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REPORT from the Capital

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Report from the Capital (ISSN-0346-0661) is published 10 times each year by the Baptist Joint Committee. For subscription information, please contact the Baptist Joint Committee.

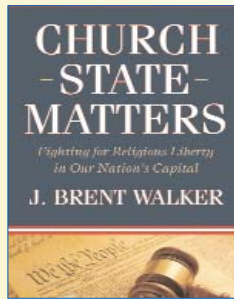


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Church-State Matters: Fighting for Religious Liberty in Our Nation's Capital



For nearly two decades, J. Brent Walker has fought to defend and extend religious liberty for all and uphold the wall of separation between church and state in our nation's capital.

In his new book, he articulates a cogent Baptist understanding of the importance of the First Amendment's religion clauses in protecting our God-given religious liberty. This collection of essays, speeches, sermons and congressional testimony provides a living history of the modern era the life of the Baptist Joint Committee, now in its eighth decade.

The book is available through Mercer University Press at www.MUPress.org, Amazon.com and most other online retailers.

What others are saying...

"No topic is as old for Baptists as religious liberty. No topic is as new for Baptists as religious liberty. It was relevant at the beginning and every step along the way. Brent Walker has done Baptists yet another service by compiling many of his articles, speeches and testimonies between covers in Church-State Matters. The collection is valuable for the general reader as well as for ministers and teachers who need illustrations on the subject. It should be on every Baptist's bookshelf."

—Fred Anderson, executive director of The Center for Baptist Heritage & Studies

"At a time when strident voices seek to monopolize public debate and hold themselves out as the only truly authentic 'Christian' voice, I can only say amen to Brent Walker. Brent reminds us that when religious groups speak to power, they should insist that government uphold the constitutional guarantees for all Americans. Church-State Matters is a powerful credo that will speak to many Americans."

—Rev. Barry Lynn, executive director of Americans United for Separation of Church and State

"This book is a superb compilation of great stuff. Interesting facts, illuminating history, and insightful analysis (with which I happen to agree) all rolled into one. This is a great contribution to the country's constitutional and religious trove."

— Oliver "Buzz" Thomas, executive director of the Niswonger Foundation and former Baptist Joint Committee General Counsel

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REPORT

from the Capital

Alabama governor says churches, not state, must rehab prisoners

MONTGOMERY, Ala. — Gov. Bob Riley on May 20 asked Alabama churches to shoulder the burden of caring for newly released inmates, saying the state lacks the flexibility and funds to help them successfully re-enter society.

Leaders from churches and charitable groups were asked to provide a wide range of services to former inmates, including employment assistance, housing, clothing, health care and cash.

Riley said the state's churches can rise to the challenge just as they do in response to natural disasters such as hurricanes.

"If we can motivate the faith-based community in the state the way we do during an emergency, then we can make a difference," Riley said to a group of about 500 people, mostly religious leaders.

Bill Johnson, director of the Alabama Department of Economic and Community Affairs, said the state releases 11,000 inmates a year and is not capable of providing the services necessary to help them readjust. Even if the state had the funds, such programs are not popular with taxpayers, he said.

The state will provide no direct funds to the program, called the Community Partnership for Recovery and Re-entry, but will coordinate the efforts of the churches and other volunteer groups.

"We're admitting we can't solve the problem," Johnson said.

At a meeting that vacillated between policy seminar and revival, Deborah Daniels, state director of the Prison Fellowship Ministry, drew a chorus of

"amens" when she said faith is a necessary component of rehabilitation.

"We allowed government to come in and take over what God's people are supposed to do," she said. "We talk

about crime. But crime is sin. Apart from God, every child is troubled."

Vickie Locke, director of the new state program, told potential participants that they have an advantage operating outside of government. If a church wants to buy a car for a newly released inmate who lacks transportation, it can do so, she said. Government has to provide cookie-cutter solutions to sometimes



complex problems.

In a written program overview distributed to religious leaders, the state suggested 80 ways churches can help, including everything from financial counseling to cash for emergencies. They also could mentor former inmates, provide day care for their children, and help them write resumes.

Alex Luchenitser, senior attorney with Americans United for Separation of Church and State, said it is too soon to know whether the program will raise constitutional issues. But if the state government's involvement with the program ends with referring inmates to churches, then it likely would pass constitutional muster.

"There's certainly nothing wrong with religious charities providing care for inmates and recently released inmates," he said.

Newsletter of the Baptist Joint Committee

Vol. 63 No. 6

June 2008

INSIDE:

- ☐ Reflections3
- ☐ Book reviews4
- ☐ Hollman Report6
- ☐ News7

Breaking up is hard to do

After a 25-year love affair between religion and politics, who would've thought it would come to this? In Election 2008, to the surprise of many pundits, religious leaders and politicians appear to be going their separate ways.

Frankly, it's about time. America has too many brands of spiritual beliefs for religion to play a leading role in its politics.

This intertwining of the two was never a match made in heaven. As marriages of convenience go, however, it was a beauty.

From Ronald Reagan to George W. Bush, religious conservatives have been able to influence national elections in their and the Republicans' favor, while at the same time forcing the Democratic Party to reassess its core values and change the way it attracts voters.

With the cooperation of politicians vying for their influence, activist religious leaders got the kind of judges they wanted on the Supreme Court.

And yet, in this year of sweeping political change, presidential candidates have been embarrassed as much as they've been helped by preachers, and Americans seem less fixated on politicians' religious beliefs than they used to be.

I say good riddance to this failing marriage and also to pastors who preach hatred and bigotry, whether it's the Rev. Jeremiah Wright invoking God's damnation on America or the Rev. John Hagee dredging up the old "whore of Babylon" moniker for the Catholic Church.

Breaking up is hard to do, however, so for those who insist on trying to mingle religion and politics, how about at least agreeing to some ground rules? Such as:

— Neither pastors nor politicians should assign blame, responsibility or culpability to God for cataclysmic events here on Earth. This would include (but would not be limited to)

Hurricane Katrina, the Holocaust and the earthquake in China. To be safe, why not eschew all sentences that begin with "The reason God did this ..." or "God let this happen because ..."?

— Meanwhile, smart pastors and politicians will preach every sermon and make every political observation as though the whole world is watching. It pretty much is, from here on out.

Thanks to camera phones, other electronic devices and the evolution of the Internet, someone is always poised to post video of embarrassing utterances on YouTube.

— An unfortunate side effect of being so acutely aware of our "connectedness," however, is that it tends to stifle spontaneity, without which politicians and preachers are rendered humorless.

In the hands of a skillful speaker, humor is a gift that can help people appreciate life and one another. Heaven help us if we allow it to be eliminated from our political and spiritual discourse.

For that matter, heaven help us if we were to overreact and try to ban God from our civic lives. It's desirable for Americans to promote a moral foundation for their nation's conduct, and natural for people of faith to work for the betterment of society.

But whenever religion and politics are intimately involved, neither is well-served.

Bottom line: Like parties in an amicable divorce, these two get along best when they're in a friendly yet hands-off relationship. Each side can keep its independence while sharing common goals with the other.

So let the breakup proceed, and let our nation be better off because of it.

— Frances Coleman is a columnist for *The Press-Register in Mobile, Ala.* (via RNS)



Sen. Barack Obama (l) pictured with his former pastor, the Rev. Jeremiah Wright. RNS photo

Motivation, expectations matter in church dilemma

As part of the *Newsweek/Washington Post* online conversation "On Faith," J. Brent Walker posted this response to the question, "Should Barack Obama have resigned from his church?"



Only Sen. Obama and his family can make that decision. If he believes he no longer can worship at Trinity United Church of Christ in good conscience and needs to find a new church home, that's his call. But I hope he does not feel impelled to resign his church membership for political reasons alone.

In the spirit of the no religious test clause in Article VI of the Constitution, we should give our candidates for president (and other offices) a lot of leeway in determining where they worship and who their spiritual leaders will be. It is wrong, through guilt-by-association tactics, to strap a candidate with isolated, out-of-context statements of preachers. All the more in the case of a former pastor (Rev. Wright) and a visiting

On Faith blog post

preacher (Fr. Pfleger) at a time when Sen. Obama was not even present.

I have been a member of seven Baptist churches led by 12 pastors. Every one of them has said in sermons and written in articles things I disagree with — sometimes vociferously. If a preacher is doing his or her job — preaching prophetically much of the time — their words can be controversial and sometimes outrageous. That does not mean that I embrace everything I heard or vitiate their spiritual tutelage in my life. It also does not mean I leave the church every time something controversial is spoken from the pulpit.

The same is true of Sen. Obama. He emphatically has repudiated the inflammatory remarks made from the pulpit of his home church. However, to make him suffer a political penalty unless he denounces the person and changes his church membership is to expect too much. By the way, the same would go for Sens. Clinton and McCain.





J. Brent Walker
Executive Director

John F. Kennedy's church-state legacy

In this presidential election year, we continue to debate and strain to divine the proper blending of religion and politics. How do we: (1) uphold the institutional separation of church and state, (2) affirm the relevance of religious ethics to public policy and (3) honor the ban on religious tests in Article VI of the Constitution, all at the same time? Voters have had to confront the issue of Gov. Romney's Mormonism and have been confounded by the curious specter of Democratic presidential candidates who seem more comfortable talking about their faith than the presumptive Republican nominee. We also have grappled with the guilt-by-association tactics involved in seeking to strap candidates with preaching and endorsements of pastors and other clergy.

It is helpful to remember that the issue of a candidate's religion arose most prominently in modern American political history in the 1960 presidential campaign of John F. Kennedy and questions about his Catholicism.

In his new book, titled *Counselor*, Ted Sorenson regales us with that religion controversy more than a half century ago. Sorenson, of course, was a Kennedy adviser, confidant and speech writer from JFK's early days in the Senate through the end of his presidency.

In this fascinating memoir, Sorenson tells us that religion — not Kennedy's youth and inexperience — was deemed to be his chief obstacle to election. Many regarded him as squishy on church-state separation and feared that, if elected president, he would be a pawn of the Pope. As a result, unlike many candidates today who want to emphasize the importance of faith in their lives and its influence in their public service, Kennedy wanted to downplay it.

Kennedy gave two speeches in the campaign to affirm his support for church-state separation and to disavow any allegiance to the Catholic hierarchy that would supersede his commitment to defend the Constitution. The more famous of these speeches was his address to the Houston Ministerial Association (including many Baptists preachers) in September 1960. In that speech, the Catholic candidate took the opportunity to state the importance of "not what kind of church I believe in, for that should be important only to me — but what kind of America I believe in."

Kennedy then opined:

I believe in an America where the separation of church and state is absolute — where no Catholic prelate would tell the President ... how to act, no Protestant min-

ister would tell his parishioners how to vote ... and where no man is denied public office merely because his religion differs from the President who might appoint him or the people who might elect.

Kennedy went on to say:

I would not look with favor upon a President working to subvert the First Amendment's guarantees of religious liberty....[N]either do I look with favor upon those who would work to subvert Article VI of the Constitution by requiring a religious test — even by indirection — for it.

Less known and appreciated was Kennedy's speech earlier that year just before the West Virginia primary to the American Society of Newspaper Editors. In that speech he said:

I want no votes solely on account of my religion. Any voter, Catholic or otherwise, who feels another candidate would be a superior President, should support that candidate ... there is only one legitimate question: would you, as President of the United States, be responsible in any way to ecclesiastical pressures or obligations that might ... influence or interfere with your conduct of that office? I answer that 'No.'

According to Sorenson, and history confirms, that despite these articulate expressions of Kennedy's views, the religion question persisted through the end of the campaign.

Kennedy also spoke out on specific church-state issues. He made clear his opposition to public aid for religious schools. He also opposed the appointment of an ambassador to the Vatican (something even Baptist president Harry Truman tried to do). Finally, Kennedy was measured in his reaction to the school prayer case in *Engel v. Vitale* in 1962, at least when compared to the vociferous reaction to the Court's decision around the country.

"...Unlike many candidates today who want to emphasize the importance in faith in their lives and its influence in their public service, Kennedy wanted to downplay it."

Continued on page 7

SUMMER BOOK REVIEWS

Founding Faith:

Providence, Politics, and the Birth of Religious Freedom in America

Reviewed by J. Brent Walker

For the past quarter century, the illusive “original intent” of our founders and their degree of religiosity has been debated in the public square with unrelenting vigor. This argument has been accompanied by a spate of books, mostly over the past 10 years, discussing the topic and often taking one side or the other. Steven Waldman’s new book, titled *Founding Faith: Providence, Politics, and the Birth of Religious Freedom in America*, is a welcomed contribution to that dialogue.

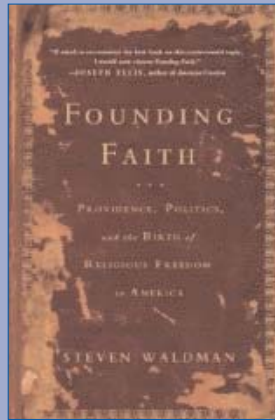
The inquiry usually is surrounded by a debate over whether the founders (all or mostly) were evangelical Christians or whether they (all or mostly) were deists. It also addresses whether this country was intended to be a Christian nation or a secular republic. Waldman, editor-in-chief of beliefnet.com, adopts a more nuanced view, shorn of an obvious ideological agenda, more in the tradition of Jon Meacham’s *American Gospel*, published in 2006.

Waldman aims to tell the story of the birth of religious freedom in this country by looking at five founders: Benjamin Franklin, John Adams, George Washington, Thomas Jefferson and James Madison. His focus is not just on their religious beliefs and practices, but on “how their spiritual journeys might have influenced their approach to religious freedom.” Each of these founders was considerably different in terms of their religious experience and their views on church and state, and all of them changed their views over their long lives.

Of particular interest to the readers of this publication, Waldman gives Baptists their due perhaps more than any other commentator (besides me). John Leland, and to some extent Isaac Backus, is woven throughout the narrative.

Waldman tells the story about the half ton of cheese that Leland had made to give to Thomas Jefferson in gratitude for his commitment to liberty (See the chapter in my new book, *Church-State Matters*, titled “Jefferson’s Wall and Cheshire Cheese”). Waldman recounts the lobbying efforts by Leland to convince James Madison to seek a bill of rights containing religious freedom protections, as well as their famous meeting outside Orange County, Va., where the deal was struck. He also chronicles the Baptists’ opposition to Patrick Henry’s attempt to fund religion with tax dollars and support for Madison’s “Memorial and Remonstrance Against Religious Assessments” that helped scuttle Henry’s misguided proposal. Finally, but importantly, Waldman understands that Madison was convinced of the need for religious liberty protections, not so much by Enlightenment principles, as by the witness of the widespread persecution of Baptist preachers in Virginia.

Waldman begins and ends his book by outlining and then dispelling common myths about our founders and their religion and commitment to religious freedom. These are not unlike my own which can be found on the church-state separation resources page of the BJC’s Web site, www.BJConline.org. For example, Waldman explodes the so-called “liberal fallacy” that “most founding fathers were deists or secular,” as well as the “conservative fallacy” that says “most founding fathers were serious Christians.” He critiques the common assertion that “the Constitution demanded strict separation of church and state throughout the land” (including the states), as well as the misunderstanding that “separation of church and state is a twentieth



By Steven Waldman
Random House
2008, 304 pages

So Help Me God:

The Founding Fathers and the First Great Battle Over Church and State

Reviewed by Marc A. Jolley, Director, Mercer University Press

The earliest battles over church and state in the United States are old hat. It takes a good writer with a particular perspective to make the story both fresh and readable. Forrest Church has done just that.

The book is organized chronologically by the first five presidents: Washington, Adams, Jefferson, Madison and Monroe. Church looks at the religious faith or beliefs of each of these men in the context of the Colonial era. While their faith is not what any of us were taught in grade school or in Sunday school, Church assesses their religious natures in a lucid narrative. That Washington, Jefferson and Madison were deists or perhaps theists is explained clearly. Adams was a “church-going animal” yet he was a liberal. And Monroe was an inch short of being an atheist.

In the beginning, the church and state were near inseparable. How they were separated (at least in theory) is the story of this book, and that story is best seen, according to Church, through the first five presidential administrations.

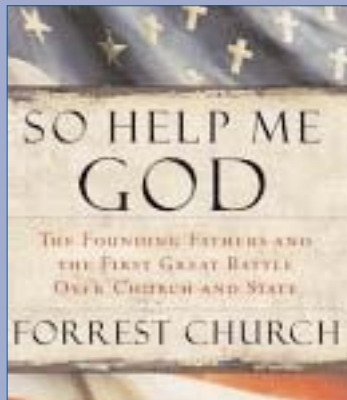
While Washington was everyone’s hero, he was no pure Christian. In fact, he rarely ever mentioned the name of Jesus in any of his own writing. His chief goal was freedom and independence. Adams may have been a “church-going animal” but he is responsible for strong language that attempted to put Christianity in its place early in the Treaty of Tripoli: “As the Government of the United States of America

is not in any sense founded on the Christian Religion... .”

Jefferson and Madison’s stories are well known. But the story of how the Bill of Rights came about is often overlooked in most histories. Jefferson is credited with erecting a wall of separation, and Madison is credited with crafting the Bill of Rights. Church makes sure his readers know, however, that both of these foundational ideas and texts are the product not of just Jefferson and Madison, but of the influence of Baptists like John Leland and the Baptists of Virginia. Without Baptists fighting for religious liberty the Bill of Rights may not have been written and the wall may have been erased from memory. But the wall stands and it stands by the fighting spirit of Colonial Baptists.

Finally, Church’s chapter on James Monroe is critical. Usually Monroe is not discussed much in terms of Church and State. But the Monroe doctrine, according to Church, is the idea that “put the United States publicly on record against imperialism and in favor of self-determination” (p. 408).

The real story of the separation of church and state, however, is rooted not in presidential narratives as much as in Baptist history. This story is told only briefly by Church. Still, this is a wonderful read. The full story on the separation, however, remains to be written. To the reading public, though, the sordid stories of the founders is more appealing. Church appeals to them directly, and he does it well.



By Forrest Church
Harcourt
2007, 544 pages

century invention of the courts.”

Breaking down these myths is a helpful effort on Waldman’s part, although by pitting the two against one another he tends to suggest that they are of equal weight. This is misleading. I think the record is clear that the religious right is engaged in a lot more historical revisionism than is the secular left.

Waldman concludes his introduction by positing

his fundamental principle: “The Founding Faith, then, was not Christianity, and it was not secularism. It was religious liberty — a revolutionary formula for promoting faith by leaving it alone.”

This book deserves your careful attention. How could it not when the author’s primary heroes are James Madison and John Leland!



K. Hollyn Hollman
General Counsel

Recent news stories highlight limits of religious liberty

There's been a glut of bad religion stories in the news lately. You've no doubt read about alleged child abuse and polygamy among members of the Fundamentalist Church of Jesus Christ of Latter Day Saints (FLDS) in Texas and the deaths of children whose parents chose to treat them solely with prayer instead of medicine in Oregon and Wisconsin.

These stories are disturbing, both legally and spiritually, and some people have asked us about their First Amendment implications. While faith inspires much that is good in society, it also inspires acts that are harmful and even deserving

of criminal prosecution. As individuals invested in America's strong tradition of religious liberty, we must acknowledge the limits of free exercise and struggle with difficult cases. Figuring out when and how religion makes a legal difference in tough cases is no easy task, but I'd like to share a few general observations.

First, we should recognize that neither the First Amendment nor legislation protecting the free exercise of religion provide a blanket religious exemption from governmental actions to safeguard health, welfare and safety. One's religious liberty should not be invoked to trample the rights of others or cause physical harm; there must be limits to our freedom. While government should not take sides in purely religious matters or interfere with religious practices, certain public interests — such as protecting children from harm — can, will and should override private religious decisions. When there is evidence of harm to children, for example, the religious liberty arguments of parents rarely prevail. As supporters of the BJC know, in cases involving the Free Exercise Clause and statutes such as the Religious Freedom Restoration Act, courts must evaluate the burden on religious belief, the sufficiency of the governmental interest at stake, and the manner by which the government pursues its interest. Child safety is undoubtedly an important governmental interest, and no claims of constitutional protection — whether based upon religion or parental rights — will prevent legal accountability for harm to children.

Second, and equally important, we should recognize that our discomfort with religious groups different from ours can cloud our judgment. Even without allegations of child abuse, polyga-

mist communities garner little sympathy. It is hard to see such a different way of life as informed by religion in ways that we respect. The First Amendment and other religious freedom guarantees, however, protect religious belief, expression and practice without regard for a religion's size, familiarity or popularity. Disapproval of a certain faith does not justify treating its adherents more harshly under the law. It is not by accident that many landmark cases protecting religious freedom for all involve religious groups that exist on society's margins.

Third, given the inherent difficulty of sorting out rights and evaluating threats in an unpopular, insular community or investigating the death of a child, we should recognize the critical importance of an independent judiciary and fair legal process. The Texas case reveals the state's broad authority to intervene in significant ways, such as by restricting movement and compelling cooperation with investigations. But the order to separate more than 400 children from their mothers is a harsh measure that two Texas courts have found was too broad. Furthermore, the media's focus on governmental overreaching threatens to obscure the seriousness of the abuse allegations. The story will continue to unfold and a host of lawyers and child and family advocates will argue about how the state's and children's interests should be pursued as children are returned to their mothers. Criminal charges may yet be filed. The seriousness of the case demands a careful consideration of actual harm, potential risks, and appropriate remedies.

It is, no doubt, hard to talk about religious freedom when it means protecting those who hold beliefs different from ours. It is even harder when we fear religious liberty may be abused to deprive individuals from making clear religious choices for themselves or to harm children. Regardless, laws must be applied without fear or favor. Cases dealing with the rights of unpopular religious groups, family autonomy, and harm to children underscore the importance of an independent judiciary sensitive to particular circumstances of individual cases. As beneficiaries of religious freedom protections, we must insist that the law treat all people with fairness, regardless of religion. We know that our religious freedom under the law is connected to the amount we are willing to give to others.

“Disapproval of a certain faith does not justify treating its adherents more harshly under the law.”

Story continued from page 3

Kennedy on church and state

According to Sorenson, Kennedy responded to a question about the case in a news conference: "We have in this case a very easy remedy that [w]e can pray a good deal more at home."

Sorenson concludes his chapter on Kennedy's religion by observing an ironic twist of history: many conservative Protestants who opposed Kennedy and his Catholicism relying on the separation of church and state to make their case are the same ones, more than a half century later, who are trying to infuse religion into the public square and tear down the wall of separation for their own political benefit.

Although for personal and political reasons Kennedy arguably may have embraced church-state separation in too stark and absolutist a way, it does us good to recall what he said and, in addition to appreciating his (and Sorenson's) elegant prose, it serves as a counter-balance to those today who would do just the opposite — make religion a virtual obligatory handmaiden in our political process.

Former Intern Spotlight

Fall 1990 intern is N.C. college instructor

Anthony Petty, who interned with the Baptist Joint Committee in 1990, teaches at Wake Technical Community College in Raleigh. He has also been an adjunct instructor at Campbell University.

Petty earned a Bachelor of Arts in political science from Appalachian State University and a Master of Arts from North Carolina State University.

Previously, Petty served on the staffs of former Gov. Jim Hunt, the North Carolina Commission on Volunteerism and Community Service, former Sen. John Edwards and the North Carolina Center for Nonprofits.

Petty grew up in Raleigh and now lives in nearby Wake Forest with his wife, Carolyn, and their two children, Allison and Tommy. He is a longtime member of First Baptist Church of Raleigh, where he has served as a deacon, a Sunday school teacher and in other leadership capacities.

Are you a former BJC intern? Tell us what you've been up to since leaving the BJC. Include personal information, as well as your academic background. Please send us an e-mail and a picture to Phallan Davis at pdavis@BJCOnline.org.



Petty

Two summer interns begin work at the Baptist Joint Committee

The Baptist Joint Committee welcomes Charlie

Hudson and Andrew Shumate as its summer interns.

Charlie Hudson is a senior at the University of North Carolina at Greensboro where he is majoring in liberal studies.



Hudson



Shumate

A native of Montgomery County, N.C., he is the son of Bill and Yvonne Hudson.

Andrew Shumate, from Bluefield, W. Va., is a senior history major at Bluefield College, a private Baptist college near the Virginia-West Virginia state line. Shumate was elected Student Body President for 2008-2009.

He is the son of Ron and Michelle Shumate.

Chicago cardinal suspends priest at center of Clinton flap

Five days after muzzling the priest who mocked Sen. Hillary Clinton, Cardinal Francis George on June 3 suspended the Rev. Michael Pflieger and told him to "reflect on his recent statements and actions."

"I have asked Father Michael Pflieger, pastor of St. Sabina's Parish, to step back from his obligations there and take leave for a couple of weeks from his pastoral duties, effective today," George said. "Father Pflieger does not believe this to be the right step at this time.

"While respecting this disagreement, I have nevertheless asked him to use this opportunity to reflect on his recent statements and actions in the light of the Church's regulations for all Catholic priests."

Pflieger, who is white, apologized Sunday after a May 25 speech at Sen. Barack Obama's former church in which he said Clinton cried on the campaign trail because "there's a black man stealing my show."

Last week, George ordered Pflieger to abstain from partisan politics and the outspoken priest agreed to "not publicly mention any candidate by name" through the November elections.

In an interview with *The Chicago Sun-Times*, Pflieger said he disagreed with George that "as a Catholic priest, I'm not allowed to publicly support a candidate. I said my understanding was that, as an individual, I can support anyone I want."

Nevertheless, Pflieger said he consented to the cardinal's decree because "I did not want to create another distraction for him or for Barack." Pflieger said he did not think his remarks at Trinity United Church of Christ were being recorded.

Asked if he was in jeopardy of being removed from his longtime pulpit at St. Sabina's, Pflieger said, "Because of the hierarchical nature of the archdiocese, I think you're always serving at the discretion of the cardinal."

— RNS