

Report from the Capital

NEWSLETTER OF THE BAPTIST JOINT COMMITTEE

Church politics bill fails by wide margin

A bill designed to allow churches to engage in partisan politics without losing their tax-exempt status failed to gain a majority in the House of Representatives Oct. 2 — despite heavy support from the religious right.

The Houses of Worship Political Speech Protection Act, sponsored by Rep. Walter Jones, R-N.C., lost 178-239.

Republican leaders brought the bill to the floor in a procedure circumventing the usual committee process but requiring a two-thirds majority for passage.

The bill failed to gain even a simple majority, however, pleasing critics of the proposal.

Jones' measure was opposed by a broad coalition of more than two dozen religious groups.

The coalition — led by J. Brent Walker, executive director of the Baptist Joint Committee, and David Saperstein, director of the Religious Action Center of Reform Judaism — told lawmakers that the measure is unwanted and unneeded by America's clergy.

"This proposal would harm, not help, religion in America," Walker said.

BJC General Counsel K. Hollyn Hollman said the House "properly rejected Rep. Jones' invitation to politicize churches."

It is unfortunate, she said, "that some members purport to protect churches by promoting legislation that politicizes them. Fortunately, most members today appear to recognize that houses of worship are better

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— U.S. Rep. Chet Edwards



off without this legislation."

During the debate, Rep. Chet Edwards, D-Texas, call the bill ill-conceived.

"It is my opinion that this bill demeans religion and demeans houses of worship by converting them into political campaign organizations," Edwards said. "If I had a malicious intent to import divisiveness into our churches, I could find no better way to do it than to pass this ill-conceived bill into law."

Rep. John Hostettler, R-Ind., however, offered a more positive appraisal of the measure. "This legislation frees our clergy to speak their consciences from the pulpit on all issues, even those which may stem from the political arena, without the chilling effect that the tax code has on our houses of worship," he said.

The bill sought to change current law that says churches and other groups organized under section 501(c)(3) of the federal tax code are not allowed to endorse or oppose candidates for office.

Jones and his supporters said that regulation, inserted in 1954, was polit-

ically motivated as a way for then-Sen. Lyndon Johnson to get back at two nonprofit groups that were opposing his re-election.

But Rep. Amo Houghton, R-N.Y., said Jones' bill was an improper solution to an imagined problem. It would have applied only to churches, meaning other nonprofits would be discriminated against.

"Today churches are free to talk about the issues in any way

they want, but they cannot use the church resources on a tax-deductible basis to campaign for a candidate," Houghton said. "I think that makes perfectly good sense. They can do what they want, but they should not use the tax code the way no one else can use the tax code for this political purpose."

Jones said he was not discouraged by the bill's defeat and plans to force the issue again next year.

Supporters of the bill included Florida evangelist D. James Kennedy, Focus on the Family founder James Dobson and Southern Baptist Ethics and Religious Liberty Commission head Richard Land.

Other opponents included The Interfaith Alliance and Americans United for Separation of Church and State.

Ten Democrats voted in favor of the bill, while 46 Republicans opposed it. At least three congressmen who voted against the measure had at one time been among its 133 co-sponsors — Reps. Harold Ford Jr. D-Tenn., Robert Aderholt, R-Ala., and John Boehner, R-Ohio. Δ

NewsMakers

◆ **Felice Gaer**, chair of the U.S. Commission on International Religious Freedom, has written to Deputy Secretary of State Richard L. Armitage requesting that he raise religious freedom concerns during his visit to India, Pakistan and China later this month. The commission specifically asked Armitage to raise the recent sectarian violence in Gujarat, India; attacks on Christians in Pakistan; the need to discuss religious freedom during the upcoming Bush-Jiang talks; and the situation of North Korean refugees in China.

◆ Adjudicator **Andreas von Cramon** of Cornwall, Ontario, recently ruled that the landlord of two roommates failed to prove the pair's religious practices "seriously interfered with the reasonable enjoyment of the complex by the landlord or other tenants." Theresa Tafawa and Derrick Mitchell had been evicted from their apartment for praying loudly and aggressively proselytizing neighbors in the building.

◆ **Dina Shavtsova**, an attorney in Belarus, Russia, said that repressive new religion legislation in Belarus could mean the closing of dozens of churches and religious communities in the former Soviet republic. The new measure sets stringent rules for the government registration of religious denominations, requiring them to have been registered in 1982 when Belarus was part of the former Soviet Union. △

HHS awards \$30 million to faith-based, community groups

The U.S. Department of Health and Human Services recently announced \$30 million in grants to advance President Bush's faith-based and community initiative by aiding organizations ranging from Catholic Charities to the United Way to Pat Robertson's Operation Blessing International.

The bulk of the funds — \$24.8 million in "demonstration grants" — from the department's Compassion Capital Fund will be shared by 21 "intermediary organizations" that will provide technical assistance to help faith-based and community groups in accessing funding sources, managing their programs and training their staffs.

Congress appropriated \$30 million for the fund in January. Four other Cabinet departments are funding similar initiatives, including the Labor Department, which awarded \$17.5 million in grants last July.

Among those receiving the HHS grants are the United Way of Massachusetts Bay, which received \$2 million; Catholic Charities of Central New Mexico, which received \$1 million; and Operation Blessing International, a Virginia Beach, Va.-based relief organization founded by Robertson, which was awarded \$500,000.

Groups like these will, in turn, redirect some of the federal money to support social service programs in smaller organizations, especially those addressing homelessness, hunger and rehabilitation of addicts or prisoners.

"Faith- and community-based organizations are often the most effective groups in carrying out the purposes of HHS programs, yet many do not have the staff or expertise to successfully apply for our funding," said HHS Secretary Tommy G. Thompson. "With today's awards, we begin a new effort to help faith- and community-based organizations get a fair and equal opportunity to compete for HHS funds."

Recipients said they hope the funding will help improve the structures and services of faith-based and other groups.

"Today's announcement is a recognition of the value that faith-based organizations bring to people in need, and we are very appreciative," said Tom Jones, senior director of domestic programs of World Vision, an evangelical Christian relief organization based in Federal Way, Wash.

"We want all segments of society,

including the government, to work together in serving the poor, and so we welcome this initiative."

Thompson's announcement was made at the site of World Vision's Kids in Need Resource Center in Washington.

World Vision is working in a partnership with Nueva Esperanza, a Latino faith-based community corporation, on the National Hispanic Capacity Project that aims to strengthen more than 600 Latino faith-based and community groups across the country. HHS awarded a \$2.4 million grant to Philadelphia-based Nueva Esperanza.

In some cases, the grant money will aid programs that already have been working to help community groups, such as that of the National Center for Faith Based Initiative, a West Palm Beach, Fla.-based organization that received \$700,000.

"It's going to help us take more capacity-training symposiums around the country," said Bishop Harold Calvin Ray, chairman of the center, which is aiding community and faith-based groups in partnering with others in the private and public sector.

While grant recipients hailed the awards, other organizations were not as pleased.

The Council on American-Islamic Relations said Pat Robertson's organization did not deserve an award after publicly criticizing Islam.

"Anyone who exhibits such bigoted views is unworthy to receive taxpayer dollars," said Nihad Awad, executive director of the Washington-based Islamic advocacy group, in a statement. "The White House initiative must not assist, even indirectly, those who would defame Islam and divide our nation."

Barry Lynn, executive director of Americans United for Separation of Church and State, criticized the Bush administration's plan to allow religious intermediaries to distribute public funds.

"Giving religious groups control over public funds is a blatant violation of the Constitution," he said in a statement. "Under the First Amendment, religious ministries shouldn't become an arm of the government."

Among other demonstration grants announced Oct. 3 by HHS are \$1.5 million to United Methodist-affiliated Emory University in Atlanta; \$1 million to Mennonite Economic Development Associates in Lancaster, Pa.; and almost \$700,000 to Volunteers of America, a spiritually based organization in Alexandria, Va. △

Guides set the record straight on political activity by churches

As soon as the House of Representatives rejected H.R. 2357, the bill's primary co-sponsor promised to continue the fight. Though unsuccessful, proponents of politicking in the pulpit demonstrated ingenuity in their arguments and a willingness to lobby vigorously. Whatever their plans for next time, they will likely continue to have trouble selling their main argument — that the bill is needed because churches are silenced under the current law.

Two new publications provide useful information on the federal tax laws that apply to churches and other nonprofit organizations, known as 501(c)(3)s. Both publications are tailored to help houses of worship and offer clear answers to some of the most troublesome questions in this area. And, both illustrate that those who claim houses of worship cannot "speak out on the moral issues of the day" are dead wrong.

The first publication is the revised *Tax Guide for Churches and Religious Organizations*. Published by the IRS Tax Exempt and Government Entities Division, it explains the rules for maintaining tax-exempt status and encourages churches voluntarily to comply with the law. You can get a copy of the guidelines through the IRS website, www.irs.gov, or by contacting the IRS directly.

The second publication, recently released by the Pew Forum on Religion and Public Life, is *Politics and the Pulpit: A Guide to the Internal Revenue Code Restrictions on the Political Activity of Religious Organizations*. Drafted by attorney Deirdre Dessingue, it is a more narrowly tailored, user-friendly guide on the specific questions raised in the recent legislative debate.

As described in these publications, the restrictions on churches and religious organizations fall into two main categories. The IRS rules provide that no organization (religious or otherwise) can qualify for 501(c)(3) tax-exempt status: 1) if a "substantial part of its activities involve lobbying specific legislation"; or 2) if the organization acts by "directly or indirectly

participating, or intervening in, any political campaign on behalf of (or in opposition to) any candidate for elective public office."

On the question of lobbying, the guidelines make clear that religious organizations have the right to advocate moral and ethical positions such as opposition to a state lottery, but must not devote "a substantial part" of activities toward influencing specific legislation. The determination of whether lobbying constitutes a substantial part of a church's activities is not based on a bright-line rule but according to all

the facts and circumstances in the case. While the standard is admittedly vague, the guidelines and case law interpreting the standard demonstrate that there is considerable leeway for churches to make their positions known on issues of concern. As a rule of thumb, tax specialists suggest that 5 percent to 20 percent is acceptable.

On the question of political campaign activity, the tax laws clearly prohibit any direct "contributions to political candidates or public statements made in direct support or opposition of any particular candidate" by the religious organization or church. However, even in the area of elections, churches can be involved. For instance, voter "education activities" conducted in a non-partisan manner, such as voter registration or get-out-the-vote drives are permitted as long as one candidate is not favored by these activities. Even "voter guides" can be produced if they are non-partisan, expansive (covering a broad range of issues), and objective, comparing only candidate positions, not advocating one candidate over another candidate.

I recommend both of these new guides. A quick review will reveal that the rules governing churches are not nearly as burdensome as Rep. Jones and company have suggested. Δ



K. Hollyn Hollman

General Counsel

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Report from the Capital

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Forum probes ties, boundaries of faith and political choices

In an era when religious groups in America are increasingly speaking out on political issues, politicians also must regularly confront questions relating to religion. Elected officials often struggle to balance their personal faith with their public obligations.

When it comes to reconciling the personal and the political, former New York Gov. Mario Cuomo, a Roman Catholic liberal, and Indiana Republican Rep. Mark Souder, a conservative Protestant, could not be more different.

At an Oct. 2 panel discussion titled "Religion on the Stump: Religion and Politics in America," hosted by the Pew Forum on Religion and Public Life, the two held forth on the dilemma facing politicians of all faiths.

In a September 2000 Pew Forum survey, 70 percent of Americans said it was important for political candidates to be strongly religious, but 50 percent were uncomfortable when politicians talked about how religious they are. A March 2000 Pew survey found that while nearly 50 percent of Americans favored religious groups voicing political and social views, 70 percent did not believe churches should endorse political candidates.

Where does that leave politicians and their religion?

In a democracy, Cuomo said, public law must be governed by rational judgment, not one person's idea of morality.

Citing the Declaration of Independence, which mentions God once (in the phrase "the laws of Nature and Nature's God"), Cuomo said public law must be "derived from nature and human reason."

Following nature's law, Catholics in public office "have to try to create condi-

tions under which all citizens can live with a reasonable degree of freedom to practice their own competing religious beliefs," Cuomo said.

Often that means defending others' rights to do things that go against the basic tenets of Catholicism, Cuomo said, including, "the right to divorce, to use birth control, to choose abortion, to withdraw stem cells from embryos, or even to fight the belief in God."

That is not to say religion never holds the answer in a public debate. But promoting religious beliefs in politics is risky, he said, and can often prove divisive.

Souder, a congressman since 1994, said political decisions cannot be divorced from morality.

As a public official, "every day, every hour, you make moral decisions," Souder said. "(For instance) new laws to restrict cheaters like Enron. It's a moral decision."

"Conservative Christians, as individuals, do not separate ourselves into a private and public life," he said. "It's unfair to ask us to check (our religious) beliefs at the public door."

But too often today, Souder said, religion and government are at odds when they should be working together.

As a supporter of President Bush's faith-based initiative, Souder has advocated giving public money to religious organizations working to address social ills.

"Faith institutions are the key to developing a moral foundation," he said.

Raised in small-town Indiana in an Anabaptist tradition, Souder said he often feels discriminated against because of his strong beliefs. In particular, he said he resents that voicing his views on certain sensitive issues such as "homosexual marriage, pornography, abortion, gambling (and) evolution across species" is taboo. Δ

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