

Report from the Capital

NEWSLETTER OF THE BAPTIST JOINT COMMITTEE

Church politics bill poised for House vote

A bill aimed at allowing churches to engage in partisan politics without risking loss of their tax-exempt status is expected to make it to a vote in the House of Representatives around the end of September.

The Houses of Worship Political Speech Protection Act, sponsored by Rep. Walter Jones, R-N.C., had appeared to die in committee. But, according to Jones' staff, House leaders plan to bypass the committee process and bring the bill directly to the floor.

Churches and other nonprofit groups incorporated under section 501(c)(3) of the federal tax code currently cannot endorse candidates or political parties. They may, however, speak out on moral or social issues, such as abortion, gambling or gay rights.

Backers of the Jones bill say the rule was slipped into a revenue bill in 1954 by then-Sen. Lyndon Johnson, D-Texas, to silence two nonprofit organizations that had opposed his re-election.

"Basically, what the Johnson amendment did was to put a gag order on any type of political speech by a preacher or priest or rabbi," Jones said in a floor speech Sept. 12. Quoting a letter from Florida pastor and televangelist D. James Kennedy, Jones said, "I feel this legislation is a vitally important step in reversing a long-standing injustice whereby free speech seems to be protected everywhere except in the pulpits of our churches and other houses of worship."

But opponents of the Jones bill say nothing in the current law bans free



Many religious groups, most Americans oppose the idea of politicking by churches.

speech for churches or religious individuals.

"Religious leaders are already free to expose moral evils, propose ethical solutions and hold our leaders to the highest standards," said Barry Lynn, director of Americans United for Separation of Church and State. "The only thing that tax law prohibits is intervention by tax-exempt groups in political campaigns."

Jones' bill would exempt only churches and other houses of worship from the ban on partisan politicking. Other 501(c)(3) organizations still could not take sides in political races.

The Baptist Joint Committee, along with a number of other religious groups, opposes the legislation, saying it is unnecessary, divisive and would risk turning churches into partisan shells.

Opponents include the public policy arms of the United Methodist Church, the National Council of Churches, the Presbyterian Church (USA), the Seventh-day Adventist Church and Jewish and Buddhist organizations.

Richard Land of the Southern Baptist Convention's Ethics and Religious Liberty Commission has en-

dorsed the bill. Even if it passes, however, he said he would advise churches against formally endorsing candidates.

Other supporters include Christian Coalition founder Pat Robertson, pastor Jerry Falwell and Focus on the Family head James Dobson.

A recent poll conducted by the Pew Forum on Religion and Public Life found that 70 percent of Americans oppose the idea of churches endorsing political candidates.

K. Hollyn Hollman, general counsel of the BJC, said she was surprised the bill's backers would attempt to bring it up under a suspension of the rules, a maneuver typically reserved for less controversial matters. She said hearings over the bill revealed "serious flaws" and "a remarkable lack of support" from churches, which are supposed to benefit the most.

Still, it has garnered 130 co-sponsors among Republicans and conservative Southern Democrats.

While rescuing the bill from being buried in a committee, the suspension of rules means the measure must pass by a two-thirds vote, rather than a simple majority. Leaders normally do not bring up legislation that way unless they are confident it will pass.

Jones spokesperson Lanier Swann said House leaders are confident the bill will receive a majority vote but declined to say if there are enough votes for the necessary two-thirds majority.

Should the legislation pass the House, it faces stiff opposition in the Senate.

— Robert Marus
Associated Baptist Press

NewsMakers

◆ Rep. **Chet Edwards**, D-Texas, recently spoke on the floor of the U.S. House of Representatives against a bill that would repeal a portion of tax law that bars churches and other tax-exempt organizations from electioneering (see Page 1). "If someone wanted to maliciously tear our churches apart, I can think of few ways to do it better than to pit church members against church members each year as they debate which federal, state, county and local candidates to endorse and how much to contribute to them," Edwards said.

◆ **Douglas Laycock**, a University of Texas Law School professor, testified before a House panel examining whether U.S. Supreme Court's approval of Cleveland's school voucher program opened the door for Congress to provide more support for religious schools and social services. He highlighted a joint statement by eight church-state scholars published by the Pew Forum on Religion and Public Life. The scholars were split on whether the high court ruling means that justices would approve government-funded vouchers for social services.

◆ **Alan Cotton**, a Florida inmate, filed suit on Sept. 19 arguing that the state corrections department's refusal to provide him with kosher food illegally burdens his religious exercise. The lawsuit asks a U.S. District Court to order the department to provide him with a "nutritionally sufficient kosher diet." ▴

Charitable choice survey raises critics' questions

Faith-based charities that receive taxpayer funding report a high rate of satisfaction in working with government agencies. But barely half say they are familiar with government guidelines intended to prevent abuses of the Constitution.

These are among the findings of a recent survey of nearly 400 religious charities involved in "charitable choice."

The study comes as Congress debates whether to expand the ability of pervasively religious charities to receive government funding.

The survey was released Sept. 4. It was sponsored by the pro-charitable-choice Hudson Institute. The study — directed by scholars Amy Sherman of Hudson and John Green of the University of Akron's Bliss Institute — attempted to investigate how charitable choice programs have been implemented on the local level.

Sherman and Green said the figures revealed an overall strong picture that charitable choice was not living up to its critics' fears. "At least according to those doing the work on the ground, charitable choice is working," said Sherman at a press conference announcing the study's release.

However, the authors acknowledged that the survey "indicates a few areas where improvement [in the way faith-based organizations implement charitable choice] is clearly warranted."

The study's emphasis was on the benefits of charitable choice. Based on questionnaires and interviews with leaders of 389 religious charities in 15 states, the survey concluded that 93 percent of the organizations reported a positive experience in working with government, and that 92 percent of the charities would contract again with government agencies in the future.

The study's authors said those figures dispel dire predictions by critics that charitable choice would lead to excessive entanglement between churches and government.

"Some critics of public funding of faith-based service providers assert that government contracts will threaten the faith-based character of such organizations, drive away private funding, or undermine the prophetic role of such organizations in criticizing the government," Sherman and Green noted.

Their figures showed that fewer than 10 percent of the organizations reported hav-

ing concerns with any of those pitfalls.

The organizations surveyed, however, did report higher rates of concern with government intrusion in their organizations since receiving tax funding. Thirty-eight percent experienced some level of intrusion by government officials monitoring their contract, while 62 percent said they experienced "very little intrusion."

An even higher percentage complained about onerous reporting requirements by government agencies. Seventy-three percent of the organizations surveyed said the reporting requirements were burdensome to some extent. Twenty-nine percent considered the requirements to be a "considerable burden" or a "great burden."

Since federal welfare reform laws were passed in 1996, pervasively religious organizations (such as churches and synagogues) have been able to apply to provide government services under certain federal welfare programs. Critics — including groups that support the separation of church and state — say the practice violates the Constitution's ban on government support for religion.

President Bush and some members of Congress have been attempting to expand the programs to which charitable choice applies.

The survey's authors countered critics who say charitable choice includes too few safeguards to ensure that public funds are not spent on religious activities. They found that 80 percent of the organizations with a strong faith-based component kept their government funding separate from other funds used for overtly religious purposes. Critics pointed out that means as many as one in five pervasively religious charities surveyed could not document that public funds were not used for religious indoctrination.

Other figures also suggested difficulty with ensuring that no government money is spent on religious instruction. Just 46 percent of the pervasively religious organizations surveyed kept detailed records on public funding of the salaries of staff members, who may divide their time between non-religious and religious activities.

Sherman and Green acknowledged one significant red flag: a lack of familiarity with government guidelines set up to guarantee that public funds are not used for sectarian purposes. Just 53 percent of the respondents said they were familiar with the charitable choice guidelines. And only 45 percent said the guidelines were written into their contract with a government agency. ▴

Freedom-loving Baptists should remember Clarke's contributions

When freedom-loving Baptists hold up Roger Williams as our all-time all-star. And properly so. But we should not forget the contributions of others, such as John Clarke. True, Williams coined the phrase, "wall of separation" and founded the First Baptist Church in America. But he did not stay a Baptist very long. His contemporary, John Clarke, a physician and lay minister, remained a lifelong Baptist. In 1639 Clarke founded the town of Newport, R.I., and became the pastor of the local Baptist congregation. Clarke traveled with Williams to London to secure a new charter for Rhode Island colony in 1663, which granted permission to continue a "lively experiment" of religious liberty.

Clarke also penned what might be the first Baptist confession in New England. In 1651 Clarke, along with two other Baptists, John Crandall and Obadiah Holmes, traveled to Lynn, Mass., to conduct a worship service (including the Lord's Supper and baptism) in the private home of a blind Baptist named William Witter. That "illegal" act earned them arrest and imprisonment. Their sentence? A fine or public flogging. Clarke managed to pay his fine, but Holmes was "well-whipped" with 30 lashes. So outraged was Clarke by what he called this "tragical story" he published an account of the Lynn persecutions titled "Ill Newses from New-England: Or a Narrative of New-England's Persecution."

In that powerful treatise, Clarke articulated four "conclusions" which summarized the pith of his Baptist convictions. Slightly paraphrased for modern readers, Clarke wrote:

I. *Jesus is the Christ, the Anointed Priest, Prophet and King of Saints. Christ is also the Lord of his Church in point of ruling and ordering them with respect to the worship of God (The Lordship of Jesus Christ).*

II. *Baptism is one of the commandments of Christ and will continue until he comes again. Believers are the proper subjects of baptism. They are to wait for the promise of the Spirit, as with the presence of Christ (Believers'*

Baptism and the Gathered Church).

III. *Every believer ought to improve his talent both in and out of the Congregation (The Ministry of Laity and the Priesthood of Every Believer).*

IV. *No servant of Jesus has any authority from him to force upon others either the faith or the order of the Gospel of Christ (Religious Freedom and the Rights of Conscience).*

Clarke went on to elaborate this final point concerning the rights of conscience: *no such believer, or servant of Christ Jesus, has any liberty, much less authority from his Lord, to smite his fellow servant, nor yet with outward force, or arm of flesh,*

to constrain or restrain his Conscience, no nor yet his outward man for Conscience sake, or worship of his God, where injury is not offered to the person, name, or estate of others . . .

The astute reader will see in these words about the liberty of conscience the seeds of the modern First Amendment doctrine that government is permitted to burden the exercise of religion only where it has a "compelling state interest." Although no one is permitted, according to Clarke, to "constrain or restrain conscience," regulation of religious conduct (i.e. "his outward man for conscience sake") can be justified only in cases where injury is "offered to the person, name, or estate of others." Clarke understood a principle that five members of the U.S. Supreme Court abjured in their 1990 decision *Employment Division vs. Smith*: government should restrict religious exercise only when such practices threaten the life, safety, or welfare of others and only if it adopts the least restrictive means available to ensure those ends.

Modern Baptists would do well to read and heed their history, including writings such as "Ill Newses." We must also take responsibility for reminding our culture and Supreme Court of these precious principles. If we fail to do so, the signal achievement of John Clarke and the "lively experiment" will not long survive. Δ



J. Brent Walker

Executive Director

Father to sue Witnesses over daughter's death

Bethany Hughes, a Jehovah's Witness from Calgary, Alberta, whose fight against government-imposed blood transfusions divided her family, died Sept. 5 after a seven-month battle with leukemia. She was 17.

Her father, Lawrence Hughes, said Sept. 6 he would sue the religion because it destroyed his family by interfering in a dispute between him and his wife and daughter over whether the girl should get blood transfusions.

The Calgary girl, against her will, received 38 blood transfusions in the city of Edmonton, Alberta, after the province took custody of her during a protracted court fight. The blood transfusions were later abandoned when the cancer became unstoppable.

In battling her illness and government lawyers, Bethany became a crusader for children's rights. A few days before she died, she said she hoped her case would help prevent other young women from enduring what she had experienced.

"My case is about rights," she quietly said in one court appearance.

"I am almost 17 and I can't make a decision that a person one year older can make and that upsets me." Her father, who sought conventional treatment for his daughter, said he blames the Watchtower Bible and Tract Society, the legal organization that represents the Jehovah's Witness religion, for breaking up his family. Δ

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Candidates advised to avoid religious mudslinging

A leading interfaith group has released guidelines for political candidates, advising them not to cooperate with controversial voter guides or engage in religious mudslinging.

The Interfaith Alliance, founded in 1994 to counter the growing influence of the religious right, said candidates "have the right and responsibility" to talk about their personal faith but should not exploit it in a search for votes.

"Don't allow political policy stances to define religious conviction," says the *Election-Year Guide for Political Candidates*, which was distributed to more than 900 congressional candidates.

While religion has largely taken a backseat in the November congressional elections, it was a major issue in the 2000 presidential election with the nomination of Sen. Joseph Lieberman, D-Conn., as the first Jewish vice presidential candidate, and President Bush's open professions of Christian faith.

The book was drafted with input from a bipartisan group of politicians and religious leaders, including former Rep. Robert Drinan, D-Mass., a Roman Catholic priest; 1980 independent presidential candidate John Anderson; the Rev. Jim Forbes, pastor of New York's Riverside Church; and Rep. Amo Houghton, R-N.Y.

"If your religion is made the object of an attack, respond with directness and candor," the guide advises. "A lack of response risks validation of the insinuation or insult aimed at you and your faith." At the same time, candidates are advised never to "assume to claim the support of a house of worship solely because you share the same religious tradition." While visits

to churches or synagogues are acceptable, the guide says such a visit "raises questions for both the candidate and the house of worship."

The Interfaith Alliance has long opposed voter guides produced by groups such as the Christian Coalition. A separate guide for congregations advises against their use or distribution. The candidates' guide calls them "no more than partisan political instruments" that use churches "in a manner that is as manipulative as it is biased."

C. Welton Gaddy, the group's executive director, said the guidelines are not "a mandate of rules and regulations" but "a set of suggestions and recommendations worthy of careful consideration." △

Appeals court: Bible club has same status as others

A federal appellate court has ruled that a Washington state school district violated the rights of a Bible club leader by preventing her club from having the same benefits and status as other school groups.

The ruling by the 9th U.S. Circuit Court of Appeals, issued Sept. 9, reversed a lower court's dismissal of a complaint by Tausha Prince, who was a sophomore at Spanaway Lake High School when she filed the suit four years ago. The high school is located about 35 miles south of Seattle, The Associated Press reported.

"I'm thrilled," said Prince, 19, who argued that the Bethel School District violated her free speech and religious rights guaranteed by the First Amendment.

District officials had countered that giving a religious group the same status as other groups would violate the separation of church and state. A district spokesman said an appeal was being considered. △



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