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NEWSLETTER OF THE BAPTIST JOINT COMMITTEE

Voucher battle moves to Congress, states

Proponents of school “vouchers” — which give scholarship grants to students in low-performing public schools that can be redeemed at private schools, including religious ones — won a philosophical battle in June when the Supreme Court said such programs do not necessarily violate the separation of church and state. Now the debate is expected to move to the voting booth, where voucher proponents might face an even tougher battle.

Voucher plans have not fared well when removed from the realm of constitutional theory and put before the public in the form of ballot referendum. Since 1972, voters in seven states have been presented with voucher ballot initiatives on eight different occasions. On all eight occasions, vouchers have lost, by wide majorities. In Michigan, they lost twice.

The most recent statewide voucher referenda took place in 2000. California voters defeated a voucher plan by a 71 percent-to-29 percent margin. Michigan voted down a voucher proposal by a more than 2-1 margin.

Voucher proponents say their research indicates that support for such programs is growing, particularly among African Americans. Opponents, however, cite their own research, which they say indicates the opposite is true.

Exit polls two years ago in California showed African Americans voting against vouchers at the same rate as other races. In Michigan, African Americans opposed vouchers at a rate higher than the general electorate.



“It’s not clear that the court’s decision will result in any outbreak of voucher programs throughout the country.”

— K. Hollyn Hollman

While a handful of state legislatures have enacted vouchers in recent years, voucher programs have been defeated in 26 state assemblies.

On the federal level, President Bush abandoned a voucher proposal in the early stages of debate over his education bill last year, in response to strong opposition in Congress.

None of that, however, is stopping voucher proponents, newly invigorated by the Supreme Court’s June 27 ruling that a school voucher program in Cleveland does not violate the Constitution.

President Bush immediately called on Congress “to move quickly to build on the momentum generated from this decision,” and to enact a voucher-like proposal that would provide tax credits to parents who send their children to private schools.

House Majority Leader Dick Armey, R-Texas, introduced a bill to provide children from poor families in the District of Columbia vouchers that could be spent at religious or other private schools.

“It’s time for Congress to do its part on behalf of low-income parents that simply want a better education for their children,” Armey said. “Needy

children in the District and across the country have waited long enough.”

A spokesperson for the Baptist Joint Committee, which opposes vouchers for religious schools, doubts voucher forces will find much immediate success in the wake of the Cleveland ruling.

“I think we may see a few more [voucher programs], but it’s not clear that the court’s

decision will result in any outbreak of voucher programs throughout the country,” said K. Hollyn Hollman, BJC general counsel.

One problem facing voucher proponents is that many state constitutions are even more specific in prohibiting funding to parochial schools than the U.S. Constitution, she said.

Hollman said the BJC will monitor legislative and court battles on the issue and become involved when necessary. “The BJC will continue to warn against the dangers of government funding of religious institutions,” Hollman said.

Even a leading voucher proponent urged supporters to be “realistic” about the chances for immediate expansion of voucher programs.

Lawrence Patrick, president of the Washington-based Black Alliance for Educational Options, said his organization is “really happy that the Supreme Court reaffirmed the right for parents to choose the best school for their child.”

“This doesn’t mean that the battle is over — we still have a very long way to go,” he said. △

— Robert Marus
Associated Baptist Press

NewsMakers

◆ **Abe Rosenthal** was awarded the Presidential Medal of Freedom, the nation's highest civilian award, for his forceful and effective writing in defense of religious freedom and human rights. Rosenthal is a syndicated columnist and former executive editor of *The New York Times*. His columns on religious persecution abroad made a significant contribution to the passage of the International Religious Freedom Act of 1998.

◆ **Sandra Banning**, the mother of the girl whose father sued to have the Pledge of Allegiance declared unconstitutional, said July 11 that her daughter does not object to reciting the pledge at school. "I was concerned that the American public would be led to believe that my daughter is an atheist or that she has been harmed by reciting the Pledge of Allegiance, including the words 'one nation under God,'" Banning said in a statement. "We are practicing Christians and are active in our church."

◆ **John Brummett**, a columnist for the Arkansas News Bureau, recently criticized the June 27 Supreme Court ruling on school vouchers. "To make sure you understand: The Supreme Court says it's fine to take your tax money to send someone else's child to a school run by someone else's church," he wrote. △

California school district sued over Muslim simulations

Two families have sued a California school district saying a class that involved simulating Muslim worship and attire was unconstitutional.

The suit against the Byron Union School District was filed June 24 in a federal court in San Francisco by the Thomas More Center for Law and Justice, The Associated Press reported.

It alleges that students in a seventh-grade class at Excelsior School in the district near Oakland were mandated to take part in simulation exercises that included memorizing Muslim prayers and wearing traditional Muslim clothing.

"Is this education or indoctrination? You can teach about religion, but you can't cross the line and promote one religion over another," said Richard Thompson, chief counsel and executive director of the Ann Arbor, Mich.-based center.

"The textbook and simulation workbook used in Byron and many schools in California crossed way over the constitutional line in regard to religion."

The suit asked the court to find that the district violated the First Amendment's Establishment Clause and prohibit the district from funding future simulation exercises regarding Islam.

Byron Superintendent Peggy Green said the district is sticking to state guidelines and does not plan to stop using the "Across the Centuries" textbook published by Houghton-Mifflin because it is the only state-approved history book for seventh grade. △

Senate leaders urge passage of 'faith-based' compromise

Two prominent Senators and a broad coalition of charitable groups are urging the Senate to consider a version of President Bush's "faith-based initiative" legislation before the chamber's August recess. "I feel as if we're approaching Mt. Nebo and we can see the Promised Land," said Sen. Joseph Lieberman, D-Conn.

Lieberman appeared with Sen. Rick Santorum, R-Pa., and the heads of some of America's most prominent charitable organizations at a July 18 press conference at the Capitol to urge Senate leadership to place the legislation on the Senate calendar.

Santorum and Lieberman are co-sponsors of the CARE (Charity, Aid, Recovery and Empowerment) Act, which is a much-

watered-down version of Bush's proposal to aid charities by, among other things, expanding the ability of government to give grants to sectarian religious organizations.

A "faith-based" bill — the "Community Solutions Act," also known as H.R. 7 — that incorporated most of Bush's proposals passed the House last year after contentious debate. However, concerns over church-state separation and employment discrimination forced Bush to compromise in the Democrat-controlled Senate, withdrawing the most controversial parts of the legislation.

The CARE Act that emerged did not contain an expansion of government grants to sectarian groups, but did include several incentives designed to increase charitable giving — some more generous than in the House version — and provisions designed to make it clearer to government agencies that some religious organizations would not have to alter certain aspects of their religious character to be eligible for government grants. It also contained provisions that would make it easier for religious organizations to set up separate nonprofit entities to apply for government grants without raising church-state concerns.

Despite concerns about the tax cost of its charitable giving incentives, the Senate Finance Committee approved much of the CARE Act July 17. Now, it is a matter of getting it on the Senate's full calendar.

With homeland security and prescription drugs on the schedule before the Senate recesses Aug. 5, Santorum and Lieberman nonetheless expressed optimism that the Senate's leadership would get the bill placed on the calendar for swift action. Santorum said he was hoping for action on the bill "in the next few days" and that both Senate Majority Leader Tom Daschle, D-S.D. and Minority Leader Trent Lott, R-Miss., support the bill.

But Lieberman acknowledged that the press conference itself was proof that they were trying to drum up attention for the bill. "It would help, if you run into Tom Daschle and Trent Lott, to tell them we're doing the Lord's work," Lieberman joked.

Twenty-five Senators have signed on as sponsors of the CARE Act.

If the Senate passes the bill, it may be sent to a conference committee to resolve differences with the House version. If that happens, many supporters of church-state separation are worried that the expansion of so-called "charitable choice" may be included in the final legislation. △

Court's voucher ruling differs from other 'funding' of religion schemes

The fundamental principle influencing the Baptist Joint Committee's opposition to school vouchers is that tax dollars should not be used to finance the teaching of religion. Government does so no less by passing vouchers through the pockets of parents. This is particularly problematic when nearly all the participants wind up in religious schools.

After the recent Supreme Court decision in *Zelman*, we got some e-mail taking issue with our argument. One sought to challenge our position by pointing out other funding schemes that have engendered little opposition in an effort to highlight supposed inconsistencies in our anti-voucher argument.

Let me use these points to help explain the difference between financing parochial school tuition through vouchers and other forms of what appears to be government-funded religion.

1. *Religiously affiliated colleges receive government funds through direct grants and student aid.*

Unlike virtually all religious K-12 schools, most religiously affiliated colleges are not pervasively sectarian. The Court has consistently held that such institutions of higher education may receive direct grants as long as the money is not used for a religious purpose. Moreover, college students receiving governmental aid enjoy a wide variety of choices — public, private and religiously affiliated. In a real sense, the aid goes to the student who then makes a genuine choice about where to "spend" the aid.

2. *Chaplains are paid by the government.*

People in the military, prisons or state hospitals are not able to gain easy access to religious services. Out of respect for their right to freely exercise their religion, an accommodation is made to provide them such services at taxpayer expense. A much less compelling argument can be made for Congressional chaplains because lawmakers have a variety of choices both in Washington and in their home district. Instead, history and tradition are used to justify the practice.

3. *Religious world hunger organiza-*

tions receive government aid — either funding or in-kind surpluses.

Yes, religiously affiliated social service agencies at home and abroad receive government aid. Although motivated by religious convictions, they do not integrate the teaching of religion in their operations. If they do, they should not get funding or surpluses. This is the heart of

the debate about the propriety of "charitable choice."

4. *Contributions to churches and other religious nonprofits are tax deductible.*

There is no comparison with vouchers. In the one case government decides to give money to a religious

organization; in the other it declines to take taxes from citizens and charities. Tax exemptions and charitable deductions lift a burden on religion rather than extend a financial benefit. They are viewed as a permissible accommodation rather than an impermissible advancement of religion.

5. *Some states defray the expense for transportation and books for parochial school students.*

The Court has long upheld this kind of aid under a so-called "student benefit" theory. Providing transportation and books to parochial school students along with public school students benefits the religious school only tangentially. States may not want to provide such aid to parochial school students, but doing so is not unconstitutional.

Church-state issues require tough decisions. General principles have to be applied in fact-sensitive cases. Unless one is prepared to accept a complete merger (fund everything, even churches) or a tightly sealed-off separation (fund nothing that even smacks of religion), we will have to draw lines and grapple with the tension created by the no establishment and free exercise principles and the competing rights of citizens.

Doing so does not belie the truth of the basic principles or justify charges of hypocrisy. It means we live in the real world. Δ



J. Brent Walker

Executive Director

Half of faith-based programs in study get tax funding

A recent study of welfare-to-work initiatives found that about half of faith-based programs receive government funding and that few of those programs reduced their religious emphasis after getting government money.

The study, by the Center for Research on Religion and Urban Civil Society at the University of Pennsylvania, studied 500 welfare-to-work programs in Dallas, Chicago, Los Angeles and Philadelphia.

Overall, faith-based programs made up about 24 percent of the programs studied, while 40 percent of those programs integrated religious elements into the services they provided.

"The providers that integrate religious elements into their programming were actually less likely to be run directly by a congregation itself than were the providers that do not integrate religious elements into their services — the exact opposite from conventional wisdom," wrote Stephen V. Monsma, a political science professor at Pepperdine University and author of the study, titled "Working Faith: How Religious Organizations Provide Welfare-to-Work Services."

Eighty percent of the faith-based programs that integrated faith in their work were run by a legally separate entity supported or sponsored by a religious congregation, several congregations working jointly, a national denomination or individual sponsors, Monsma said. Δ

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Baptist Freedom
in the
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A Conference sponsored by
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First Baptist Church
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- John Burns** – Pastor, University Baptist Church, College Park, Md.
- Thomas Halbrooks** – President, Colgate Rochester Crozer Divinity School, Rochester, N.Y.
- Kate Harvey** – Executive Director, Minister's Council, American Baptist Churches USA, Valley Forge, Pa.
- Jeffrey Haggray** – Executive Minister, District of Columbia Baptist Convention
- K. Hollyn Hollman** – General Counsel, Baptist Joint Committee on Public Affairs, Washington, D.C.
- Doug Marlette** – Pulitzer Prize-winning cartoonist, Hillsborough, N.C.
- Phyllis Rodgerson Pleasants** – Professor of Church History, Baptist Theological Seminary at Richmond, Va.
- Jack Price** – Pastor, Crossroads Church, Kansas City, Mo.

- Jim Somerville** – Pastor, First Baptist Church, Washington, D.C.
- Brent Walker** – Executive Director, Baptist Joint Committee on Public Affairs, Washington, D.C.
- David Wheeler** – Pastor, First Baptist Church, Los Angeles, Calif.

Registration Cost: \$40 per person
Tickets for October 8 banquet are \$15 (for conference registrants) and \$20 (banquet only).

Hotel Accommodations:
Holiday Inn Central
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800-248-0016
Hotel rooms will be held for the conference until Sept. 9, 2002. Discount rate: **\$119**, single or double. Group ID for rate: **RWF**.

For a brochure or additional information, contact Wanda Henry by phone at 202-544-4226 or by e-mail at wheny@bjcpa.org.



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