

# Report from the Capital

NEWSLETTER OF THE BAPTIST JOINT COMMITTEE

Study shows

## Public funding grows for faith-based groups

A new study of government partnerships with faith-based organizations has found an increase in the number and variety of funded contracts for providing social services.

The study was sponsored by the Hudson Institute and the Center for Public Justice, two Washington-area organizations that have supported such partnerships in the past.

Based on inquiries of officials of 15 states, Amy Sherman, senior fellow of the Hudson Institute, concluded that faith-based organizations are providing close to 40 different kinds of services with government contracts. That figure — which includes job training, emergency medical care, GED instruction, youth camps and domestic violence prevention — is much higher than the seven categories discovered by researchers in an earlier study.

K. Hollyn Hollman, general counsel of the Baptist Joint Committee, welcomed the effort to catalogue grants but questioned the scope and usefulness of the latest study. She said the study calls on states to expand "charitable choice" without rigorously evaluating programs that are already in place.

"This study shows that government grants to religious organizations, including churches, are multiplying," Hollman said. "Unfortunately, it does not evaluate their effectiveness or the constitutionality of

Contracts in Selected States: 2000 vs. 2002

State	Contracts 2000 study	Contracts Now	\$ Total 2000	\$ Total 2002
California	11	107	\$1,887,608	\$15,655,024
Illinois	7	69	\$1,819,500	\$6,209,743
Massachusetts	3	22	\$320,000	\$6,809,692
Michigan	9	129	\$744,470	\$21,858,717
Mississippi	0	0	\$0	\$0
New York	7	32	\$1,860,705	\$9,060,873
Texas	4	19	\$130,449	\$18,276,912

their implementation."

Comparing results to a report on nine states published in March 2000, Sherman said most of the states had increased financial contracting with faith-based organizations. For example, California officials reported a total of 107 contracts, compared with 11 previously, and Michigan jumped from nine to 129.

In addition, the most recent report found that frequently contracts are being written with faith-based organizations that had no previous history of government contracting.

Hollman said the study applauds the increase in first-time recipients of government funding — many of which are churches.

"This raises red flags," she said. "Do these new programs protect the integrity of religious institutions and the rights of beneficiaries?"

Sherman also reported that, in general, state and local government officials are more aware of charitable

choice guidelines today than they were in 1998 and 1999 when the original nine-state research was conducted.

The researchers — whose work was not comprehensive — learned of 726 grants to faith-based organizations, totaling more than \$123 million.

Researchers also found that of 587 organizations with governmental contracts, more individual congregations are involved, increasing from 3.5 percent of those studied in 2000 to

22 percent this year. The congregations typically hold smaller contracts than other faith-based organizations.

Sherman's research is tracking the implementation of charitable choice, a provision of 1996 welfare legislation that increased governmental funding of faith-based social services. President Bush has sought to expand that provision.

Jim Towey, director of the Office of Faith-Based and Community Initiatives, praised Sherman's findings for exemplifying "a nice tapestry being woven in our country between secular and sacred organizations coming together at the local level" to serve the nation's poor.

A second report, to be published in summer 2002, is being conducted by the Hudson Institute and the Bliss Institute at the University of Akron. It will explore more analytically how the new collaborations between faith-based organizations and government are functioning. Δ

## NewsMakers

◆ **Jim Jones**, the long-time religion reporter for *The Fort Worth Star-Telegram*, has been awarded the 2001 Religious Freedom Award from Associated Baptist Press. The award honors individuals who have made unique contributions to religious freedom, particularly through journalism. Jones received the honor at an April 12 banquet in Jacksonville, Fla.

◆ **George Carey**, Archbishop of Canterbury, has issued a strong defense of the Church of England's status as the established church of the realm despite growing criticism of the arrangement. He said no steps should be taken that would weaken the links between church and state without close examination of both their historic significance and their impact on the community.

◆ **Gurbaj Singh**, a 12-year-old Sikh boy, has been allowed by a Quebec court to return to school wearing his ceremonial dagger, ending for now the boy's dispute with the local school board. The court ruled April 16 that his 6-inch metal kirpan, however, must be sewn into a piece of cloth and concealed beneath his clothing, and that those conditions must be verified as needed by school officials. Δ

## Falwell's church wins right to incorporate in Virginia

In response to a lawsuit from the Rev. Jerry Falwell, a federal court in Virginia has ruled that the state's 18th century law barring churches from incorporation is unconstitutional.

"Unlike other groups in Virginia, members of 'a church or religious denomination' are unable to incorporate the organization to which they belong," wrote U.S. District Judge Norman K. Moon in a decision issued April 15. "They are therefore denied the benefits of incorporation because of their religious status."

Falwell and the trustees of his Thomas Road Baptist Church in Lynchburg, Va., argued that the law denied their constitutional right to free exercise of religion. With incorporation, the church would gain limited liability, the opportunity to sue and be sued as an organization and the power to enter contracts, the court said.

Mathew Staver, an Orlando, Fla.-based lawyer, hailed the decision.

"The archaic Virginia laws no longer serve a present-day purpose, and in fact are blatantly hostile toward churches," said Staver, of the Liberty Counsel law firm, who defended Falwell, along with his son, Jerry Falwell Jr.

"Incorporation provides many rights and benefits, which up till now could be enjoyed by any person or group except churches."

Falwell, whose suit was supported by the American Civil Liberties Union, filed the legal challenge as his church made plans to expand. The lawsuit also sought to challenge Virginia's law limiting the amount of land churches can own. The church wants to build on a 60-acre plot. Δ

## Judge refuses to dismiss mosque-related suit

A U.S. District Court judge rejected a request to dismiss a religious discrimination suit against a Chicago suburb last week, saying that the city failed to follow routine zoning procedures in its dealing with a Muslim group.

The Al-Salam Mosque Foundation is suing the city of Palos Heights, Ill., for \$6.2 million, claiming the city council violated the group's free exercise of religion by refusing to give zoning approval to the mosque.

"I find that there is sufficient evidence supporting plaintiff's position that defendants intentionally prevented plaintiff

from purchasing the property for use as a mosque," said Judge James Zagel in his April 8 ruling. The judge's decision clears the way for the lawsuit to go to trial. In February, Zagel dismissed two other counts of the lawsuit, which had charged that Palos Heights conspired against the Muslim foundation on the basis of religion.

The lawsuit stems from a dispute over the purchase of a Reformed church building in Palos Heights, which the Al-Salam Mosque Foundation planned to convert to a mosque.

When the group asked for a special use permit application for the property, the city's zoning secretary, following the mayor's instructions, refused to comply. Instead, the city claimed it wished to purchase the church building to convert to a recreation facility, and offered the Mosque Foundation \$200,000 to back out of its contract to purchase the building. After the foundation agreed to the \$200,000 settlement, Mayor Dean Koldenhoven vetoed it, saying that "offering a religious group cash to abandon plans for a place to worship is wrong."

In November 2001, the city's plan to purchase the church was rejected by voters. Shehnaz Mansuri, an attorney for the foundation, called Zagel's decision "a victory for us." Δ

## French religious leaders warn against far right's resurgence

Leaders from across France's religious spectrum have expressed dismay at the strong showing of far-right candidate Jean-Marie Le Pen, who emerged second in France's first-round elections April 21, and who once dismissed the Jewish Holocaust as a "detail" in history.

In statements to and interviews with French media, Christian, Muslim and Jewish representatives have called for tolerance and openness in France, where pundits fear a new wave of xenophobia may be growing. Some have gone so far as to expressly urge their communities to vote for President Jacques Chirac, of the conservative Rally for the Republic Party, who faces Le Pen in a second runoff vote May 5.

"The results from the first round of the presidential election indicate a radicalization of political choices and reveal a profound crisis in our society," said Bordeaux Archbishop Jean-Pierre Ricard, the current president of the Council of Bishops of France, in a statement. Δ



The truth  
will set  
you free.

*John 8:32*

Observe Religious Liberty Day 2002

# Freedom Inside Out

## A Sermon for Religious Liberty Day 2002

John 8:31-36

By Timothy T. Brendle

I remember a story my dad used to tell about a lad who was unceremoniously corrected by his father. The father, without full understanding of the whole situation, yanked his son aside and told him to "sit down and be quiet!" Seeing the hopelessness of arguing with his dad, the boy resigned himself to the assigned seat, but with steeled eyes and resolve in his voice, he said, "I may be sitting down on the outside, but I'm standing up on the inside!"

In the selected passage we read the words of Jesus who asserts that freedom is the result of who we are on the inside. (John 8:31-36 NIV) *To the Jews who had believed him, Jesus said, "If you hold to my teaching, you are really my disciples. [32] Then you will know the truth, and the truth will set you free." [33] They answered him, "We are Abraham's descendants and have never been slaves of anyone. How can you say that we shall be set free?" [34] Jesus replied, "I tell you the truth, everyone who sins is a slave to sin. [35] Now a slave has no permanent place in the family, but a son belongs to it forever. [36] So if the Son sets you free, you will be free indeed."*

The context of the passage is important. We do not find Jesus on the hillside overlooking a placid sea. He is not seated in the midst of disciples and eager learners. We find him in the temple courts teaching boldly and facing the challenges and accusations of the Pharisees and teachers of the law who are bent on destroying him. The temperature of the debate notches

higher when Jesus claims to be the "light of the world." The Pharisees are indignant at this unsubstantiated claim and are not convinced as Jesus argues that the two required witnesses are the Father and himself. In this situation the shadow of the cross grows longer and Jesus tells the Pharisees "when you have lifted up the Son of Man, then you will know that I am the one I claim to be." Amazingly, in the midst of this conflictual situation "many put their faith in him" as he spoke.

Evidently the Spirit of God was opening ears and touching hearts. Hearers hungry for freedom from rule-keeping religion and personal sin bondage caught a glimpse of hope in Jesus' words: they could walk in light rather than darkness; they need not die in their sins; God cared enough to send to them a proclaimer of love and grace. But Jesus recognized that opening the door to faith was not the same as truly becoming disciples. "If you hold to my teachings you are really my disciples." Disciples are learners who gain knowledge by spending time with their teacher.

Fields of study are often referred to as *disciplines*. To master any subject requires disciplined study. To exercise a profession we must know the rules of behavior and follow them. As a retired minister I work part time as a flight instructor. I encounter a good many would-be aviators who are enamored by flight, but many are unwilling to invest the time and energy required to understand the principles of flight, learn the rules, maneuvers, and develop the skills required of every safe pilot. Only those who are willing to "follow my teachings" experience the incredible freedom of flight enjoyed by all certified pilots.

"If you hold to my teachings you are really my disciples. Then you will know the truth and the truth will set you free." At that very moment in the dialogue the tone changed. Let me paraphrase: "Will be free? Is that what you said, Jesus? We are Abraham's descendants and have never been slaves of anyone. How dare you say, 'we shall be set free!'" Oops! A touchy

subject. Aren't these people living under a puppet king fully subjugated to a Roman governor? How can they believe they are already free? They know that Jesus is not talking about political freedom. They have already heard him say that they will die in their sins. But they believe that as the seed of Abraham, recipients of the law that God gave to Moses, and as fervent rule-keepers they are already spiritually free. Holding that belief is part of their survival mechanism in their oppressed situation.

Their belief stands in stark contrast to Jesus' teaching about the grace of God and eternal life that comes only by following him and coming to know him as the Savior sent from God to take away the sins of the world. To experience freedom they must turn from trusting the law and trust Jesus as the way, the truth, and the life. The sin that enslaves them is their desire to kill Jesus and hold on to "their truth." Jesus' language gets stronger in verses 37-47. He implies that they are illegitimate children. He calls them "children of the devil." He explains that they live in Abraham's house but are not his children. By contrast, Jesus, the Son, belongs to the family forever. According to Jesus, the only hope they have is for the Son to set them free. That requires grace on the part of the Father and the Son, but also acceptance and commitment on the part of those being adopted into the family.

The result of accepting the Son's gift and making a continuing commitment to his teachings is the gift and burden of freedom—freedom from darkness; freedom from dying in sins; freedom from falsehood and lies; freedom to bear testimony to the Truth; freedom to be all that God has created us to be; freedom for eternal life.

The reason religious liberty has been important to Baptists is that we have believed Jesus'

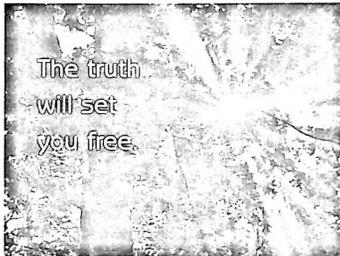
word. Having tasted the liberty that Jesus offers to the soul that believes and follows, we have been unwilling to let anyone impose belief, creed, ecclesiastical structure, or religious practice upon us. We understand at the very core of our identity, born out of relationship with Christ, that imposed faith is no faith at all. From Helwys' and Smyth's early struggles to the efforts of John Leland and other Baptists in America, we have fought for freedom of soul and conscience. The work of our faith forebears

in America resulted in a religious liberty amendment to our young Constitution guaranteeing that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." Baptists have stood alongside other citizens on the barge of state and have pressed into the murky waters with guiding poles that have

kept our government moving steadfastly along a course of religious freedom. Today, however, we navigate dangerous rapids.

In the aftermath of the September 11 attack on America by a religiously motivated group of terrorists, Americans seem ready to trade freedom for security. "We are strong because of our religious roots," some would say, "so let's post our documents of faith in courthouses and schools. Let's insist that prayer be returned to schools. Let's provide vouchers to help fund the education of scores who want their children educated in religious schools. Let's give wider dissemination to our motto, 'In God we trust.' Let's make 'God Bless America' our national hymn."

Do you hear the rapids? Do you feel the tendency toward imposing predominant faith views on all citizens? Do you sense the slippery surface on the deck of the barge as different religious leaders push in opposite directions?



What would Jesus say to us as we navigate these troubled waters? I believe he would say what he said to the Jews. "Don't forget, freedom comes from the inside out. In following my teachings you will prove that you are my disciples. And you will know the truth and the truth will set you free. I am the way, the truth and the life. If I set you free you will be free indeed." I believe Jesus would also tell us that we Americans have been given a precious gift called Religious Freedom — a gift that makes it so much easier for his claims to be shared, accepted, and acted upon without coercion or constraint.



We Baptists cannot win the world nor stabilize our nation by imposing our religious beliefs on children and minorities among us. Having a law that requires schools to give a time for students to pray for, or reflect on our nation, may sound good in the current climate of war, but it is still the state telling children what, when and

where to pray. We can best win our nation and world by continually struggling to create a climate where the claims of Christ can be presented alongside all other claims of truth. We can best win our nation by exercising our freedom to pray, to share our faith, and to live lives that are markedly different from the lives of non-believers. As we faithfully follow Jesus' teachings, we will prove to be effective disciples and the truth of his claims will take root in our hearts and the hearts of our neighbors. Then we will know the truth, and the truth will set us free. Δ

*Timothy T. Brendle is a retired Baptist pastor living in Richmond, Va. He is the chair of the Religious Liberty Committee of the Baptist General Association of Virginia and a board member of the Baptist Joint Committee.*



**BAPTIST  
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COMMITTEE**

## For Such A World As This

*Stewarding Religious Liberty In A Post-9-11 Era*

Hear **William R. O'Brien**

at the  
Annual Luncheon  
of the

**Religious Liberty Council**



**Noon to 1:45 p.m.  
Ballroom B, Fort Worth Convention Center**

**Friday, June 28, 2002  
Fort Worth, Texas**

Luncheon tickets are \$20 in advance. Ticket orders received by June 19 will be mailed. Tickets for orders received after that date may be picked up June 27-28 at the Baptist Joint Committee exhibit at the Cooperative Baptist Fellowship Resource Fair.

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William R. O'Brien, and his wife, Dellanna, are co-directors of BellMitra Associates in Birmingham, Ala. Through BellMitra, the O'Briens conduct workshops in missions innovation and conflict transformation. Previously, he served as founding director of the Global Center at Samford University and missions professor at Beeson Divinity School and as executive vice president of the Southern Baptist Foreign Mission Board.

# We need a Workplace Religious Freedom Act

Most people are aware that federal law prohibits discrimination in the workplace based on religion. Religion has long been one of the categories protected by our nation's civil rights laws, alongside race, sex and national origin. Indeed, we are quite accustomed to hearing companies tout themselves as equal opportunity employers.

But what does that principle mean in practice? Certainly, covered employers cannot hire or fire employees because they belong to a particular faith. But what if the employee's religious beliefs and practices conflict with the employer's business



**K. Hollyn Hollman**

General Counsel

operations? Do employers have an obligation to give employees time off from work to observe the Sabbath or other holy days? Must an employer make an exception to its dress code for an employee whose religion requires a particular kind of clothing?

In 1972, Congress amended federal law to address these questions. It defined religious discrimination as including the failure "to reasonably accommodate an employee's religious observance unless such accommodation would impose an undue hardship on the employer's business." Congress did not define or offer examples of what constitutes an undue hardship, leaving that job to the courts.

Judicial interpretations have been uneven at best. Many rulings have severely limited the rights of employees. Beginning with a Supreme Court decision in 1977, courts have found that anything more than a minimal (*de minimus*) economic cost to an employer amounts to an undue hardship, often relieving the employer of the duty to accommodate the employee.

As a result, employers today believe they can comply with the law while offering few if any accommodations to their religious employees. With the deck seemingly stacked against them, some employees do not even bother to request religious accommodation. Thus, under current law, employees understandably may choose to compromise their beliefs to

avoid risking their jobs.

In recent years, Congress has proposed legislation that sensibly responds to this problem. The Workplace Religious Freedom Act, sometimes referred to as "WFRFA," would put teeth into the requirement that employers reasonably accommodate an employee's religious observances. It defines an undue hardship as one that entails significant difficulty or expense. Determinations would be based on the identifiable cost of the accommodation and the size and financial resources of the employer.

Passage of WFRFA would not guarantee that an employer will grant every request for accommodation. It would not end all conflicts between the religious practices of employees and the job requirements of their employers. In many cases, however, it would give employers an incentive to remove unnecessary burdens on religious employees, whose practices are too easily ignored under current law.

While WFRFA has not been introduced in this Congress, its proponents remain hopeful. Some criticisms of the draft legislation from the labor community have recently been resolved, and a coalition of diverse religious organizations, led by the American Jewish Committee, continues to support the effort. The coalition comprises many groups that disagree sharply on other issues, including the American Jewish Congress, the Union of Orthodox Jewish Congregations, the Baptist Joint Committee, and the Southern Baptist Ethics & Religious Liberty Commission.

Last week, New York's attorney general and assembly speaker jointly announced the introduction of legislation similar to WFRFA. If enacted, the statute would give employees in New York a level of religious freedom that should extend to all Americans. Congress should follow suit so that employees do not have to choose between piety and a paycheck. △

## Labor department offers grants using faith-based plan

The U.S. Labor Department has created the first new grants designed to implement President Bush's faith-based initiative.

One of five administration departments with a "Center for Faith-Based and Community Initiatives," the Labor Department intends to help grass-roots organizations advance efforts to provide employment and training opportunities across the country.

"We are proud that the department is making the president's Faith-Based and Community Initiative a reality," Secretary of Labor Elaine L. Chao said April 17 in announcing the grants.

"This is the first new grant program in the entire federal government targeted specifically at the faith-based and community groups."

The department will seek applicants for three new grant programs.

A total of 25 grants of \$20,000 to \$25,000 will go to faith-based and community groups involved in employment, training and other services.

In addition, \$5 million in grants will be used by "regional intermediaries" to develop networks with faith-based and community organizations.

There also will be \$10 million in grants to encourage state work force programs that will link faith-based and community groups to employment centers. △

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## Church-State Relations & Religious Liberty in Mexico

### Historical & Contemporary Perspectives

Derek H. Davis, editor. *J.M. Dawson Institute of Church-State Studies: Waco, Texas.*



The historical relationship between church and state in Mexico has varied from virtual synthesis to bitter hostility. Derek H. Davis, in *Church-State Relations & Religious Liberty in Mexico: Historical & Contemporary Perspectives*, has compiled a diverse collection of essays that examines the seedy and complicated relations between church and state in Mexico from historical and forward-looking perspectives.

Davis, one of the prominent American thinkers on church-state relations, is the director of the J.M. Dawson Institute of Church-State Studies at Baylor University, editor of the *Journal of Church and State*, and has written and edited many other books dealing with church-state issues. The essays in this volume are contributed by an impressive lineup of historians, scholars, journalists and community leaders.

These essays make the reader aware of the diverse history and the numerous conflicts that have happened between the Mexican government and the different church bodies. It covers topics ranging from the effects of the Mexican revolution to the constitutional battles that have occurred ever since. The anthology lays a strong historical foundation from many viewpoints and continues to explore Mexico's future from its current political and social landscape.

Since Mexico is largely Catholic, many of the modern perspectives included in

this book revolve around the Catholic Church's influence and its possible role in the future. Don M. Coerver provides a historical account of Mexico's relationship with the Catholic Church in his essay *From Confrontation to Conciliation: Church-State Relations in Mexico, 1867-1884*. Cornelia Butler Flora and Rosario Bello address the Catholic Church's effect on the quality of life through its distribution of goods and services in their essay *The Impact of the Catholic Church on National Level Change in Latin America*. They do a remarkable job of displaying the dependency that the people of Mexico have developed on the goods and services that the church provides.

The book also has information and perspectives on Protestant churches' history and possible future roles. In his essay *Evangelicals, Politics and the "New" Mexico*, Paul J. Bonicelli relates a very intriguing perspective that explores five barriers that stunt the growth of Protestant beliefs throughout Mexico.

The only weakness of this book is a characteristic that could also be seen as a strength. At the beginning of the book Davis gives a detailed history of the church-state relations from the 1856 revolution to Mexico's current status. Many of the authors tend to repeat the part of the history that pertains to their topic. This can seem repetitive for the people trying to read the book straight through, while at the same time it is a strength for the people who are primarily reading the book for particular essays.

Overall, it is an informative and intriguing book. I suggest it to anyone interested in reading about what church-state relations are like in other countries. Δ

— Hank Bennett

*Baptist Joint Committee intern*

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