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NEWSLETTER OF THE BAPTIST JOINT COMMITTEE

Proposal would remove electioneering ban

A long-standing IRS rule that churches and other tax-exempt non-profit organizations may not engage in partisan politics would be removed from the tax code if a bill pending in Congress becomes law.

The proposal would allow churches to spend perhaps as much as 20 percent of their budgets on partisan politics without risking loss of their tax-exempt status.

Supporters of the change say the current law infringes churches' right to freedom of speech. Opponents say removing the limits would unnecessarily politicize America's pulpits.

Meanwhile, a new poll shows that Americans overwhelmingly believe clergy should refrain from endorsing political candidates.

House Resolution 2357 is called the "Houses of Worship Political Speech Protection Act." Sponsored by Rep. Walter Jones, R-N.C., it would remove a prohibition — in place since 1954 — that bars churches and other non-profit groups organized under section 501(c)(3) of the Internal Revenue Code from engaging in partisan politics while maintaining their tax-exempt status.

"For me, it's a First Amendment issue," Jones told the Raleigh, N.C., *News and Observer*. "Prior to 1954, a rabbi, priest, or minister could say anything they wanted to say. This is simply trying to return free speech to churches and synagogues."

Opponents of the bill say current laws don't prevent tax-exempt charities from speaking out on public poli-

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— Rep. Walter Jones



cy issues. Churches and ministers can address social and moral issues — such as lotteries, gay rights and abortion — as long as they don't endorse or oppose candidates.

"This bill isn't about free speech; it's about hardball politics," said Barry Lynn, director of Americans United for Separation of Church and State.

Currently, if a church endorses a political party or particular candidate, it risks losing its tax-exempt status.

The new bill was drafted by Colby May, a lawyer for the American Center for Law and Justice. The ACLJ was formed by Christian Coalition founder Pat Robertson.

In January, Rep. Jones appeared on Robertson's "700 Club" television program to promote the bill. Robertson urged viewers to contact House Ways and Means Committee chair Bill Thomas, R-Calif., and ask him to schedule a hearing on the bill as soon as possible.

The proposal is drawing mixed reviews from religious groups.

"The Jones bill is bad news for churches and for politics," said

Baptist Joint Committee Executive Director Brent Walker. "It would be breathtakingly divisive in most churches and turn pulpit prophets into political puppets.

"It could also provide an unfortunate incentive to try to deduct political contributions by funneling them through churches," Walker added.

Richard Land, head of the Southern Baptist Convention's Ethics & Religious Liberty Commission, supports the Jones legislation. "We don't think the government should be telling churches what to do," he told the Raleigh newspaper. "It's for us to decide, not the government."

While he believes churches should have the right to endorse candidates, Land added, "We will continue to urge our churches not to do it." Overt partisan politicking is "not an appropriate role for the church," he said.

Jones' bill has 113 co-sponsors in the House — all but four of them are Republicans. Though Jones has said he hopes the proposal will receive a hearing in May, sources say it has not yet been scheduled for a hearing.

The bill comes at a time when a new poll shows that Americans, by a three-to-one majority, oppose religious groups involving themselves directly in partisan politics.

The survey announced by the Pew Forum on Religion and Public Life found that 70 percent of respondents were opposed to clergy endorsing political candidates, while 22 percent supported the idea. △

NewsMakers

◆ **Rabbi David Saperstein**, director of the Religious Action Center of Reform Judaism, wrote a letter to leaders of the House International Relations Committee in support of a resolution aimed at reducing religious persecution in Pakistan. "Jews have too often been the victims of religious persecution over the centuries, precisely because, in the face of the oppression and degradations visited on us, good people stood by silently and let it happen," he wrote.

◆ **Mel Martinez**, secretary of Housing and Urban Development, announced recently that local public housing authorities could have an "open door policy" for faith-based organizations providing social services to public housing residents.

◆ **John Dilulio**, former head of the White House Office of Faith-Based and Community Initiatives, recently wrote in a University of Pennsylvania study that "we do not yet know whether America's armies of compassion, local or national, large or small, measurably outperform their secular counterparts." President Bush and other political leaders continue to champion faith-based social services. After passing the House of Representatives, faith-based legislation has stalled in the Senate. △

'Atheist' license plate, legal, says Florida highway agency

A Gainesville, Fla., man can keep his license plate that declares he is an "ATHEIST" after the state motor vehicle department reversed its decision.

In a February letter to the Department of Highway Safety and Motor Vehicles, a dozen people complained about the special license tag of Steven Miles, *The St. Petersburg Times* reported.

"We are all Florida residents and we saw the Florida tag 'Atheist' on a vehicle the other day. We are writing to say we find this tag offensive, and we do not think it should be on a vehicle," they wrote.

A department supervisor declared the tag to be "obscene or objectionable," and told Miles to remove it. But department officials reversed the decision March 14 after Miles called the American Civil Liberties Union.

"I'm elated," said Miles, 55, the vice president of Atheists of Florida. "Now I don't have to fight for what should be mine in the first place."

Department spokesman Robert Sanchez said a committee will be formed to review tags such as Miles' "that fall into a gray area" before they are recalled. △

Religious leaders join fray in Ukraine elections

As Ukraine recently prepared for parliamentary elections, religious leaders complained that political maneuvering and trickery were straining the patchwork of faiths in the former Soviet republic.

"These are pre-election games," said Progressive Rabbi Alexander Dukhovny, commenting on a reported proposal in western Ukraine to rehabilitate Ukrainian veterans of a Nazi SS division and give them "freedom fighter" status.

On March 27, the All-Ukrainian Jewish Congress rallied about 700 people in the Ukrainian capital of Kiev to protest any attempt to reward Ukrainians who fought for the Nazis and against the Soviet Red Army during World War II. The issue has a deep resonance for the up to 600,000 Jews who live in Ukraine, where hundreds of thousands of Jews were exterminated during World War II. Millions of Ukrainian soldiers also died repelling German forces.

A Jewish candidate for one of the 450 seats in Ukraine's Verkhovna Rada — parliament — said he expects the uproar to fade after the balloting and attributed it to

an attempt to discredit politicians who allegedly considered the rehabilitation idea.

"Most likely it is connected with the election. Of course there are people who think that way but they are perhaps one one-hundredth of a percentage of the population," said Alexander Zlotnik, who said he is leading polls in the Belaya Tserkov electoral district outside Ukraine.

Leaders of Ukraine's second largest church, the Ukrainian Orthodox Church-Kiev Patriarchate, are complaining that a demonstration against their primate was orchestrated by the Communist Party, whose leader recently made a high-profile visit to see Patriarch Alexii II in Moscow.

Pre-election polls showed that the Communists are likely to lose their dominant position in the Verkhovna Rada to Our Ukraine, which is promising economic reform. △

Homeless shelter prayer backed by HUD secretary

A South Dakota homeless shelter that lost a chance for \$53,000 in grants because of its practice of group prayers before evening meals gained the support of the administration's top housing official.

Mel Martinez, secretary of the U.S. Department of Housing and Urban Development, said the city of Sioux Falls was wrong to ask the St. Francis House to stop prayers before meals to receive government funding.

"I am deeply concerned that this department has been cited as the cause for adverse action against St. Francis House," Martinez said in a letter to Sen. Tim Johnson, D-S.D., who had requested intervention by Martinez. "I believe that the Sioux Falls city employees' request that St. Francis House modify the content of its program was improper."

Because of the statement by Martinez, the city's community development office may now reconsider grant applications from the shelter's owner, the Catholic Diocese of Sioux Falls.

The custom at the shelter is for a staff member or a homeless guest to lead a prayer of thanks for the evening meal. Randy Bartunek, community development executive director, told shelter leaders they would have to substitute a moment of silence for the pre-meal prayer to qualify for grants because of HUD regulations forbidding endorsement of religion. Told of the letter from Martinez, Bartunek indicated a willingness to reverse the ruling. △

Overuse of national motto raises questions, cheapens religion

Last year the Mississippi Legislature passed a law requiring the posting of "In God We Trust" in all public school classrooms, cafeterias and auditoriums. Encouraged by the Tupelo-based American Family Association, Mississippi became the first state to implement such a broad effort promoting the statement.

In February of this year, the Virginia Legislature approved a similar bill. The Virginia bill, which has not been signed by the governor, would require all school boards in the state to post "In God We Trust" in a conspicuous place in each of their schools.

These efforts may not amount to a legislative trend, but this slogan does seem to be enjoying a surge in popularity. Indeed, among symbolic gestures proposed by legislatures in recent months, several involve posting "In God We Trust."

Whether motivated by a desire "to instill a standard of patriotism and morality" as one Virginia legislator stated or by a misguided mission "to get God back in the classroom," these recent efforts raise important questions. It is a good time to revisit the motto's historical basis, its constitutionality and where it fits into debates about church-state separation.

Despite claims of the motto's historical importance in America, the establishment of the phrase as the national motto dates only to the mid-1950s. There is no trace of such a religious statement in the Constitution or the Bill of Rights. Indeed, the word "religious" appears in the Constitution only once — to disallow a religious test for public office. And the religion clauses of the First Amendment guarantee that the government will not endorse religion.

Those who want to promote history should consider the nation's original motto, *E PLURIBUS UNUM*. Meaning "one from many," it appears on the Great Seal of the United States and on our coins and currency. It was used as early as 1795.

Whatever its history, what about the constitutionality of "In God We Trust"? Despite its clear religious statement, the national motto and its use in some contexts have been upheld by federal courts.

The Supreme Court has never ruled on the motto directly, but it has accepted certain references to a belief in God found in our public life.

Some government acknowledgments of religion, justices have noted, are too ubiquitous and benign to be perceived as a government endorsement of religion. As Justice William Brennan, himself a strict separationist, once noted, such references can best be understood as a form of "ceremonial deism" that passes constitutional scrutiny "chiefly because they have lost through rote repetition any significant content."

Acceptance in some government buildings or on currency, however, does not mean that the door is wide open for posting the motto in public schools. The court properly distinguishes between government acknowledgement of religion in courthouses or legislative chambers as opposed to those in public school classrooms, where the audience is captive and more impressionable.

Constitutional questions aside, the court's treatment of the motto as a secular statement highlights an important theological reason against government posting of the motto and other religious statements in public places. Over time, even an explicitly religious statement may be so devalued as to lose its intended meaning.

There are many reasons to oppose government's expanded use of "In God We Trust." But legal challenges to the motto may be difficult to win given existing court rulings. Moreover, public support for the national motto tends to crest during times of crisis, such as during the Cold War and the current war on terrorism. Nevertheless, we should remain skeptical of attempts by politicians to capitalize on patriotic sentiments to promote a majoritarian view of religion. Such attempts cheapen religion and undermine respect for religious liberty. △



K. Hollyn Hollman

General Counsel

U.S. to pay \$8 million to settle with missionary family

The federal government would pay \$8 million to settle the claims of the family of a missionary and her daughter killed when their plane was shot down in Peru, as well as claims by the pilot, under a settlement negotiated by the Bush administration.

An attorney for the families confirmed the settlement figure March 22 but said the agreement won't be finalized until Congress approves the money.

"I think the families are feeling that they have at least made progress in the process of trying to get this settled and trying to go on with their lives," said Karen Hastie Williams, the attorney for the family of missionary Veronica "Roni" Bowers of Muskegon, Mich. "They are now waiting to see if Congress acts to support the administration."

The Peruvian air force attacked the airplane carrying Roni Bowers and her daughter April 20, 2001, after it was targeted by CIA contract employees as a potential drug trafficking flight. Bowers' husband, Jim, and son, Cory, survived the attack, as did pilot Kevin Donaldson.

The agreement, which was signed March 21, would share the \$8 million among Jim Bowers, Cory Bowers, Roni Bowers' parents and two brothers, and Donaldson and his wife. △

