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# Report from the Capital

NEWSLETTER OF THE BAPTIST JOINT COMMITTEE

## Panel: Religious freedom violators list falls short

When the State Department singled out six countries as the world's worst violators of religious freedom, it left some prime suspects off the list, critics charge.

The State Department named Burma, China, Iran, Iraq, North Korea and Sudan to be "Countries of Particular Concern" under the International Religious Freedom Act — the same countries selected in 2001 when the list was last compiled.

The U.S. Commission on International Religious Freedom, an independent federal agency that advises the government on religious freedom abusers, criticized the State Department for passing over six additional nations where "egregious abuses persist or have increased" in the past few years.

The Bush administration has 90 days under law to identify policy measures for the nations listed as Countries of Particular Concern.

The commission said it had also recommended India, Laos, Pakistan, Saudi Arabia, Turkmenistan and Vietnam — countries that "even the State Department's own religious freedom reports" document as severe violators.

"Even the State Department's own report states that religious freedom 'does not exist' in Saudi Arabia," commission chair Felice D. Gaer said in a statement. "We urge the department to continue to assess the religious freedom violations in these countries and make CPC designations throughout the year."

According to the commission, the government in Saudi Arabia prohibits all forms of public religious expres-

### Religious liberty panel reacts



### to worst offenders

sion other than the government's interpretation of Sunni Islam. A statement released by the commission reported that in addition to violations including torture and cruel or degrading treatment or punishment, numerous foreign Christian workers were detained, arrested, tortured and deported from the country.

In Vietnam, the commission reported that the government continues repressive policies toward all religions. A delegation from the commission that visited Vietnam in March 2002 found that religious dissidents remain under house arrest or are imprisoned and that government officials continue to suppress organized religious activities, in part by harassing leaders and followers of unregistered religious organizations.

Human Rights Watch, a Washington-based watchdog group, accused the State Department of turning a blind eye to abuses in partner countries.

In Uzbekistan, it said, thousands of independent Muslims have been persecuted in the past five years, and Turkmenistan — "one of the most repressive countries in the world" —

did not even make the "watch list" of probable human rights violators.

The commission reported that the government of Turkmenistan severely restricts religious activity other than by the government-sanctioned Sunni Muslim Board and Russian Orthodox Church. Members of unrecognized religious communities have reportedly received ill treatment and had their services disrupted, congregations dispersed and houses of worship destroyed.

"The Bush administration says it wants to promote human rights in the Muslim world," said Tom Malinowski, Washington advocacy director for Human Rights Watch. "But it can hardly say it's trying if it's afraid to state the simple truth about some of its partners."

Secretary of State Colin Powell had rejected calls to give a CPC designation to Saudi Arabia, a major Gulf ally, but U.S. officials denied the decision was related to preparations for war. "We're not going to list them, but we are going to press them on this," a senior official told Agence France-Press last week. "We think there is an opportunity to push really hard this year."

Responding to questions on possible U.S. pressure for religious freedom, Saudi Arabian Defense Minister Prince Sultan told reporters recently that "this country was the launch pad for the prophecy and the message and nothing can contradict this," according to The Associated Press. He added that Saudi Arabia is "not against religions at all ... but there are no churches — not in the past, the present or future."

(From RNS and staff reports)

## NewsMakers

◆ **Rep. David Scott**, D-Ga., has introduced a measure in the U.S. House that would require all public schools in the United States to begin each day with one minute of "quiet reflection." A similar law sponsored by Scott passed the Georgia Legislature in 1994 and remains in effect.

◆ **Barry Lynn**, executive director of Americans United for Separation of Church and State, expressed opposition to the latest attempt by Rep. Ernest Istook, R-Okla., to pass a constitutional amendment the lawmaker believes is necessary to protect school prayer, the Pledge of Allegiance and displays of the Ten Commandments. "Istook wants to put the First Amendment through a shredder and see what comes out," Lynn said.

◆ **M. Jane Seaman**, mayor of Vienna, Va., and other town officials say restoration costs for Moorefield, the former home of itinerant Baptist preacher Jeremiah Moore, are too high for the project to be feasible. Moore, who pressed Founder's such as George Washington, Thomas Jefferson and George Mason on the importance of religious freedom, built the home in 1790. Moorefield is listed on the National Register of Historic Places. △

## New York senator: Prison chaplain hiring flawed

A New York senator last week called for an immediate investigation of all 42 Muslim clerics working for the state Department of Correctional Services.

New York state Sen. Michael F. Nozzolio, R-Seneca Falls, chairman of the Senate Crime Victims, Crime and Correction Committee, said the recent arrest on federal charges of Osama Al Wahaidy of Fayetteville, N.Y., a Muslim chaplain at the Auburn Correctional Facility, is an embarrassment.

"The selection process for taxpayer-funded Muslim clerics (is) too trusting, too loose and too naive," Nozzolio said.

Al Wahaidy, a Jordanian working in the United States, has been charged with helping to send aid to Iraq through a charity in violation of U.N. sanctions.

Robert Gangi, executive director of the Correctional Association of New York, a prison watchdog group, said he hopes the state does not overreact.

"Our experience has been that the Muslim imams are a calming, important influence in prisons," Gangi said. "I don't think there is a need for a sweeping investigation."

Until recently, the state prison system relied almost exclusively on one person to recruit its clerics, Warith Deen Umar, who has been linked to anti-American propaganda.

Umar retired in 2000 but continued to work with the prison system as a consultant.

The corrections department barred him from New York's prisons after *The Wall Street Journal* quoted him as saying the Sept. 11 hijackers should be honored as martyrs.

State Corrections Commissioner Glenn Goord told the *Journal* that the prison system relied on Umar and a group he was closely associated with, the National Association of Muslim Chaplains, to recruit clerics.

James Flateau, speaking for the Department of Correctional Services, said that no one person has the power to hire any state employee and that all employees have background checks.

Two other Muslim clerics, or imams, in the New York state prison system have been accused of anti-American activity since Sept. 11.

Nozzolio said the investigation into clerics working for the state should start with those who, like Al Wahaidy, are here

on visas.

Goord, in a written response to Nozzolio, said only, "The Division of State Police had confirmed earlier Feb. 27 what we already knew: That a check with the Immigration and Naturalization Service on the status of all 42 Muslim chaplains employed by this Department confirms that everyone is current with their legal status in this country." (RNS) △

## Muslim group condemns walkout by lawmakers

A leading Muslim group said two Washington state lawmakers who left during a prayer by a Muslim cleric threaten to damage the country's image with Muslims around the world.

Republican State Reps. Lois McMahan and Cary Condotta left the floor of the Washington House on March 3 when an Olympia imam delivered the day's opening prayer. McMahan said it was a matter of patriotism.

"Even though the mainstream Islamic religion doesn't profess to hate America, nonetheless it spawns groups that hate America," McMahan told the *Seattle Post-Intelligencer*, adding, "My God is not Muhammad."

Condotta said he left the chamber to talk to another legislator and called the timing accidental. "Let's just say I wasn't particularly interested," he told the *Seattle paper*.

Imam Mohammad Joban of the Islamic Center of Olympia asked "Allah, or God, to bless the state of Washington so it may continue to prosper and become a symbol of peace and tranquility for all people of all ethnic and religious backgrounds" and prayed that "America may succeed in the war against terrorism."

Joban told The Associated Press he was not offended by McMahan and Condotta's walkout.

"As a Muslim we have to respect what people believe and ... we have to forgive something because of ignorance."

Nihad Awad, director of the Washington, D.C.-based Council on American-Islamic Relations, called on leaders of the Republican Party to condemn McMahan's and Condotta's recent actions.

"Such divisive actions by elected leaders can only serve to increase discrimination against ordinary American Muslims and harm our nation's image and interests worldwide," Awad said in a statement. (RNS) △

## BJC better defined by its record than by 'strict separationist' label

The views and record of the Baptist Joint Committee continue to be misconstrued and distorted.

In his recent book titled *Uneasy in Babylon: Southern Baptist Conservatives and American Culture*, my friend Barry Hankins writes a history of the fundamentalist takeover and domination of the Southern Baptist Convention. Much of Hankins' work is based on extensive interviews with current SBC leaders. While it is helpful to listen to their unadorned reflections, this methodology has severe limitations. It allows for plenty of spin, self-serving statements and largely unchallenged characterizations of supposed opponents, such as Southern Baptist moderates.

Hankins details how Richard Land, president of the SBC's Ethics & Religious Liberty Commission, seeks to position his agency in the center of the church-state landscape. Land tries to put distance between the ERLC and so-called "neo-establishment majoritarians" (proponents of a Christian nation and Christian Reconstructionism) on one side, and "strict separationists" (secular extremists who allegedly want to scour religion from the public square) on the other. He then lumps moderate Baptists in general and the Baptist Joint Committee in particular in the "strict separationist" camp.

This sleight of hand completely distorts the church-state landscape and the position of the Baptist Joint Committee. We are not strict separationists in the way the phrase is often used.

Strict separationists typically camp hard on "no establishment" principles to the neglect of "free exercise." The BJC believes both are equally important First Amendment principles; both are vital to protecting religious liberty. Our leadership in efforts to pass free exercise legislation, defend the constitutionality of religious accommodations and uphold equal access for student Bible clubs all demonstrate a commitment to free exercise values.

Strict separationists often resist efforts by government to accommodate religion

when not required to do so by the Free Exercise Clause. Heaven knows that is not us. We support many legislative accommodations of religion when permitted by the Establishment Clause. The Baptist Joint Committee has long defended, for example, tax exemptions for churches, housing allowance for clergy and exemptions for the churches from the non-discrimination in employment provisions of the civil rights laws — even though these accommodations have never been held to be required by the Free Exercise Clause.

Strict separationists sometimes believe that religion is a private affair which should have little, if any, influence on public policy and are often skittish about a public conversation about religion in political campaigns and public life. That is not where we are. We applauded the public discussion about religion in the presidential elections of 2000. We have never contended that our dedication to church-state separation implies a walling-off of religion from politics. Yes, there is always the potential for misuse of religion by politicians who want to baptize their political ambitions in the water of sacred approval. We should speak out against such abuse of religion, but it is wrong summarily to relegate public religious expression to second-class speech.

The Baptist Joint Committee is something else entirely. Carl Esbeck, in his five-fold typology for church-state relations, puts the Baptist Joint Committee in what he calls the "pluralistic separationist" category. According to this typology, pluralistic separationists want a neutral state, not a hostile one. They want all religious traditions — in the pluralism of America's religious landscape — to get a fair shake under the First Amendment. They emphasize religion's prophetic role in the public square. Their motto is "a free church in a free state." Certainly, we would endorse these views.

Actually, the Baptist Joint Committee might find an even more comfortable



**J. Brent Walker**

*Executive Director*

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home in Esbeck's "institutional separationist" camp. These separationists think that government neutrality should err on the "benevolent," rather than the hostile, side. Both institutions — the church and the state — are subject to the reign of God, but each with different roles and tasks to perform. A certain amount of careful cooperation between church and state is inevitable and, in some cases, desirable. But neither the church nor the state should control, dominate or become entangled with the other.

This sounds a lot like us, too. Truth be known, we are probably a blend of the pluralistic and institutional separation typology. Certainly we are not strict separationists in the sense described above.

Hankins concludes that Land's attempt to place his organization between "neo-establishment majoritarians," on the right

and "strict separationists" on the left "while attempting to be a culture warrior himself has been self-defeating." When forced to choose a side in the debate over Rep. Ernest Istook's proposed constitutional amendment on school prayer, Land chose a position consistent with his cultural view that minimized Establishment Clause principles. Similarly, Land's effort to stake out a centrist position is undercut by his support for school vouchers, the Houses of Worship Political Speech Protection Act (a bill to allow churches to endorse candidates), religious exercises at commencement and athletic events, and, in Land's words, "a consummation of the marriage" between the religious right and the Republican Party.

I'll leave it to the reader to judge which organizations best occupy the sensible center. Δ

## California church, city retailer settle land dispute

A Los Angeles suburb and a local megachurch have agreed to end a legal dispute that pitted First Amendment concerns against the town's economic development interests. Recently, the Cypress City Council voted 4-0 to accept a settlement with the Cottonwood Christian Center and the Costco discount store chain.

The 4,500-member congregation, currently located in an adjacent suburb, purchased 18 acres of land in Cypress in 1999 to build a larger facility. However, city leaders delayed granting the church permission to build on the site while they worked out a deal with Costco officials to build on the site.

Last year, the city council voted to begin

condemnation proceedings on the land to seize it and sell it to Costco.

City officials said the tax revenue provided by the store would suit the city's needs more than the tax-free land owned by a church.

In August, a federal judge issued an injunction preventing the city from seizing the land, saying a challenge by Cottonwood on constitutional grounds would likely lead to an overturning of the city's action.

Under the agreement, the city would purchase the 18-acre plot from the church for \$18.8 million, or about \$5 million more than the congregation originally paid. Then the city would sell the church 29 nearby acres for \$17 million. (ABP) Δ



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