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Report from the Capital

NEWSLETTER OF THE BAPTIST JOINT COMMITTEE

High court: Door-to-door proselytizing protected

An Ohio village violated the First Amendment when it required Jehovah's Witnesses, along with other solicitors and canvassers, to obtain a permit before knocking on the doors of residents, the U.S. Supreme Court ruled June 17.

"It is offensive — not only to the values protected by the First Amendment, but to the very notion of a free society — that in the context of everyday public discourse a citizen must first inform the government of her desire to speak to her neighbors and then obtain a permit to do so," wrote Justice John Paul Stevens in the high court's opinion.

The 8-1 decision included a dissenting opinion from Chief Justice William H. Rehnquist, who said the ruling "renders local governments largely impotent to address the very real safety threat that canvassers pose."

The case stems from a requirement by the village of Stratton, Ohio, that Jehovah's Witnesses and other solicitors must fill out a form before knocking on the door of residents. The religious group argued that the 1998 ordinance is unconstitutional because it violates free speech.

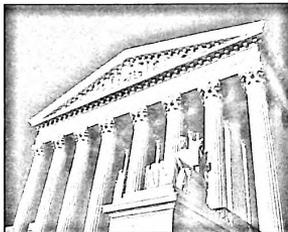
The 6th U.S. Circuit Court of Appeals affirmed a district court ruling that permitted the ordinance to be applied to the Witnesses.

Ohio government officials who argued for the permitting process said it makes the village's 278 residents more secure and deters crime.

Stevens noted the court has thrown

The permit requirement could infringe speech about religion or patriotism.

— Justice John Paul Stevens



out restrictions on similar door-to-door activities for more than five decades, with many of the cases involving legal challenges by Jehovah's Witnesses. Members of the religious group believe they are commanded by Scripture to make door-to-door visits, he wrote.

"Moreover, because they lack significant financial resources, the ability of the Witnesses to proselytize is seriously diminished by regulations that burden their efforts to canvass door-to-door," he said.

Stevens said that although the court's consideration of the case stemmed from a complaint by the Jehovah's Witnesses, its outcome applies to "anonymous political speech and the distribution of handbills" in addition to proselytizing.

The permit requirement could infringe speech about religion or patriotism, he wrote, as well as prevent spontaneous discourse, such as a neighbor urging the person across the street not to vote for the mayor.

Rehnquist, in his dissent, cited a number of instances in which crimes were linked to door-to-door can-

vassers, including the recent double murder of Dartmouth College professors in Hanover, N.H., allegedly at the hands of teenagers who were allowed to enter their home under the guise of conducting an environmental survey.

"The ordinance does not prohibit door-to-door canvassing; it merely requires that canvassers fill out a form and receive a permit,"

the chief justice wrote.

Stevens differed with Rehnquist about the New Hampshire case, adding in a footnote that "the village's ordinance would have done nothing to prevent that tragic crime."

In a concurring opinion, Justice Stephen Breyer added that it is "intuitively implausible" to think the village ordinance prevents burglaries and violent crimes.

The village was formally supported by nine states other than Ohio as well as the U.S. Conference of Mayors and the National Association of Counties. Groups that filed friend-of-the-court briefs siding with the Witnesses included the American Civil Liberties Union and the Church of Jesus Christ of Latter-day Saints.

Barry Lynn, executive director of Americans United for Separation of Church and State, hailed the decision.

"Whether it's the Jehovah's Witnesses asking people to join their denomination or an atheist group asking people to reject religion, Americans shouldn't have to get a permit from the government to spread their opinions." △

NewsMakers

◆ **Robert Seiple**, former U.S. ambassador-at-large for international religious freedom, speaking June 11 at the International Religious Liberty Association's world congress in Manila, said, "Religious freedom, tolerance, respect for human rights and the dignity of all people are just as much a security force as a tank, a rifle or a soldier."

◆ **President George W. Bush**, in remarks to messengers attending the annual Southern Baptist Convention, recognized Baptists' contribution to American history as "guardians of the separation of church and state, preserving the integrity of both." Bush also touted his faith-based initiatives, saying, "We believe that the days of discriminating against religious institutions simply because they are religious must come to an end."

◆ **Eduard Shevardnadze**, the president of the former Soviet republic of Georgia, is promising concerned U.S. lawmakers to better protect the country's religious minorities, especially the Jehovah's Witnesses, Baptists and Pentecostals who have been the victims of 2 1/2 years of violent persecution by radical Orthodox Christians. In a letter to 15 U.S. senators and congressmen, he pledged to take measures to protect the rights of religious minorities and to punish those who persecute them. Δ

Senate committee approves portion of faith-based plan

The Senate Finance Committee June 18 passed components of legislation that could eventually implement some of President Bush's faith-based initiative, drawing praise from some political and religious leaders.

The committee approved about \$10 billion in charitable incentives outlined in the Charity Aid, Recovery and Empowerment Act.

In addition to more than \$8.5 billion in tax incentives that could prompt increased contributions to faith-based and other charitable groups, the committee approved \$1.3 million in new funding for the Social Services Block Grant program and \$450 million to expand use of Individual Development Accounts, which help low-income families save money for major investments.

The committee's vote clears the bill for action on the Senate floor.

The committee did not consider "equal treatment" provisions of the CARE Act that would prevent social service providers from being disqualified for federal grants if they had a religious name, religious language in their charters, or religious icons in their facilities.

Those provisions fell outside of the committee's responsibility, but supporters hope they will be reincorporated during consideration by the full Senate.

"Sometimes the Senate process can test your faith," said Sen. Rick Santorum, R-Pa., who co-sponsored the CARE Act with Sen. Joe Lieberman, D-Conn., in a statement released on June 18. "Today the Senate process tested the faith-based initiative and the faith-based initiative persevered." Δ

Religious freedom panel urges Afghan rights monitor

The United States should appoint an official in the U.S. Embassy in Afghanistan to monitor religious and human rights abuses in the country, the U.S. Commission on International Religious Freedom said in its first report on the country since the United States and its Afghan allies drove the Taliban from power.

"If they do not, we will send someone," said Felice Gaer, a member of the commission, adding that the United States needs to do more to ensure a religious freedom focus when Afghanistan starts its recon-

struction.

The June 4 report was issued shortly before the scheduled June 10 opening of the *loya jirga*, or grand assembly, of Afghan leaders, to organize a new government.

The opening was postponed for at least a day because of "logistical and preparatory problems."

In its report, the commission said it is concerned that people who share Taliban views will be represented and urged the United States to take an active role in drafting Afghanistan's constitution.

"Although the Taliban have been defeated and their repressive and coercive policies have been denounced by many Afghans, religious intolerance and abuses of religious freedom continue," the report said.

"The United States must be paying close attention to how human rights and religious freedom are part of the (reconstruction) process, are institutionalized in the course of the process," added commission member Nina Shea of the human rights organization Freedom House.

The report said there has been a resurgence in some parts of the country of the religious police who enforce strict codes for dress and behavior. Under the Taliban, a strict, fundamentalist interpretation of Islam was imposed.

The commission expressed concern for the individual rights of Muslims and minority religious groups. Ninety-nine percent of Afghanistan is Muslim and the remaining few are generally either Hindus or Sikhs.

In the reconstruction of Afghanistan, the United States should provide technical assistance to the process of constitution drafting and law reform to encourage the adoption of laws that conform to international standards, the commission said.

Asked whether Afghans would welcome such assistance, Gaer said, "We are very aware that Afghans can do what Afghans need done. At the same time, who would turn down good advice?"

She said Afghans would need assistance to create a structure that is long-lasting, flexible and up to international standards.

Commission members said they don't expect much change to occur immediately but they want to make sure the issue of religious freedom is raised as the new political process unfolds in Afghanistan.

"Even if there is a bumpy road ahead, over the long-term ... (it) will pay off," Shea said. Δ

Timeless Roger Williams treatise knocks civil coercion in religion

I've been re-reading some pretty good Baptist theology lately — Roger Williams' classic work, *The Bloody Tenent of Persecution for the Cause of Conscience*, originally printed in 1644 in London. (Truth be known, I am reading it for the first time straight through; I tasted bits and pieces of this treatise in seminary.)

I have a new edition, made far more readable by the good editorship of Richard Groves, pastor of the Wake Forest Baptist Church in Winston-Salem, N.C. It contains a wonderful foreword by Walter Shurden

and a helpful "Historical Introduction" by Edwin Gaustad. Mercer University Press published this improved edition in 2001. You should pick up a copy. There is no longer any excuse for shying away from Williams' sometimes arcane prose.

Williams' no-holds-barred defense of the cause of conscience and in opposition to any form of civil coercion in religion is introduced by a short list of what Groves calls "Twelve Theses" — something of a syllabus for Williams' entire work.

These 12 points, slightly paraphrased by me, go like this:

◆ Religious warfare is "not required or accepted by Jesus Christ the Prince of Peace."

◆ The Scriptures and sound argumentation belie "the doctrine of persecution for the cause of conscience."

◆ Those who might support the doctrine of persecution for the cause of conscience — like John Calvin and John Cotton — must be answered forcefully.

◆ "The doctrine of persecution for the cause of conscience is proved guilty of all the blood of the souls crying for vengeance under the altar."

◆ Governments and magistrates

discharge an essential civil function, but are not "judges, governors, or defenders of the spiritual."

◆ Since the coming of Jesus, God has given permission to even "the most paganish ... or anti-Christian consciences and worship," and they should be answered only by "the sword of God's Spirit, the Word of God."

◆ The theocracy of Israel is "proved figurative and ceremonial, and no pattern nor precedent for any kingdom or civil state in the world to follow."

◆ God does not require religious conformity enforced by the civil state. Any such attempt is "the greatest occasion of civil war, ravishing of conscience, persecution of Christ Jesus in his servants, and of the hypocrisy and destruction of millions of souls."

◆ Forced conformity by the civil state makes evangelism more difficult, not easier.

◆ Compelled conformity of religion in the civil state "confounds the civil and religious, denies the principles of Christianity and civility, and that Jesus Christ is come in the flesh."

◆ Full religious liberty will result in a "firm and lasting peace; good assurance of being taken, according to the wisdom of the civil state, for uniformity of civil obedience from all sorts."

◆ "True civility and Christianity may both flourish in a state or kingdom," even where consciences are protected and differing opinions allowed to be entertained.

True in the 17th century, and still true today. When you are finished reading *The Bloody Tenent*, give it away to someone — maybe a politician who supports vouchers, charitable choice, state-sponsored prayer and civil religion. It might do some good. △



J. Brent Walker

Executive Director

Court rules church may let homeless sleep on its steps

A federal appeals court has ruled in favor of a New York church that has permitted homeless persons to sleep undisturbed on its steps.

The decision, which favors the policy of Fifth Avenue Presbyterian Church in midtown Manhattan, could have national ramifications on the issue of religious freedom because the court cited the church's "sincerely held religious belief" that its homeless policy is protected by constitutional guarantees.

The June 12 decision by a three-judge panel of the 2nd U.S. Court of Appeals said the church had the right to minister to homeless as it wished. The ruling upheld a lower court ruling barring the city from forcing homeless persons to vacate the steps of the church. A trial is still pending in the case.

The church sued the city in December after police forced some 20 homeless persons to leave the church steps during a rainstorm.

The church argued the police action violated its constitutionally guaranteed religious beliefs, while the city said Fifth Avenue Presbyterian was violating city codes governing the protection and sheltering of homeless persons and that the church policy was not something guaranteed by the U.S. Constitution. △

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Religious repression making Central Asia explosive

Religious freedom experts and human rights monitors in Central Asia are warning that faith-based crackdowns in the volatile region are radicalizing an impoverished, mostly Muslim population.

"The temperature is rising and the government is clamping the lid down on the pot. The pot is going to explode," said Jeremy Gunn, an expert on the issue from Emory University's School of Law, at a conference devoted to religion in Central Asia.

The situation is especially acute in Uzbekistan, a repressive police state that borders Afghanistan and is ruled by a dictator who equates independent Islam with political subversion.

In overwhelmingly Muslim Central Asia, Uzbekistan is leading the way in religious persecution, using techniques ranging from expelling devout students from government schools to removing mosque loudspeakers to "disappearing" free-thinking imams. Human Rights Watch estimates that 6,500 people are serving prison sentences for religious activity.

Other countries in the region show signs of laying the legal groundwork for crackdowns. Earlier this year, both neighboring Kazakhstan and Kyrgyzstan hatched proposed legislation to curb religious activity deemed undesirable.

"Right now, in all five Central Asian countries, the issue of religious freedom and religious tolerance is going in the wrong direction. The governments are sending it in the wrong direction," Gunn said. "This is a real tragedy."

Gunn, the Tashkent office of Human Rights Watch and other religious freedom observers stress that now is a crucial time

for Western governments to use their new political leverage in the region.

Since Sept. 11, the U.S.-led anti-Taliban coalition has opened military bases in Kyrgyzstan and Uzbekistan, thus shifting the balance of power in the region and holding out the promise of economic and security aid to other Central Asian countries.

The war in Afghanistan also brought change to Uzbekistan's political landscape as reports filtered back in November of the death of Juma Namangane as he fought alongside the Taliban. Namangane's Islamic Movement of Uzbekistan, which was based largely in Afghanistan and aligned with the Taliban, has long threatened Islamic revolution in Uzbekistan, Tajikistan and Kyrgyzstan and provided governments with a pretext for much wider crackdowns on independent Islam.

With Namangane's death and the apparent demise in Afghanistan of the IMU as a fighting force, it may become more difficult for Central Asian countries to make a credible argument for the need for religious repression.

To date, the United States and other Western powers largely buy the argument equating dissident Islam with danger, said Marie Struthers of Human Rights Watch, "because the (Uzbek) government portrays them as terrorists and political opponents."

In its May report, the U.S. Commission on International Religious Freedom first praised the State Department for monitoring and criticizing Uzbek abuses and then added, "Nevertheless, recent developments in relations between the United States and Uzbekistan raise concerns that other U.S. policy interests in that country have overshadowed promotion of human rights." △



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