

Report from the Capital

NEWSLETTER OF THE BAPTIST JOINT COMMITTEE

Faith-based plan pushed without legislation

Fourteen months after issuing its audit citing the need for improved relationships between government and faith-based organizations, the Bush administration is moving ahead with conferences, grant disbursements and training efforts to enhance public-private partnerships.

At a conference on faith-based social services, officials working on President Bush's initiative to foster those partnerships updated an audience of about 200 scholars and religious leaders on their work.

Tens of millions of dollars in grants have been announced by the departments of Labor and Health and Human Services, while other Cabinet-level departments are fostering efforts to get community and faith-based groups more involved in education, justice and housing programs.

Jim Towey, director of the White House Office of Faith-Based and Community Initiatives, said his office, along with its five department-based centers, has begun regional training conferences with a large turnout at an Oct. 10 event in Atlanta.

Towey detailed the administration's activity at a conference sponsored Oct. 23 by the Roundtable on Religion and Social Welfare Policy.

The roundtable is a research project of the Rockefeller Institute of Government in Albany, N.Y., and is supported by the Pew Charitable Trusts.

The administration's educational efforts are continuing even as legislation aimed at broadening Bush's initiative is stalled.

Towey said he failed to understand



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— Rabbi David Saperstein

the critics of the initiative and hopes the Charity Aid, Recovery and Empowerment Act, which has been mired in the Senate, will still pass.

Baptist Joint Committee General Counsel K. Hollyn Hollman took issue with Towey's dismissal of critics.

"I don't think the administration lacks understanding so much as it lacks interest in answering the difficult questions before plotting ahead," she said.

Work on the administrative level — spurred by an August 2001 audit indicating barriers between faith-based groups and government — includes new brochures, such as one from the Labor Department whose cover reads, "Not everyone has a burning bush to tell them their life's calling."

Brent Orrell, director of the Center for Faith-Based and Community Initiatives at the Labor Department, described a pilot program involving Prison Fellowship and other groups that is providing mentors to ex-offenders seeking employment.

"We've gotten a group of employers to say, 'Yes, we will take people with felony records if you will provide them with community and faith-

based support,'" he said.

John Porter, director of the Education Department's center on faith-based and community issues, said he hopes to channel department funds to people experienced in helping children learn through mentoring, tutoring and after-care programs.

Steven Wagner, of the Department of Housing and Urban Development, said his center will work with faith-based and community groups to increase

services for homeless assistance, affordable housing and preparation for home ownership.

Rabbi David Saperstein, director of the Religious Action Center of Reform Judaism, reacted with alarm to the reports by the administration officials, who are moving ahead without further congressional action.

"Public opinion polls and a large number of national religious organizations think that direct government funding of churches and synagogues is bad for religion and is bad public policy that will not really help the needy," he said in an interview.

Towey and other officials said the inside-the-Beltway questions on issues such as hiring and religious liberty are resolved on the local level.

But critics point to problems that have surfaced under a similar initiative at the state level.

The Texas Freedom Network Education Fund recently released a report that says programs that began when Bush was governor there have resulted in loosened regulations for faith-based social service providers. The group said the changes led to "favoritism and commingling of funds" from taxpayers and churches. ▽

NewsMakers

◆ **Melissa Rogers**, former Baptist Joint Committee general counsel and current executive director of the Pew Forum on Religion and Public Life, was awarded a Baylor University Outstanding Young Alumni award for 2002. Rogers received the award in an October 25 ceremony in conjunction with the Baptist university's homecoming celebration.

◆ **New York Gov. George Pataki** has signed into law a bill requiring employers to make reasonable efforts to accommodate their employees' religious observances. The new law strengthens an existing state law that required employers to accommodate their employees' Sabbath observances unless it would impose an "undue hardship" on the company.

◆ **Chaim Book**, the spokesman for the Tenafly (N.J.) Eruv Association, lauded a unanimous decision by a three-judge panel of the 3rd U.S. Circuit Court of Appeals that the Tenafly borough cannot remove a symbolic line set up by Orthodox Jews in the town. The ruling of the panel reversed a federal district court ruling in 2001 that permitted the borough to remove the eruv, a series of black strips put up around utility poles, creating an enclosure in which Orthodox Jews are allowed to push baby strollers and wheelchairs and carry objects outside their homes on the Sabbath. △

'10 Commandments' case to be decided by mid-November

A Montgomery, Ala., judge said he will rule by Nov. 18 in the case of the Alabama chief justice who secretly placed a 2-ton monument of the Ten Commandments in the state's Supreme Court building.

U.S. District Judge Myron H. Thompson framed the case of Chief Justice Roy Moore with a question: "The issue here is: Can the state acknowledge God?"

The judge's question is the one Moore's lawyers want answered. *The Washington Post* reported. They say there is a national movement to use the First Amendment's Establishment Clause "as a sword to sever the historic relationship between God and our government."

Attorneys challenging the Alabama display argue that it violates the First Amendment.

"The association of those words with the top figure of the Alabama judiciary is coercive," said Danielle Lipow, a lawyer with the Southern Poverty Law Center.

Her organization, along with attorneys representing the American Civil Liberties Union and Americans United for Separation of Church and State, challenged the monument.

The trial, which lasted six days, ended with closing arguments on Oct. 23. △

President Bush signs Sudan Peace Act

President Bush recently signed the Sudan Peace Act, a bill many religious groups say could help end the country's 20-year civil war, which has left 20 million people dead.

The bill gives the government in Khartoum six months to broker a settlement with independence-minded rebels in the south. If the two sides fail to reach an agreement, the bill imposes strict economic and diplomatic sanctions against Sudan.

The Muslim-dominated north has been fighting the predominantly Christian south for 20 years. Human rights and religious groups accuse the north of refusing to allow food and humanitarian aid into the country. The bill authorizes \$300 million over the next three years in aid.

"This law sends a powerful message to the world," said Rabbi David Saperstein, director of the Religious Action Center of Reform Judaism. "The United States will not stand idly by the persecution of innocent people."

Serge Duss, director of public policy for

World Vision, a Christian relief agency, said securing peace first will allow aid workers to assist the country.

"What we really need is a just and sustainable peace, and the humanitarian problems will be solved," Duss said. △

Suit charges religious bias over eyebrow piercing

To Costco, an employee's eyebrow ring was a violation of the corporation's dress code. To the worker, it was a symbol of her religious belief.

Last year Costco Wholesale Corp. fired Kimberly M. Cloutier of West Springfield, Mass., for refusing to remove the ring. She then filed a \$2 million suit against Costco.

Cloutier, 27, is a member of the Church of Body Modification and maintains that her piercings, which include several earrings in each ear and a recently acquired lip ring, are worn as a sign of faith and help to unite her mind, body and soul.

"It's not just an aesthetic thing," Cloutier said. "It's your body; you're taking control of it."

Cloutier filed suit against Costco in Springfield's U.S. District Court after a finding in May by the U.S. Equal Employment Opportunity Commission that Costco probably violated religious discrimination laws when its West Springfield store fired Cloutier in July 2001. The commission's area director in Boston, Robert L. Sanders, determined that Cloutier's wearing of an eyebrow ring qualified as a religious practice under federal law.

Costco, meanwhile, argues it did nothing wrong in requiring Cloutier to take out her eyebrow ring or cover it at work. "Costco was acting in the best interest of its members and customers," said Lynn A. Kappelman of Seyfarth & Shaw, the Boston law firm representing Costco.

Corporations have "significant discretion" to set dress codes for workers who deal directly with the public, according to American Civil Liberties Union lawyer William C. Newman. However, Newman said a company's powers when it comes to dress code are not unlimited.

Under the law, firms cannot ask people to stop wearing religiously required attire simply because a client or employer believes it projects the wrong image.

A company can lawfully refuse to accommodate a worker's religious practices if "undue hardship" or extraordinary costs would result, but in Cloutier's case, the EEOC found no evidence her eyebrow ring would create hardship. △

Building bridges a better route to securing religious liberty for all

The efficacy of the Baptist Joint Committee's ministry depends in large measure on our ability to work with other groups and religious traditions. We stand shoulder to shoulder with Jews, Muslims, Buddhists and representatives from other Christian groups when, despite our theological differences, we find common ground in the quest for religious liberty and the separation of church and state.

For example, we recently released a statement called *A Shared Vision: Religious Liberty in the 21st Century*. The statement articulates our dedication to religious liberty and outlines the ways in which the religion clauses in the First Amendment operate to ensure it. We also affirm how our understanding of the separation of church and state does not deny the relevance of religion to politics or the use of religious language in the public square. We go on to describe how public schools should accommodate the religious liberty of students but without allowing school officials to endorse religion or religious exercises. We conclude with a condemnation of state-funded religion in the form of education vouchers and charitable choice grants. (Copies of the statement may be obtained by contacting our office or downloaded from our website at www.bjcpa.org.)

Joining us in the release of this important statement were the American Jewish Committee and the Religious Action Center of Reform Judaism (representing a broad swath of the Jewish community), the National Council of the Churches of Christ (representing 36 mainline Protestant and Orthodox communions and denominations) and The Interfaith Alliance Foundation (with supporters from over 50 faith traditions, including Muslims).

We were pleased to be able to pro-pose a statement of church-state philosophy along with groups representing millions of people of faith from a myriad of traditions. Nevertheless, our ability to provide witness across the spectrum is diminished by recent inflammatory and

benighted proclamations of others calling themselves "Baptists." These include remarks by Jerry Falwell calling Mohammed a "terrorist" on the CBS news program "60 Minutes," Franklin Graham's designation of Islam as an "evil religion," and Jerry Vines' characterization of Mohammed as a "demon-possessed pedophile."

The Islamic world in general and American Muslims in particular might be led to think that all Baptists — and all Americans for that matter — subscribe to these dumb declarations. It also prejudices the ministries of Christian missionaries in the Islamic world. Finally and most tragically, Jerry Falwell's recent statements were linked to violence and bloodshed in Solapur, India.

These scathing attacks are not only counterproductive and unwise, but also run counter to Scripture. The writer of I Peter enjoins us to "be prepared to make a defense ... for the hope that is in you, yet do it with gentleness and reverence." (I Peter 3:15). There is nothing gentle and reverent about these harsh statements. Moreover, James warns that the tongue is like fire and poison and admonishes the Christian community to use the tongue to bless the Lord rather than to curse others (James 3:6-10). These inflammatory attacks flout James' sage teaching.

The Baptist Joint Committee will continue to form coalitions and build bridges — even to those with whom we disagree theologically — where we can find common ground about religious liberty and the separation of church and state.

In the meantime, I wish those whose intemperate words harm that effort would, as my mother used to say, zip their lips. △



J. Brent Walker

Executive Director

Harsh religion law signed in Belarus

Belarus President Alexander Lukashenko on Oct. 31 signed a highly repressive new law on religion in what some religious leaders are calling a decisive step back to the police state tactics that once terrorized believers.

"This law returns us to the times of Stalin," said Yakov Basin, president of the country's Religious Union of Reform Judaism, in a telephone interview from the capital, Minsk. "Religious groups can only exist if they are registered with the government."

The law, loudly damned by a wide spectrum of Protestants, Jews, minority Orthodox Christians and Eastern-rite Catholics, sets stringent rules for the government registration of religious organizations, requiring them to have been recognized in 1982 when Belarus was part of the Soviet Union. Registration is necessary to publish, organize religious schools or host foreigners.

"Only two or three of our communities will pass the registration process," said Yauhiyn Androsik, a spokesman in Minsk for the 23-parish Greek Catholic Church, which is loyal to the Vatican but worships according to the Eastern-rite and operated underground for much of the 20th century. "There were not many Greek Catholics in Soviet times because they destroyed us. They persecuted us without stop." △

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REPORT from the CAPITAL (ISSN-0346-0661) is published 24 times each year by the Baptist Joint Committee. Single subscriptions, \$10 per year. Bulk subscriptions available.

Salt Lake City plaza dispute raises First Amendment issues

A city block of land at the center of the Mormon universe is also at the center of a legal dispute that could have wide-ranging consequences for freedom of religion and freedom of speech.

A three-judge panel of the 10th U.S. Circuit Court of Appeals has ruled that Salt Lake City officials violated the First Amendment by selling a section of a downtown street to the Church of Jesus Christ of Latter-Day Saints (LDS) with the agreement that the area would be accessible to the public but that church officials could regulate speech in the area.

The pedestrian plaza used to be a block of Salt Lake City's Main Street that divided the church's main administration complex from the historic Mormon Temple and other religious sites. In 1999, the city approved the sale of the block to the church, which quickly closed it to vehicular traffic and converted it into a pedestrian plaza filled with religious statues, plants, benches, walls and a reflecting pool.

However, the city retained an easement that allowed the general public access to the site. Although the city's planning commission had originally asked that the easement include language ensuring that the site would be regulated no more restrictively than a city-owned park, the city council removed that portion of the easement language before giving final approval to the sale agreement. When city officials and church officials later drew up the official deed, they added language specifying that the city's easement would allow pedestrian access and passage only and would not be construed to provide a free-speech forum on the site.

The American Civil Liberties Union of

Utah quickly sued the city challenging the restrictions, and the church intervened in the case on the city's side.

The district court ruled in favor of the church. On appeal the 10th Circuit panel said that the deed restriction on the city's part ran afoul of the First Amendment's protections for freedom of speech because the areas of the plaza where Main Street's sidewalks once stood remained a "traditional public forum," even though the church owned the land over which the easement was granted. "The purpose of the easement is to provide a pedestrian thoroughway that is part of the city's transportation grid, and in this respect it is identical to the purpose the sidewalks along that portion of Main Street previously served," the judges said.

But the church — and several other religious organizations — argue that the property's character has been altered sufficiently to eliminate any public forum that existed prior to its transformation into a pedestrian plaza.

The judges said the city, having retained the easement, "must permit speech on the easement."

But attorneys for the LDS church have asked for the full 10th Circuit to review the case. Among other things, the church argues that having the government regulating a plaza filled with religious imagery could create an improper appearance of government endorsement of religion. "A 'reasonable observer' could well perceive 'a message of endorsement of religion' in the City's direct control and regulation of a Plaza filled with the religious displays and symbolism of the LDS Church," the church's motion for rehearing said. Δ

— Robert Marus
Associated Baptist Press



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