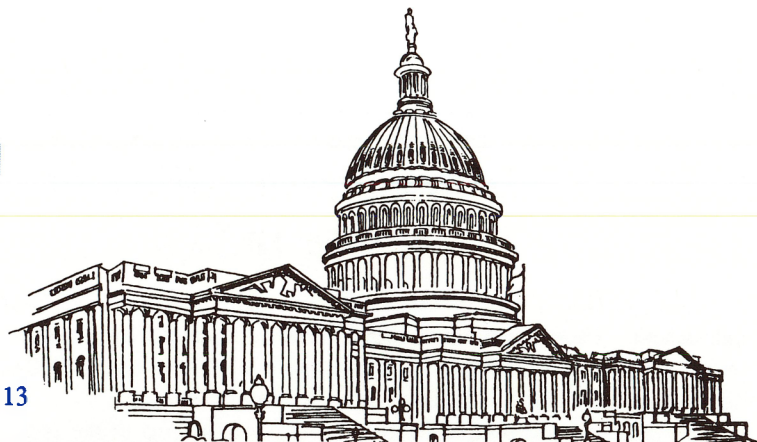


SALT



"You are the salt of the earth" Matthew 5:13

Washington Newsletter, Christian Life Commission, Southern Baptist Convention

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CLC to Court: Squeeze out *Lemon*

Restore true liberty to First Amendment, Commission requests

By Michael Whitehead
General Counsel

The Christian Life Commission again has asked the Supreme Court to adopt a new test for cases involving church-state separation.

In a friend-of-the-court brief filed Jan. 21, the CLC strongly criticized the *Lemon* test, which has been used by the Court the last two decades. The CLC contends *Lemon* has promoted secularism and hostility, not neutrality, toward religion. The CLC urged the Court to fashion a new test which would promote true neutrality by focusing on the principle of accommodation of religion.

Oral arguments are scheduled for March 30.

The brief was filed in support of the

(Continued on Page 4)

CLC supports prayer amendment

The Christian Life Commission expressed support for a recent Senate-approved amendment on public school prayer.

Before passing the Clinton administration's Goals 2000 bill, the Senate approved by a 75-22 margin an amendment withholding federal funds from any state or local educational body which prevents "constitutionally protected prayer in public schools by individuals on a voluntary basis." The amendment, introduced by Sen. Jesse Helms, R.-N.C., also prohibits any agency from requiring a person to pray or from influencing the form or substance of a "constitutionally protected prayer" in the schools.

The education bill already had been passed by the House of Representatives without such language. A conference committee was to reconcile differences before returning the bill to both houses for final passage. The House approved a motion to instruct its conferees to accept the Helms amendment.

CLC Executive Director Richard Land and General Counsel Michael Whitehead said in a prepared statement:

"On Feb. 2, President Bill Clinton, at the National Prayer Breakfast, used a phrase that he has used before: Our First Amendment guarantees freedom of religion, not freedom from religion. For those school officials who have behaved with hostility toward private, voluntary religious speech, Sen. Helms' bill would put teeth into the President's pledge. The bill does not expand the scope of prayers protected in school and does not change the Supreme Court's precedents about what is voluntary and noncoercive."

Cooper plan not pro-life, Commission, others say

The Christian Life Commission and six other organizations have told Rep. Jim Cooper, D.-Tenn., they are opposed to his health care reform plan unless it excludes abortion coverage.

It is virtually certain the commission established by Cooper's bill and appointed by President Clinton would include abortion as one of the benefits in the government-mandated package, said a letter from the groups. Even if it did not, Cooper's plan would be required to cover elective abortion, the groups said, because it mandates the uniform benefits package to include all

"medically appropriate" procedures. Courts, "time and time again," have construed such language to cover elective abortions, they said. The groups said they likewise oppose the plan of Sen. John Chafee, R.-R.I.

The CLC already had announced its opposition to President Clinton's health care plan, which includes abortion in its basic benefits package.

Other groups signing the letter were the National Right to Life Committee, Christian Coalition, Concerned Women for America, Family Research Council, Eagle Forum and American Family Association.

Mother Teresa's Moment

By Richard D. Land

It was an electrifying moment. Seldom has our nation's capital experienced such high drama. Those who witnessed it were mesmerized by its sheer power. Mother Teresa of Calcutta was delivering the keynote address to over 3,000 people assembled for the National Prayer Breakfast on the 3rd day of February.

The frail and diminutive Mother Teresa was helped to the lectern to deliver her address. Flanked on either side of the platform by President and Mrs. Clinton and Vice President and Mrs. Gore, the 83-year-old Catholic nun, barely visible over the podium, boldly spoke truth to power. Mother Teresa, a Nobel Peace Prize recipient for her work among the sick and impoverished of Calcutta, speaking with an eloquent simplicity forged from personal conviction and compassion, called for people to follow the example of Jesus in giving "whatever it takes to do good to one another."

Mother Teresa then called for sacrificial service to our families. "We must remember that love begins at home, and we must also remember that 'the future of humanity passes through the family,'" she said. Then Mother Teresa dropped her bombshell: "But I feel that the greatest destroyer of peace today is abortion. . . . It is war against the child, . . . murder by the mother herself." She concluded: "Any country that accepts abortion is not teaching its people to love, but to use any violence to get what they want. . . . the greatest destroyer of love and peace is abortion."

At this point the crowd erupted into spontaneous and sustained applause (which lasted nearly a minute) as the President reached for his glass of water and Mrs. Clinton and the Gores stared stone-faced in Mother Teresa's direction. Clearly, this was not a comfortable moment at the head table.

Mother Teresa had just given ministers and Christians everywhere a sterling and pristine example of what it means to be truly prophetic in the presence of Caesar. One can only pray that all of those who are in Caesar's presence in the future will be both inspired and instructed by her example.

Why did Mother Teresa's words evoke such a response? The impact of her message was prophetic because the integrity of her ministry was pure. Often, when we seek to be "salt" we forget that Jesus told us that the salt must be pure or it is "good for nothing, but to be cast out" (Matt. 5:13).

First, Mother Teresa attacked policies, not persons. She lamented the power of selfishness and sin to destroy, without lambasting individuals. Second, Mother Teresa came not as a Democrat nor as a Republican, but as a Christian who lives what she preaches. Third, Mother Teresa was neither impressed nor inhibited by the trappings of secular power and privilege. Fourth, Mother Teresa sought no favor and brought no endorsement to Caesar, but instead sought only to speak the truth as it had been revealed to her.

Should Christian leaders meet with President Clinton? I can think of few things better for the nation than for the President to meet with as many Christian leaders as possible, if they follow Mother Teresa's example to speak the truth as they believe it. If, however, they agree beforehand to leave certain subjects unspoken, if they go seeking his favor or endorsement, if they go with partisan political motives, they do a disservice to the President and to the nation, and they dishonor themselves and the gospel they have been commissioned to proclaim.

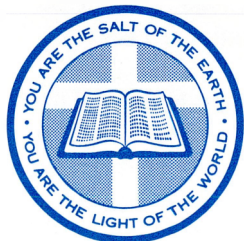
They said it:

"But I feel that the greatest destroyer of peace today is abortion, because Jesus said, 'If you receive a little child, you receive me.' So every abortion is the denial of receiving Jesus, the neglect of receiving Jesus. It is a war against the child, a direct killing of the innocent child, murder by the mother herself. And if we accept that a mother can kill even her own child, how can we tell other people not to kill one another? . . . Any country that accepts abortion is not teaching its people to love one another but to use any violence to get what they want." – **Mother Teresa of Calcutta, India**, at National Prayer Breakfast with President and Mrs. Clinton and Vice President and Mrs. Gore at head table.

"Thank God there's no such thing as a Baptist creed that includes abortion or drinking booze or any other particular set of agendas. And [President Clinton] is in the mainstream of Baptist history as he asserts and affirms his religious liberty." – **James Dunn, executive director of the Baptist Joint Committee**, on CBN News.

"We think abortion is a bad thing. No woman wants to have an abortion." – **Kate Michelman, president of National Abortion and Reproductive Rights Action League**, in *Philadelphia Inquirer*. Michelman denied the statement but, after being reminded the interview was tape recorded, said she "would never, never, never, never, never mean to say such a thing."

"Like Jefferson, I believe that God is too powerful and too mysterious to be contained within the rigid orthodoxy of any religious faith." – **Vice President Al Gore** on 208th anniversary of the signing of Thomas Jefferson's Virginia Statute of Religious Freedom, according to *Norfolk Virginian-Pilot*.



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Culture war update

State stalks church: Christians may face severe obstacles in sharing the gospel in the work place if proposed federal employment guidelines are adopted. The Equal Employment Opportunity Commission is in the final stages of issuing revised guidelines on harassment, including those based on religion. One of the definitions for harassment in the guidelines is "verbal or physical conduct that denigrates or shows hostility or aversion toward an individual" because of his or her religion or that of his or her "relatives, friends or associates." The employer has a duty to maintain a work environment free of harassment. Under the guidelines, situations which might result in harassment charges are:

- An employee or employer witnessing to a co-worker or subordinate;
- An employee having a cross or poster with a gospel message on the wall;
- A supervisor continually saying "Praise the Lord" in the office.

The deadline for public comment has passed. Southern Baptists are encouraged to ask their senators and representatives to act to remove religion from the guidelines.

Homosexuals make gains: The homosexual rights agenda continues to advance at the highest levels of government. The most obvious recent examples:

- Congress and the President banned discrimination on the basis of sexual behavior for the first time in a federal program, *The Washington Post* reported. An \$8.6 billion relief package for victims of the January earthquake in Southern California prohibited discrimination in providing assistance to individuals on several bases, including "sexual orientation."

- Attorney General Janet Reno hurdled legal barriers to send Justice Department mediators into their inaugural case of anti-homosexual harassment, according to Associated Press. In February, Reno ordered two mediators from the department's Community Relations Service to Overt, Miss., to deal with reported threats against residents of Camp Sister Spirit, a feminist farm run by two lesbians. The Community Relations

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Service is authorized by law to enter conflicts based on race, color or ethnic origin but not those based on sexual orientation. Reno's order, which was limited to the Overt case, transferred the authority of Justice's civil rights division to CRS. Local Southern Baptists have helped lead opposition to the camp.

- At the request of the Gay and Lesbian Victory Fund and five other homosexual groups, President Clinton expressed opposition to anti-homosexual rights ballot measures, according to news reports. Only five days after being asked, Clinton wrote a letter to the Victory Fund saying, "The essential right to equality must not be denied by a ballot initiative or otherwise." In at least eight states, citizens are planning initiatives in November opposing civil rights based on homosexual behavior. Colorado passed the first such measure in 1992.

True love wears a condom? In early January, the federal government initiated a campaign to prevent the spread of the AIDS virus and, for the first time, paid for advertising specifically endorsing the use of condoms. Only three of the 11 English-speaking radio/television spots previewed at a news conference discuss refraining from or delaying sexual intercourse. "Southern Baptists believe 'True Love Waits.' The Clinton administration believes true love wears a condom," said James A. Smith, the Christian Life Commission's director of

government relations. The Southern Baptist Sunday School Board's highly popular program, "True Love Waits," calls for young people to pledge to remain sexually pure until marriage. Among the condom ads are:

- "Automatic," a 30-second television spot in which a couple, of unrecognizable gender, is embraced in bed. A packaged latex condom jumps from a chest of drawers in the room, scurries across the floor, up the side of the bed and under the covers, while a voice says: "It would be nice if latex condoms were automatic. But since they're not, using them should be, simply because a latex condom, used consistently and correctly, will prevent the spread of HIV."

- "Turned Down," a 30-second TV ad in which a silhouetted heterosexual couple kiss and begin disrobing. The woman says, "Did you bring it?" The man responds, "Uh-oh, I forgot it." The woman says, "Then forget it," and turns on the light. A female voice says, "Next time, don't forget it and every time make it part of the relationship."

"Naked," a provocative, 60-second radio ad featuring Anthony Kiedis of the Red Hot Chili Peppers music group, was pulled three days after its introduction when it was revealed he had been convicted in 1990 of misdemeanor indecent exposure and sexual battery.

IRS: Sorry, checks not enough

As of Jan. 1, the Internal Revenue Service began requiring taxpayers to produce more than canceled checks in order to deduct lump-sum contribution of \$250 or more to churches or charities. Each taxpayer must provide a contemporaneous writing from the church stating the amount of cash or type of property, along with words like: "No goods or services were exchanged for this gift."

For numerous small gifts which might total more than \$250 in a year, checks are still good as proof for IRS.

For more information, see IRS Publication 1771 (1-800-TAX-FORM) and talk to your local tax adviser.

CLC suggests test to Supreme Court

(Continued from Page 1)

petitioners in the case of *Board of Education of Kiryas Joel School District v. Grumet*. The case involves the New York Legislature's creation of a school district which provides education services to disabled children in a Jewish village. Gov. Mario Cuomo signed the bill and did not believe it violated church-state separation. State courts, however, held the law violated the *Lemon* test because it had the primary effect of advancing religion. The courts said the law gave the appearance of endorsing a particular religion by creating a "symbolic union" between church and state.

The special-education school created under the law is a secular one, teaching secular subjects, with secular faculty, in a secular building. The students suffer from a variety of disabilities, including mental retardation, deafness, speech and language impairments, emotional disorders, learning disabilities, Down's Syndrome, spina bifida and cerebral palsy.

Jefferson's metaphorical "wall of separation between church and state" was never envisioned to separate handicapped children from the public help they so desperately need. These parents have paid over \$1.4 million in taxes and surely are entitled to share in the benefit of these services required by law.

The government is not establishing religion when it accommodates these religious citizens. As the Court said in the *Zorach* case in 1952: "When the state . . . adjusts the schedule of public events to sectarian needs, it follows the best of our traditions. For it then respects the religious nature of our people and accommodates the public service to their spiritual needs."

But the *Lemon* test misdirects the inquiry, causing lower courts and public officials to strike down reasonable accommodations of religion because they mistakenly believe the First Amendment requires secularism and strict separation of church and state.

Under the *Lemon* test, the lower courts focused on the facts the school district followed the city limits of the municipality called Kiryas Joel Village and only Hasidic Jews currently live in the village. This meant only Hasidic Jews would likely serve on the school board. But a school board is not illegal just because all the members happen to share a religious viewpoint. Certainly a policy which excludes religious persons from holding public office would be unconstitutional. That was decided by the Court in *McDaniel v. Paty* (1978).

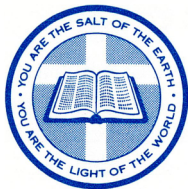
The *Lemon* test gets its name from the 1971 case of *Lemon v. Kurtzman* and contains three prongs by which lower courts and public officials were to evaluate state action which was challenged under the First Amendment as

an "establishment of religion." The test first asks: Is the primary purpose of the state action secular? Second, is the primary effect of the state action either to advance or to inhibit religion, or to favor religion over irreligion? Third, does the state action foster excessive government entanglement with religion?

A number of recent Supreme Court cases have held "the government may [and sometimes must] accommodate religious practices . . . without violating the Establishment Clause."

The CLC brief quotes former Chief Justice Warren Burger, who authored the *Lemon* test, as saying: "The course of constitutional neutrality in this area cannot be an absolutely straight line. . . . there is room for play in the joints productive of a benevolent neutrality . . ." (*Waltz v. Tax Commission*, 1970). It is this principle which the CLC urges the Court to restore to its proper and fundamental place in religion clause jurisprudence.

The CLC-recommended test would uphold "state action" which "allows or accommodates independent religious choices." Religious practices would be independent of state action if they "pre-existed state action" or derived from "private, family, church or community influences," rather than the state. State action must not provide preferential treatment for a particular religious practice and must not have the "demonstrable effect of inducing, coercing or distorting religious choice."



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