiver would be available to any parents wishing to exclude their children from computer instruction. △

Catholics, conservatives criticize Bush education bill

Conservative Christians say while they support President Bush's education reform bill, the real key to education excellence was left out of the sweeping law — private school vouchers.

The bipartisan bill, which was showcased at numerous bill-signing ceremonies around the country on Jan. 8-9, calls for increased accountability among local schools and provides for yearly testing to measure progress.

While supportive of the bill, the Na-

tional Catholic Educational Association called the measure "modest at best and a disappointment to Catholic educators." The group represents 200,000 Catholic school teachers and 7.6 million students.

Although the bill holds public schools responsible for improving the academic environment of all students, it provides little support for low-income parents whose children are trapped in failing public schools," said NCEA President Michael J. Guerra.

To gain Democratic support for the bill, Bush agreed to drop the voucher proposal, which would have aided Catholic and other private schools.

Focus on the Family, a conservative evangelical group, said Bush abandoned his core principle of giving more freedom to local school districts and instead invites a bureaucratic federal government into the classroom. Focus' education analyst, Dick Carpenter, also criticized the lack of a vouchers proposal.

"This bill does not enable parents to seek the most effective approach to their child's education," he said. "Students in chronically failing schools have only one alternative — another public school." △

Suit: Schoolteacher stopped religious material distribution

The American Center for Law and Justice has filed suit on behalf of a second-grader whose public schoolteacher allegedly prevented him from handing out religious materials, including one responding to the Sept. 11 terrorist attacks.

The law center, founded by religious broadcaster Pat Robertson, filed suit Jan. 8 on behalf of Michael and Lisa Leirer and their son, Joshua, charging the William Floyd Union Free School District in Mastic Beach, N.Y., with religious discrimination.

The suit charges that Joshua's teacher prevented him from distributing religious materials to students at Tangier Smith Elementary School on Long Island during non-instructional time.

The student was prevented from handing out a booklet titled "God is Our Shelter and Strength," a response to the terrorist attacks, because of concerns that it might offend some parents, the law firm said.

"This is a case where the school district is using a heavy hand of censorship against a second-grade student who merely wants to express his religious faith during non-instructional times at school," said Vincent P. McCarthy, senior counsel of the law firm. △

Free to profess

Residents of the United States enjoy a bewildering and energizing variety of religious expressions. Baptists, Methodists, Presbyterians and bunches of other garden variety Protestants. Roman Catholics, Jews, Muslims, Hindus and Buddhists. Liberals, conservatives, Latter-day Saints, Sikhs, charismatics, Jehovah's Witnesses, Hare Krishnas, Unitarians, Scientologists, Moonies and Wiccans.

This religious diversity taxes our social order while it reflects the American ethos at its best. A Roman Catholic skywriter panics residents of Boca Raton, Florida, when he writes "God is great" in the sky on New Year's Day. A New Mexico pastor closes his December 30 service by burning dozens of Harry Potter books. The presiding Episcopal bishop in our country considers a plan to assign to conservative parishes a bishop who is theologically in line with the parish, even if this violates traditional geographic boundaries. Contemporary Christian music sales reached almost 50 million units in 2001, a new U.S. record.

"Virtually every surviving heresy and schism in Christian history had its representatives in America," wrote historian Sydney E. Ahlstrom, in *A Religious History of the American People*. Nothing has changed.

What explains this radical religious diversity?

Our racial and ethnic diversity, for one thing. We are a nation of "come-heres," planted on this soil because our parents or great-great-great grandparents arrived here hoping to find opportunities represented by the idea of liberty. Along with our language, traditions and favorite foods we arrived here with our peculiar ideas about God's ways and human ways to acknowledge God. Our longings may be similar, but not our ways of expressing them.

Even our unique backgrounds would not guarantee such diverse religious expression in America were it not for a climate of freedom accepted in American society and, more important, American law. Religious liberty, not mere toleration, is written into the documents upon which the American experiment is based.

Recently I toured Montpelier, the home of James Madison outside Orange, Virginia. Exhibits at Montpelier credit Madison's con-

cern with persecution of Baptists and Quakers as the principal factor that compelled the gentleman farmer to enter public life. Later Madison, lobbied hard by Baptist preacher John Leland, fathered the Bill of Rights, whose first amendment guarantees free exercise of religion and forbids an established church in the United States.

Another Virginian and a neighbor of Madison's, Thomas Jefferson, wrote a treatise on religious freedom in 1777 that asserts "that no man shall be compelled to frequent or support any religious worship, place or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer on

account of his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain, their opinion in matters of religion, and that the same shall in no wise diminish, enlarge, or affect their civil capacities."

Wednesday, January 16, marked 216 years since Virginia's General Assembly adopted this Statute of Virginia for Religious Freedom penned by Jefferson. He asked that he be remembered for this document in addition to being founder of the University of Virginia and author of the Declaration of Independence.

Religious expression in our nation is quirky, passionate, mystifying and often excessive. I do not agree with every goofball doctrine, stunt, symbol or practice that people say brings them closer to God or releases God's favor. Nor does everyone endorse what I classify as worthy of my belief and devotion.

About this time each year, however, I pause in gratitude that I am a recipient of a legacy of religious liberty, articulated by Enlightenment-era citizens like Madison and Jefferson, endorsed by their peers whose names we hardly remember and labored for in each succeeding generation of Americans so you and I can express our devotion to Jesus the Christ, or not.

Religious liberty is a national treasure and the envy of many other nations. Don't forget it. Enjoy it. Maintain it. Δ



Michael Clingenpeel

Editor
Religious Herald

Michael Clingenpeel is editor and business manager of the Religious Herald, news journal of the Baptist General Association of Virginia.

Judge rules chaplains' suits may continue

A U.S. District Court judge has determined that two suits by chaplains alleging religious discrimination in the U.S. Navy should continue.

Judge Ricardo M. Urbina has denied in part the Navy's motion to dismiss the cases, which accuse the military service of discriminating against evangelical Christian groups. The chaplains allege second-class treatment by the Navy, which they say has "illegal religious quotas" for chaplain promotions and a tendency for bias against nonliturgical Christian Navy chaplains.

"Although they perform religious functions, chaplains should be selected for promotions based on their fitness as officers and as chaplains, rather than the religious message of their sermons," Urbina wrote in a 62-page decision filed Jan. 10.

He also agreed with the chaplains "that the Navy may not use religious prejudice to set quotas that are unrelated to a compelling governmental interest."

"We think this is a significant victory," said Art Schulcz, a lawyer for chaplains in the two cases.

The Navy declined to comment because the cases are still in litigation, said Lynette S. Williams, spokeswoman for the U.S. Navy chief of chaplains. Δ

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Report from the Capital

J. Brent Walker
Executive Director
Larry Chesser
Editor
Jeff Huett
Associate Editor

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Judge halts funding of faith-based program

Taxpayer funding of a program once touted by President Bush as an example of the kind of partnerships he hopes will flourish under his "faith-based" initiative has been ruled unconstitutional by a federal judge.

On Jan. 8, U.S. District Judge Barbara Crabb of Wisconsin ordered the state's Department of Workforce Development to discontinue distribution of direct grants to Faith Works — a Milwaukee addiction-recovery program for fathers.

The group has a specifically Christian mission and includes Bible study, prayer, religious counseling and a "faith-enhanced" Alcoholics Anonymous program among its treatment regimen.

President Bush touted the program during his 2000 presidential campaign as the kind of activity he would like to encourage. The program had been partially funded by block grants from the office of then-Gov. Tommy Thompson, who is now the head of Bush's Department of Health and Human Services.

The Madison-based Freedom From Religion Foundation filed a lawsuit arguing that the unrestricted grants from the governor's discretionary fund, as well as pay-for-service grants from the state's Department of Corrections, violated the First Amendment.

The judge agreed that even though the Faith Works program has "secular purposes," religion permeates its content. The U.S. Supreme Court has said direct grants cannot go to "pervasively sectarian" programs unless safeguards are in place to ensure that government funds are not used for religious indoctrination or proselytizing.

The judge disagreed with attorneys for

Faith Works who argued that sufficient safeguards existed to separate the program's secular and religious components, citing in particular the potential for state funding of religious counselors.

"State money and private foundation money are deposited into the same bank account from which counselors' salaries are paid," she wrote. "At any given time, it is not possible to trace the source of bank deposits, to determine that money from private grants has been earmarked to pay counselors' salaries or to determine that state funds are not being used to pay counseling staff."

The Wisconsin judge did not rule on a second allegation in the lawsuit that grants to Faith Works by the Department of Corrections also violated the First Amendment. The judge said church-state conflicts were less clear with the corrections contract than in the governor's grants. She ordered a trial to determine whether the corrections program was also unconstitutional.

"This case is important because it is one of the first to recognize the constitutional problems with government funding of religious organizations for social services," said K. Hollyn Hollman, general counsel at the Washington, D.C.-based Baptist Joint Committee.

Bush's "faith-based initiatives" plan has already passed in the House but stalled in the Senate late last year. The plan would make it easier for the government to offer direct grants to pervasively religious organizations.

Sens. Rick Santorum, R-Pa., and Joe Lieberman, D-Conn., were sponsors of a scaled-back Senate version of the bill that failed to move in the Senate last year. Both are expected to work toward a compromise agreement between the White House and Congress. Δ



BAPTIST JOINT COMMITTEE

200 Maryland Ave. N.E.
Washington, D.C. 20002-5797
202-544-4226
Fax: 202-544-2094
E-mail: bjcpa@bjcpa.org
Website: www.bjcpa.org

Non-profit Org.
U.S. Postage
PAID
Riverdale, MD
Permit No. 5061



*****AUTOMIXED AADC 207 T28 P1
Bill Summers
Southern Baptist Hist. Library & Archives
901 Commerce St Ste 400
Nashville TN 37203-3628