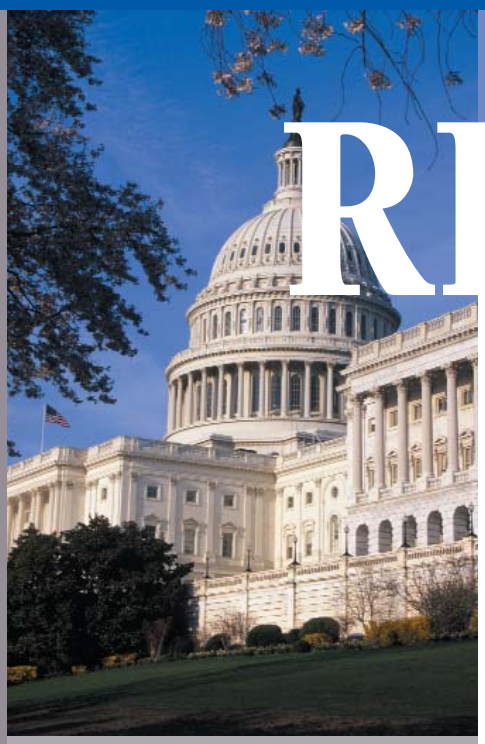

REPORT from the Capital

Newsletter of the
Baptist Joint Committee

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March 2005

INSIDE:

Supreme Court hears arguments in Ten Commandments cases

The justices of the Supreme Court waded cautiously March 2 into one of the nation's most controversial issues: Whether, and how, governmental displays of the Ten Commandments can ever be constitutional.

Hearing oral arguments in two cases, the justices grappled with the complex and emotional issues surrounding proper interpretation of the First Amendment's Establishment Clause, which prohibits laws "respecting an establishment of religion."

The cases stem from conflicting decisions in lower courts on Ten Commandments displays at the Texas Capitol building in Austin and in a pair of Kentucky courthouses.

Texas Display

"I think probably 90 percent of the American people believe in the Ten Commandments and that 85 percent of them probably couldn't tell you what the 10 are," said Justice Antonin Scalia during arguments on the Texas case, *Van Orden vs. Perry* (03-1500). "It's a symbol of the fact that government derives its authority from God."

BJC General Counsel K. Hollyn Hollman speaks to reporters from the steps of the Supreme Court on March 2.

But Duke University law professor Erwin Chemerinsky, representing the Austin man suing to have a six-foot stone depiction of the commandments removed from the Texas Capitol grounds, said the Decalogue is much more than a symbol.

The Texas display "conveys a profound religious message. ... It is the most powerful, devout religious message that this court has ever considered," he said. "This is God dictating to God's followers the rules of behavior."

Thomas Van Orden, a homeless man and former attorney, sued the state of Texas to have the monument removed from its spot between Texas' Capitol and Supreme Court buildings. The 5th U.S. Circuit Court of Appeals upheld the display.

Texas Attorney General Greg Abbott, defending the monument on the state's behalf, said the Decalogue "is an historic, recognized symbol of law" and that the central theme of the various monuments on the Texas Capitol grounds—including war memorials and a tribute to pioneer women—"is to recognize historical influences."

But Chemerinsky argued that the monument cannot be viewed as simply a secular display about history, because it begins with the words, "I am the Lord thy God. Thou shalt have no other gods before Me."

Previous Supreme Court decisions require that governmental references to religion have some secular purpose, such as the teaching of history, behind them or be so minimal or generic in their religious content as to be insignificant. But Scalia repeatedly said that arguing the Ten Commandments were not deeply religious in nature was unnecessary and disingenuous.

"If you want … to say that it only sends a secular message, I disagree with you," he told Abbott at one point. Later, he added, "I really consider it something of a Pyrrhic victory if you win on the grounds of your argument."

Scalia agreed that the message of the commandments is religious in nature but that the First Amendment's original intent allowed such displays if erected by elected officials. "It's a profound religious message, but it is a profound religious message believed by a profound majority of the ⇨

⇨American people. ... The minority has to be tolerant of the majority view that government comes from God."

Justice Anthony Kennedy assailed the "obsessive concern with any mention of religion" represented by Van Orden's case, and said singling out a religious monument on the Texas Capitol grounds for removal could be seen as "hostility to religion."

Chemerinsky replied, "Enforcing the Establishment Clause is not hostility to religion."

Kentucky Displays

In the second case, *McCreary County, Ky., vs. ACLU* (03-1693), a divided panel of the 6th U.S. Circuit Court of Appeals found in late 2003 that much newer Ten Commandments displays in courthouses in two different Kentucky counties violate the First Amendment. The lower courts said the displays were not erected with a sufficiently secular purpose and that they appeared to endorse religion, even though they had later been modified to incorporate legal and historical documents other than the commandments.

Abbott

Chemerinsky

Officials in Kentucky's McCreary and Pulaski counties initially placed only framed copies of the Protestant King James version of the commandments in their courthouses. Local residents sued the counties, with the help of the American Civil Liberties Union of Kentucky, for violating the Constitution's Establishment Clause.

In response, the county commissions passed resolutions instructing officials to "post the Ten Commandments as the precedent legal code upon which the civil and criminal codes of the Commonwealth of Kentucky are founded." They then modified the display, adding several other documents—beside and smaller than the framed Decalogue—that purported "to demonstrate America's Christian heritage." They included an excerpt from the Declaration of Independence, a proclamation by late President Ronald Reagan declaring 1983 the "Year of the Bible," and the Mayflower Compact.

A federal court also found the modified displays unconstitutional, and the counties—after getting new attorneys—again altered their displays to include several other documents of patriotic or historic legal nature, including lyrics to the "Star-Spangled Banner" and a picture of Lady Liberty. The third version of the displays also included an explanatory text that said, "The Ten Commandments provide the moral background of the Declaration of Independence and the foundation of our legal tradition."

That display too was ruled unconstitutional. In the March 2 oral arguments, justices' questions on the case centered on whether the apparently non-secular purpose behind the original display still makes the third display unconstitutional.

These cases mark the first time since 1980 that the high court has dealt with the issue of the Ten Commandments on government property.

The Texas and Kentucky cases provide an opportunity for the justices to break new ground in legal definitions of what sort of religious displays can be allowed on government property.

One obvious reminder of the confusion over the Decalogue's role in American public life hung over the very room where it was being debated. The frieze—a molding depicting figures—high atop the south wall of the courtroom includes a depiction of Moses, carrying tablets emblazoned with numerals and words in Hebrew, alongside several other historical lawgivers. Among them are Confucius, Mohammed, Napoleon Bonaparte, Caesar Augustus and former Chief Justice John Marshall.

Louisville attorney David Friedman, arguing the ACLU of Kentucky's case, contrasted what he considered the frieze's constitutionality with the McCreary County display.

Justice Ruth Bader Ginsburg, referencing a friend-of-the-court brief filed by the Baptist Joint Committee for Religious Liberty and other groups, wondered aloud if the justices might draw the line on such displays where that brief advocates—at considering all governmental displays that include the religious text of the Ten Commandments "presumptively" unconstitutional.

At a press conference on the Supreme Court's plaza following the arguments, BJC General Counsel Hollyn Hollman explained why the group advocated drawing that line. "The abundance of religion we have in this country is not because we have government-sponsored religious displays. It's because of religious freedom."

—By Robert Marus, Associated Baptist Press

Federal court rules in favor of AmeriCorps faith-based program

In a unanimous decision March 8, the U.S. Court of Appeals for the District of Columbia Circuit ruled that the AmeriCorps program's inclusion of grants for individuals teaching at religious schools is constitutional, overturning a district court ruling. AmeriCorps, or the Corporation for National and Community Service, allows its teachers to lead religious lessons in sectarian schools.

"The government does not promote religion in violation of the Establishment Clause when it reimburses all grantees, religious and secular alike, for a portion of the costs they incur in complying with the requirements of the AmeriCorps program," concluded Circuit Judge A. Raymond Randolph.

Marc Stern, general counsel for the American Jewish Congress, which filed suit against the corporation in 2002, said his organization may appeal the case.

"It's clearly a victory for the president's program, but it's a troublesome one," Stern said in an interview. "The question is, can the government pick up the salaries of people teaching religion in Catholic schools?"

AmeriCorps officials said some of the $4,725 awards were used for work in religious schools but any religious instruction was separate from the AmeriCorps service of the program participants and did not count toward service-hour requirements.

—RNS and staff reports

REFLECTIONS

J. Brent Walker
Executive Director

Monkey laws evolve into new debate

Debate about whether and how to teach evolution in the public schools continues to rage 80 years after the Scopes "Monkey" trial in Tennessee. And the debate itself keeps evolving.

In 1928 Arkansas passed its own law banning the teaching of evolution in its public schools. A high school biology teacher, Susan Epperson, challenged the law as an unconstitutional establishment of religion. Overturning the decision of the state's Supreme Court, the U.S. Supreme Court ruled unanimously that she was right. Justice Abe Fortas, delivering the opinion of the Court, wrote, "There is and can be no doubt that the First Amendment does not permit the State to require that teaching and learning must be tailored to the principles or prohibitions of any religious sect or dogma." The Court concluded that Arkansas had tried to keep teachers from teaching evolution because it was against the belief of some that Genesis was the exclusive source of teaching on the origin of human beings. *Epperson v. Arkansas*, 393 U.S. 97 (1968).

After this case was decided, Louisiana passed a "Balanced Treatment Act" that said if the schools teach evolution, they must also teach "creationism." The Supreme Court also struck down this law, this time by a 7-2 decision. Justice William Brennan, writing for the Court's majority, wrote that "the Creationism Act is designed *either* to promote the theory of creation science which embodies a particular religious tenet by requiring that creation science be taught whenever evolution is taught *or* to prohibit the teaching of scientific theory disfavored by certain religious sects by forbidding the teaching of evolution when creation science is not also taught." The Court concluded that the "legislative history documents that the Act's primary purpose was to change the science curriculum of public schools in order to provide persuasive advantage to a particular religious doctrine that rejects the factual basis of evolution in its entirety." *Edwards v. Aguillard*, 482 U.S. 578 (1987).

In the aftermath of the Court's clear ruling that evolution cannot be banned and, where evolution is taught, creationism cannot be required, opponents of evolution adopted other strategies.

Some have advocated the use of disclaimers placed inside the front cover on state-approved textbooks. The school board in Cobb County, Ga., required one of these stickers to be included in new biology textbooks, stating that "evolution is a theory, not a fact" and that "the material should be approached with an open mind, studied carefully, and critically considered." In a case brought to challenge this disclaimer, a federal judge ruled that the disclaimer was unconstitutional as an endorsement of a religious view that the world was created by God. *Selman v. Cobb Co.* (2005). The case is now on appeal.

To declare that evolution is only a "theory" suggests that it is a mere hunch, when actually the overwhelming scientific community endorses it. And, to single out evolution for critical scrutiny ignores the fact that every area of scholarly inquiry should be approached the same way. Both disparage the concept of evolution.

Over the past several years advocates of "intelligent design" have come to the fore of debate. (See Larry Hudson's fine piece about the ID movement on pp. 4-5.) As he points out, those who espouse intelligent design say that nature is so complicated that one must infer a designer of some sort. Proponents conclude that life as we know it could not have possibly developed through natural selection. Although advocates of ID do not name the designer (i.e., "God"), there is little doubt that the movement represents a roundabout way of advancing a creationist agenda.

To single out only evolution for critical scrutiny ignores the fact that every area of scholarly inquiry should be approached the same way.

A county in Pennsylvania has become the first to formally push the teaching of intelligent design. Parents in Dover, Pa., filed suit last December to seek to bar the district from teaching intelligent design. The case, *Kitzmiller v. Dover Area School District*, has not yet been decided. As supporters of intelligent design seek to have it taught in school districts across the country, the Pennsylvania decision will prove to be a powerful precedent.

All of this is to say it is constitutionally impermissible to teach religion in guise of science in the public schools. But that's not to say creationism and intelligent design should be ignored in the public schools. These could be taught in an appropriate context—such as a comparative religion course examining various theories of origin or in a social studies class that teaches the controversy itself. Nor does it mean that evolution cannot be critiqued in science classes. But such critiques must be scientifically based and leveled by respected members of the scientific community. Finally, it does not mean that evolution and faith are mutually exclusive. Even the Pope has said they are not. People of faith who take the Bible seriously and respect good science quite comfortably embrace "theistic evolution."

A failure to adhere to these salutary principles and to appreciate these distinctions threatens to make monkeys of us all.

Religion and science: Is God a lab rat?

"What miraculous sign will you give that we may see it and believe in you?" (Jn 6:30)

Intelligent design (ID) proponents suggest that the tools of science can be used to find and explain signs in nature that are unnatural. They deny trying to sneak God into the science books because signs of biological design could also be due to a super-intelligent extraterrestrial, a visitor to earth long ago. The ID movement is not propelled by the burning desire to teach Johnny about a possible space alien, however; it is driven by a belief that the scientific theory of evolution is consistent with the view that life is godless and meaningless.

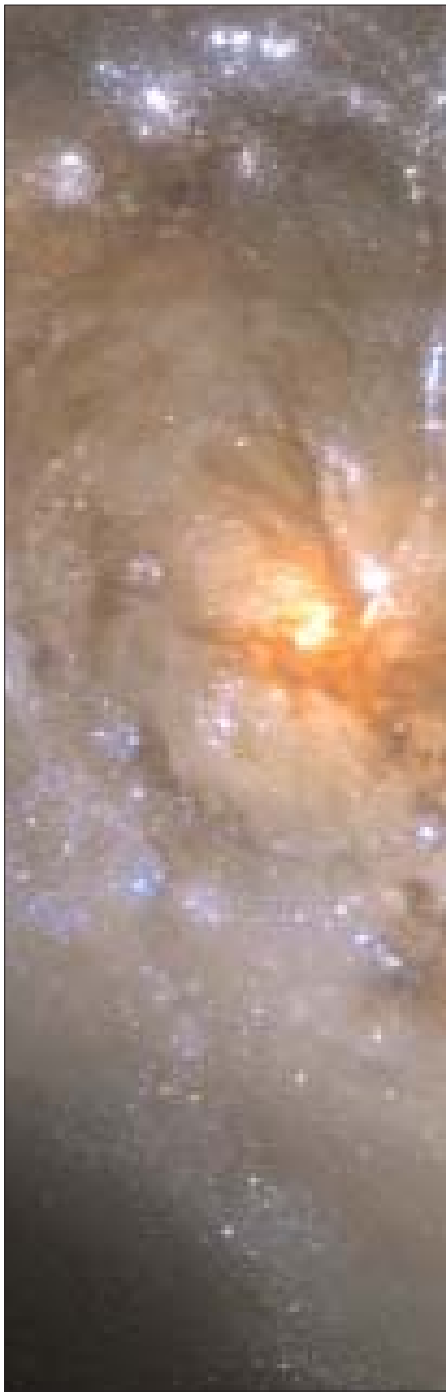
Both ID proponents and advocates of atheistic materialism attribute to science the power to make definitive truth claims on the question of theism. True science must decline to deal with this philosophical question. Science is only equipped to test and model the natural world and its processes. A common complaint from the ID movement is that science unfairly denies any supernatural explanation. Since science is the study of the natural, of course it does not admit supernatural explanations. Understand, though, that this is consistent with the scientific method; it is not a philosophical claim about ultimate reality. Rather than reflecting arrogance or unfairness toward other explanations, it is a reflection of the reach of science that is limited to the probing of natural and testable processes. To imbue science with the ability to probe the supernatural is to demote God to the status of a lab rat.

To imbue science with the ability to probe the supernatural is to demote God to the status of a lab rat.

Besides requiring belief in God for a passing grade in school, there would be theological consequences if the Judeo-Christian God were "discovered" by a scientific experiment. For example, the Bible teaches that God's greatest desire is not to convince persons of divine existence. What is sought is a relationship that is uncoerced, joyously authentic, and transforming of the person. All meaningful relationships are built upon more than intellectual assent; they are characterized by faith and self-giving love. Persons of faith have always found the glories of nature consistent with their belief in a generous God and a source of comfort and hope. This is far different from ID, which claims to have answered the question posed of Jesus, "What miraculous sign will you give that we may see it and believe in you?"

Are there not gaps in the explanations of science, and could not the Judeo-Christian God have miraculously filled those gaps? Yes, gaps will always exist in human knowledge about the workings of the natural world. This does not mean that a particular phenomenon is unexplainable; nor does it constitute evidence that any of the alternatives (of which ID is only one) are true. Subscribers to this "god-of-the-gaps" theology over the past few hundred years have worshiped an incredibly shrinking god, thanks to scientific advances. Twenty-first century scientists may well develop natural understandings of the two largest remaining gaps: the rise of life and the rise of the mind. As far as the development of the natural world is concerned, many persons of faith do not assume that God's role is that of direct designer. They tend to locate divine agency and design "in the beginning," in a Cosmic Designer that is responsible for fine tuning the natural laws and initial conditions that lead to the diverse and contingent world we enjoy, and suffer in, today. Is it not more impressive to create a world that in a sense creates itself?

It has been suggested that the Age of

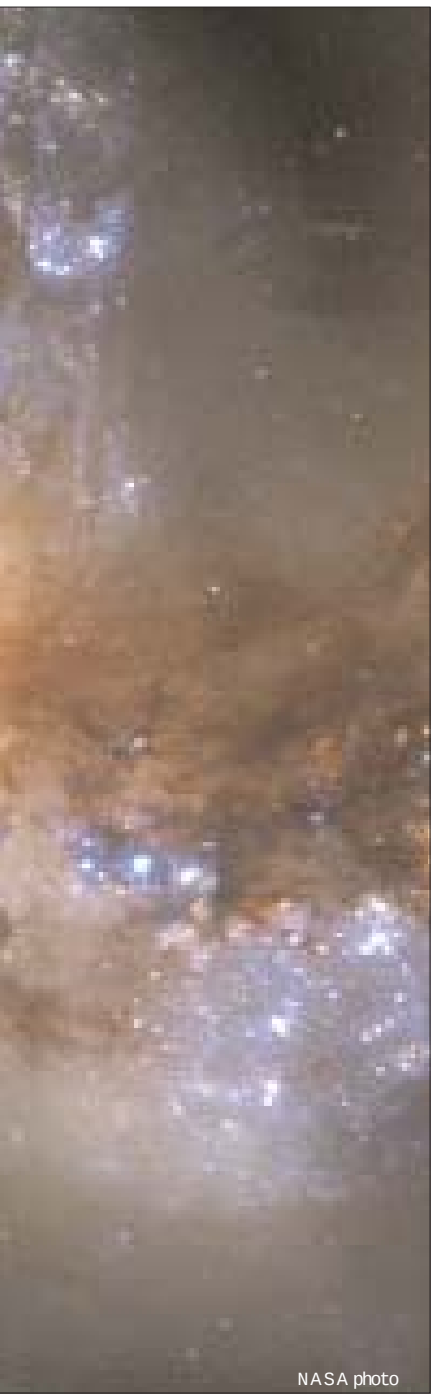


Recent cases involving evo

January 13, 2005

Selman, et al., vs. Cobb County School District

Cobb County, Ga., public school officials placed a disclaimer on middle-school and high-school science textbooks stating that evolution is "a theory, not a fact." A federal district judge ruled that the disclaimers must be removed because they endorse the beliefs of fundamentalist Christians and creationists.



NASA photo

olution in public schools

December 14, 2004

Kitzmiller vs. Dover Area School District

Americans United and the ACLU filed a lawsuit against the Dover, Pa., school board for requiring high school biology teachers to read a statement to their classes identifying gaps in the theory of evolution and to endorse an intelligent design text, "Of Pandas and People."

Science has replaced the Age of Miracles. This is because mysterious phenomena in nature and surprising events in the lives of people, once attributed to angels and demons, are increasingly understood by evoking natural law. Some persons of faith resist the distinction between the natural and the supernatural and profess to see "every common bush afire with God" (Browning). Others see both natural and supernatural causality acting at different levels simultaneously; to identify an immediate cause does not exclude the existence of an ultimate cause. In general, science is mute on miracles because they are not reproducible or otherwise amenable to study. They are, in the end, a matter of faith, a faith that sees God as much more than an explanation.

At first glance it seems reasonable to conclude that the appearance of complex design in biological structures constitutes strong evidence for the existence of a designer. However, many of the examples put forth by the ID movement over the past few years have been explained subsequently by using natural mechanisms. In the case of biological systems, evolutionary theory has shown how random variations can be acted upon by natural processes to produce over long periods of time complex and diverse changes. Historically, the so-called arguments from design for the existence of God evoke the classic example of finding a pocket watch on the ground and inferring from it the existence of a watchmaker. This analogy is wanting in nature, not because there is no watchmaker, but because there is no watch. Design arguments fall short because they do not account for those features in nature that do not reflect direct, or at least benevolent, design. More than 99 percent of all species that have ever lived are extinct. Most organisms die because they are maladapted or born deformed. Nature is "red in tooth and claw," and there is much suffering, contingency, and waste. Decline and death constitute the price of admission to the blessed tragedy of life. Rather than hands-on design, biological species exhibit exquisite adaptation. That humans have five fingers is an extremely useful adaptation to our particular environment. Humans reflect God's image by being rational, volitional, creative, and lovingly relational, not by the details of a body plan.

While today's consensus science convincingly rejects the ID movement, persons of faith need not conclude that God lacks existence, intelligence, or design. For the first time in the study of natural history, science can begin to piece the puzzle of interlocking data gathered from the various disciplines of astronomy, physics, and biology. What is coming into focus is a picture of a seamless evolutionary process—from the big bang to the big brain. This is a story of the dance of randomness and contingency with the amazing natural laws to produce ever-increasing organization and complexity and even us. Persons of faith see a direction in this creative and contingent process that ultimately will result in God's purposes being accomplished.

In this view, creation is seen as an unfolding event, erupting with novelty and potential. While this view of a generous Cosmic Designer who does not micromanage the details challenges some models of divine sovereignty, it is more consonant with the witness of God's creation.

The ID movement's strategy has consisted mostly of trying to discount evolution rather than provide positive evidence for ID.

The ID movement's strategy has consisted mostly of trying to discount evolution rather than provide positive evidence for ID. Well, is not evolution "just a theory"? Absolutely! But in science a theory is not a hypothetical conjecture. It is a coherent model that includes mechanisms, evidence, and explanatory power that can make predictions that withstand further testing. It is modified or expanded as new data are accumulated. It belongs in our science books not because it is the last word, but because it is the best scientific understanding presently available. ID does offer a mechanism: God did it. This is a science stopper—no need to investigate further. Until ID produces testable hypotheses, evidence, and publications in peer-reviewed journals, it is "not even a theory" and belongs in the metaphysics section of the library.

Persons of faith may celebrate the creating and sustaining glory of God as revealed through his natural laws, and hold the Bible as something that teaches, to quote Galileo, "how to go to heaven, not how the heavens go."

Dr. Larry Hudson resides in Gaithersburg, Md., and is a physicist at the National Institute of Standards and Technology. He is a member of First Baptist Church, Gaithersburg.

K. Hollyn Hollman
General Counsel

Challenges to prayer at government meetings revisit boundaries

Two recent cases have sparked questions about prayers that open city council meetings. In both cases, citizens had business before local government bodies and witnessed invocations that they believed violated the Establishment Clause.

In *Rubin v. City of Burbank*, the city council has a long-standing practice of beginning each meeting with an invocation, typically given by a member of a local ministerial association. The plaintiffs, a Jew and a Catholic, sued after an invocation was given "in the name of Jesus Christ." The California Court of Appeal held that the prayer was "sectarian" and enjoined the city from "knowingly and intentionally allowing sectarian prayer at City Council meetings."

The Supreme Court's exception for the tradition of legislative prayer extends only to the most generic of invocations.

In *Wynne v. Town of Great Falls, S.C.*, a resident who is a follower of the Wiccan faith objected to council members praying at the opening of town council meetings with frequent references to "Jesus," "Christ," or "Savior." The plaintiff first suggested alternatives, such as nonsectarian prayer or allowing members of different religions to pray. When she was asked to leave town, she sued. The 4th Circuit ruled that the town cannot "engage, as part of public business and for the citizenry as a whole, in prayers that contain explicit references to a deity in whose divinity only those of one faith believe."

These two cases don't break new ground, but they have generated debate. The response to them suggests that it might be useful to review the Supreme Court's guidance on legislative prayer. In both cases, the municipalities defended the prayers by trying in vain to stretch well-settled case law to fit their circumstances. The controlling precedent is the Supreme Court's 1983 decision in *Marsh v. Chambers*.

The issue in *Marsh* was whether the Nebraska legislature's practice of opening each legislative day with a prayer offered by a chaplain who was paid by the state violates the Establishment Clause. The Supreme Court reviewed the historical record of prayer in public legislatures and found that such prayer was "deeply embedded in the history and tradition of this country. From colonial times through the founding of the Republic and ever since, the practice of legislative prayer has coexisted with the principles of disestablishment and religious freedom." The majority in *Marsh* did not evaluate legislative prayer under the *Lemon* test—the standard formulated 10 years earlier to assess potential Establishment Clause violations. Instead, as Justice Brennan said in dissent, the Court "carved out an exception" to accommodate this longstanding practice.

In *Marsh*, the Court specifically noted that the Nebraska chaplain had removed all references to Christ in response to a complaint by a Jewish legislator. The nonsectarian nature of the prayers upheld in *Marsh* was thus highly significant, as the Court stressed in a subsequent case. It has noted that the "clearest command of the Establishment Clause is that one religious denomination cannot be officially preferred over another."

The two recent cases are easily distinguished from *Marsh*. As the *Rubin* court observed: "It cannot reasonably be argued that the prayer here, with a specific reference to Jesus Christ, is on the same constitutional footing as the prayer before the court in *Marsh*, from which all reference to a specific religion has been excised."

In both recent cases, our country's growing religious diversity was manifest—making it imperative to respect *Marsh*'s boundaries. The *Rubin* court referred explicitly to this concern: "The interest in protecting and safeguarding the fundamental constitutional right to maintain a separation between church and state and to demand neutrality when the interests of religion and government intersect is increasingly more important as our nation becomes more pluralistic."

The *Wynne* court concluded with an affirmation of *Marsh*, noting that invocations may still be offered: "The opportunity to do so may provide a source of strength to believers, and a time of quiet reflection for all. This opportunity does not, however, provide the Town Council, or any other legislative body, license to advance its own religious views in preference to all others, as the Town Council did here."

These twin cases make clear that the constitutionality of prayers at government meetings depends on their close conformity to the facts in *Marsh*. The Supreme Court's exception for the tradition of legislative prayer extends only to the most generic of invocations. While nonsectarian prayers are lawful, they are not necessarily sound public policy. Legislative bodies should remain open to and welcoming of all citizens. Religious minorities may still feel excluded by monotheistic references. Observant Christians, Muslims and Jews may oppose prayers whose religious content is diluted. A moment of silence may provide an acceptable compromise, both politically and theologically, between the extremes of scripted prayer and no prayer at all.

In any event, these two rulings will offer ammunition to those who want to challenge Christian prayers at government meetings. They should also caution against stubborn adherence to traditions that exclude citizens outside the religious majority.

Emilee Simmons joins BJC communications staff

Emilee Simmons has been named the new associate communications director at the Baptist Joint Committee.


Emilee Simmons

Simmons joined the staff of the Washington, D.C.-based religious liberty agency on March 7.

A native of Boone, N.C., Simmons graduated from Wake Forest University in 2000 with a degree in English and religion.

Simmons succeeds Jeff Huett, who was recently named director of communications. She will be the associate editor of *Report from the Capital* and help maintain and provide media relations functions.

"Emilee is extremely qualified and an invaluable addition to our staff," Huett said. "She's poised to help take our communication efforts to a new level."

Church electioneering ban re-examined by lawmakers

The half-century-old tax laws that forbid churches from directly engaging in partisan political activities are fraying. Some say they should be discarded. Others think that would be a sin.

Under federal law, churches are tax-exempt. But as such, they are banned from partisan political activities; preachers are prohibited from endorsing candidates from the pulpit.

Both liberal Democrats and conservative Republicans are among opponents of relaxing those rules, fearing it would bring political combat into the pews and damage religious institutions.

"We don't want to see red churches and blue churches," said Joseph Loconte, a research fellow in religion at the conservative Heritage Foundation.

On Capitol Hill, there is a push to invite even greater direct church partisanship in political campaigns. Rep. Walter Jones, R-N.C., now claims 174 co-sponsors for legislation he has reintroduced (it was unsuccessful in past years) to remove what he calls the "absolute ban" on political speech by the clergy. He calls his bill the "Houses of Worship Free Speech Restoration Act."

"Anything that gets the Internal Revenue Service involved in religion is not a good thing."

— John Baker, Louisiana State University professor, on the electioneering legislation

Far from an absolute ban on political speech by the clergy, the IRS tax guide for churches and other religious organizations specifically states that the law "is not intended to restrict free expression on political matters by leaders of churches or religious organizations speaking for themselves, as individuals. Nor are leaders prohibited from speaking about important issues of public policy, or inviting candidates to speak at a church, if opposing candidates are also invited."

However, the guide warns that to remain tax-exempt, religious leaders "cannot make partisan comments in official organization publications or at official church functions."

John S. Baker, a professor of law and expert on political philosophy at Louisiana State University, is among those concerned about political warfare spreading into religious territory. "For 200 years we've been successful in avoiding it," Baker said.

"Anything that gets the Internal Revenue Service involved in religion is not a good thing. It seems to me people once understood you don't stir up the religious hornets' nest."

The BJC has worked with other groups to defeat previous versions of the bill and will continue working to help protect the prophetic witness of houses of worship.

—RNS and staff reports

House passes bill allowing discrimination with federal funds

The House of Representatives has passed a bill giving religious charities the right to discriminate in hiring, even when they receive federal funds.

On a largely party-line vote of 224 to 200, the chamber passed the Job Training Improvement Act March 2. The program's original authorizing legislation barred organizations receiving grants under it from discriminating on the basis of religion, race, gender and other categories. The new bill deletes those protections only for religious providers, and only on the basis of religion.

The 1964 Civil Rights Act already allows churches and synagogues to discriminate in hiring for most positions on the basis of religious principles. However, the courts have not definitively settled the issue of whether religious groups retain that right when hiring for a position wholly or partly funded by tax dollars.

"The bill turns back the clock on decades of civil rights protections in our job training programs. This is simply wrong," said Rep. Dale Kildee, D-Mich., debating the measure on the House floor.

Rep. Bobby Scott, D-Va., offered an amendment that would have restored the bill's original 1982 language barring grant recipients from discriminating on the basis of religion. It failed on a 239-186 vote.

The vote came just a day after President Bush spoke strongly of such provisions as essential to his plan to fund more social services through churches and other religious organizations.

"This bill turns back the clock on decades of civil rights protections in our job training programs. This is simply wrong."

— Rep. Dale Kildee, D-Mich., on the Job Training Improvement Act

"I want this issue resolved," Mr. Bush said, in a speech to about 250 religious leaders invited to a White House conference on the faith-based plan. "If we can't get it done this year, I'll consider measures that can be taken through executive action."

Bush has aggressively pushed a comprehensive plan to fund social services through houses of worship. Although the effort as a whole failed in Congress, Bush has slowly implemented parts of the plan via executive orders and other administrative actions.

Bush's allies in the House have also attempted piecemeal implementation of the plan in various bills, such as the Job Training Improvement Act, authorizing individual grant programs. The House passed a similar version of the bill in 2003, but could not agree with the Senate on it.

The bill is H.R. 27. It now goes to the Senate, where it will likely face stiff opposition.

—ABP

REPORT from the Capital

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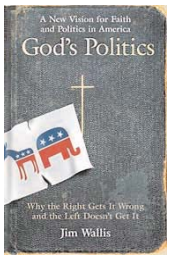
God's Politics: Why the Right Gets It Wrong and the Left Doesn't Get It

By Jim Wallis, HarperSanFrancisco, 2005, 384 pp.

"Why can't we talk about religion and politics?," Jim Wallis, editor of *Sojourners* magazine, asks at the outset of *God's Politics*. The old adage says we are not supposed to discuss such things in polite company, but since November their intersection has been the hottest of topics, and Wallis' book offers a welcome contribution to the conversation.

Because God is not a Republican or a Democrat, Wallis argues, partisan attempts "to politicize God, or co-opt religious communities for their political agendas" are mistaken. Instead, "Faith must be free to challenge both right and left from a consistent moral ground." This is a needed message, for as he reminds us, morality includes more than gay marriage and abortion.



Despite the subtitle, Wallis is no equal-opportunity critic; he focuses squarely on the Bush administration's failed policies on poverty, the environment, and the war in Iraq—policies implemented with the unwavering support of the Religious Right. Yet he also decries "secular fundamentalists," including many Democrats and advocacy organizations who he says reject the bringing of religion into public life. Rather, social and political problems require the influence of faith—only a different kind of faith.

Although Wallis notes that "values" are not limited to religion and that church and state must be separate, his declarations necessarily raise the eyebrows of wary separationists. He acknowledges that social transformation comes by "changing the wind" in churches and public debate, not through government. Yet when he says religion offers a "guiding moral compass" for public life and that "America's social fabric depends on such values and vision to shape our politics—a dependence the founders recognized," he sounds all too familiar.

We can agree that "God is personal but never private." However, in a modern, pluralistic democracy, people of faith must find ways to express our religious convictions without forcing them on others. The rise of the Religious Right has shown what happens when one brand of faith dominates the political landscape; an exclusive "religious left" would be no better.

For Wallis' vision to succeed, he must follow his own example of Martin Luther King Jr., whose Christianity fueled real progress "in a way that was always welcoming, inclusive, and inviting to all who cared about moral, spiritual, or religious values." He also must recognize the dangers of government entanglement. Though he criticizes Bush for failing to adequately support "faith-based initiatives," he does not recognize the inherent dangers such initiatives pose to religious liberty.

God's Politics fails to adequately answer its own questions. Too often, Wallis falls into criticizing the administration or recounting past activism instead of outlining how his vision might be carried out. He also underestimates the influence of the Religious Right and may overestimate the potential of those who have "grown weary" of that influence, especially in the South. Still, though Wallis' regular readers will find little new here, his primary target is those unfamiliar with *Sojourners* or an evangelical Christianity not enmeshed with the Republican Party. They may find the book a stirring and hopeful call to action.

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