



REPORT

from the Capital

Louisville Baptists criticize abuse of religion in anti-filibuster rally

A Louisville pastor has gone to great lengths to distinguish his church from a nearby congregation with a similar name, which hosted a national telecast aimed at thwarting a Senate filibuster on judicial nominees.

Joe Phelps, pastor of Highland Baptist Church, hosted other area pastors at an April 22 press conference challenging the "Justice Sunday" broadcast that originated two days later at Highview Baptist Church, one of Kentucky's largest congregations.

The show, which featured Senate Majority Leader Bill Frist, R-Tenn., and a host of religious right figures, was aimed at raising support for Frist's plan to end Democratic filibusters of a handful of President Bush's most contentious nominees for federal judgeships.

While the Senate has approved 205 of Bush's judicial nominees, Democrats are currently holding up 10 nominees to federal appeals courts for what they consider extremism on some issues. They have blocked votes on the nominees through use of a Senate rule—known as the filibuster—that requires 60 votes to cut off debate and proceed to a vote on an issue.

The Washington-based Family Research Council, which sponsored the telecast, has characterized the filibuster as a tactic used "against people of faith." Democrats and moderate religious leaders—noting that many of Bush's nominees have already been approved without consideration of their faith—have sharply criticized the group for using such rhetoric, and Frist for appearing to endorse it via his participation.

"We have examined the FRC's literature promoting this rally, and find they offer no justification for their allegations," Phelps said in a statement prepared for the press conference. "Were the allegations true, we would stand beside them in opposition to a religious test for office, even if we disagreed with the political or religious positions of these nominees. But the FRC's strong allegation of religious persecution has not been substantiated."

Phelps, who penned a guest editorial on the subject in the April 21 issue of Louisville's *Courier-Journal*, went on to say that he detects "the work of a political organization using Christian language to exploit Americans' desire to preserve religious values by framing their political strategy in terms of religious liberty. This is deceptive, manipulative and false."

While he affirms Highview's right to speak out on political issues, Phelps said, Scripture causes him to "believe truth must be spoken, and spoken in love. We do not believe Sunday's rally meets either test."

A spokesperson for Frist, Nick Smith, would not directly address a reporter's question about the rhetoric surrounding the telecast. But he said Frist supports ending the filibuster because Bush has a right to see his judicial nominees approved by a simple majority vote, rather than a 60-vote "supermajority."

"What we're talking about is an unprecedented act over 200 years—the Senate has always provided the president's judicial nominations with an up-or-down vote," he told Associated Baptist Press.

However, Sen. John McCain, R-Ariz., has noted that Republicans—who were in control of the Senate in the 1990s—denied many of President Clinton's judicial nominees an up-or-down vote by stalling the nominations in committee.

The Senate's filibuster showdown may come soon. On April 21, the Senate Judiciary Committee approved two nominees to federal appeals courts—Texas judge Priscilla Owen and California judge Janice Rogers Brown—that Democrats had filibustered during Bush's first term. Their approval, by 10-8 party-line votes, cleared the way for Frist to bring the nominations to the full Senate as early as April 25.

—Robert Marus, ABP



The Rev. Joe Phelps said at a news conference that the "Justice Sunday" event does not represent all people of faith. (© *The Courier-Journal*)

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Stalling of nominees not targeting 'people of faith,' Bush says

In a prime-time news conference April 28, President Bush disagreed with the rhetoric of some religious conservatives who have accused Senate Democrats of blocking judicial nominees who are "people of faith."

Speaking to journalists in the White House's ornate East Room, Bush responded to a reporter's question about an April 24 broadcast, sponsored by two religious conservative groups, in which speakers denounced Democrats for allegedly using a "religious litmus test" in blocking a handful of Bush's most controversial nominees to the federal bench. Democrats have used a Senate procedural rule, known as the "filibuster," to deny votes to 10 of Bush's 215 nominees.

When called on at the press conference, NBC News reporter David Gregory asked about one of the organizations' leaders. "Mr. President, recently the head of the Family Research Council said that judicial filibusters are an attack against people of faith. And I wonder whether you believe that, in fact, that is what is [motivating] Democrats who oppose your judicial choices?"

Bush responded, "I think people are opposing my nominees because they don't like the judicial philosophy of the people I've nominated." Pressed further by Gregory on the appropriateness of the conservative leaders' language, Bush said, "I just don't agree with it."

Nonetheless, he did call for all his judicial nominees to get "an up-or-down vote on the floor of the Senate."



President Bush said the filibuster is not an attack on people of faith. (White House photo)

In an April 29 statement, Family Research Council President Tony Perkins sidestepped the criticism. "We have never said that Democrats aren't people of faith," he said. "In fact, we have specifically stated that our single purpose on this issue is to obtain an up-or-down vote on President Bush's judicial nominees."

"The way that people choose or choose not to worship is their own decision," Perkins said. "But for nominees to be held back from opportunity because they have chosen a faith that might advise against abortion, same-sex 'marriage' and similar issues is deplorable."

NBC News' Gregory also asked Bush a question about the wider role of religious debates in the nation's political life. "I view religion as a personal matter," Bush responded. "I think a person ought to be judged on how he or she lives his life or lives her life. And that's how I've tried to live my life, through example. Faith-based is an important part of my life, individually, but I don't ... ascribe a person's opposing my nominations to an issue of faith."

He continued: "The great thing about America, David, is that you should be allowed to worship any way you want. And if you choose not to worship, you're equally as patriotic as somebody who does worship. And if you choose to worship, you're equally American if you're a Christian, a Jew, a Muslim. That's the wonderful thing about our country. And that's the way it should be."

—ABP

Supreme Court agrees to hear case on religious use of hallucinogen

The U.S. Supreme Court will decide whether a small band of adherents of an obscure Brazilian sect living in the United States have a religious right to import hallucinogenic tea for sacramental use.

The justices agreed April 18 to hear arguments in the case of the New Mexico congregation of the Uniao do Vegetal religion, which was established in Santa Fe in 1993. It is a branch of a Brazilian religion that blends elements of Christianity and native religions.

The federal government attempted to prevent followers of the sect from importing the elements of *hoasca*, a tea made from a plant that contains chemicals the government considers "controlled substances." Church members drink the tea as part of their worship rituals.

The congregation, known as the O Centro Espirita Beneficiente Uniao Do Vegetal, then sued the government. They claimed that the 1993 Religious Freedom Restoration Act ("RFRA") prohibits federal officials from burdening the free exercise of their religion.

Lower federal courts stopped the government from banning the *hoasca* importation pending the outcome of a trial in an appeals court.

But the Supreme Court, in an unusual move, agreed to a Bush administration request to hear the case before it was decided in the Denver-based 10th U.S. Circuit Court of Appeals, which has already refused twice to lift the injunction.

Administration officials claim the government has a compelling interest in banning the importation of controlled substances, therefore meeting the high standard RFRA sets for federal imposition on religious practice.

But lawyers for the church point out that the government has allowed American Indian religious groups to smoke *peyote*, also considered a controlled substance, as part of religious rituals.

The justices will hear the case in their 2005-2006 session, which will begin in October. It is *Gonzales vs. O Centro Espirita Beneficiente Uniao Do Vegetal*.

—ABP

REFLECTIONS



J. Brent Walker
Executive Director

No one can claim divine authority on public policy issues

Much was written and said during the run up to and aftermath of the so-called “Justice Sunday: Stop the Filibuster Against People of Faith”—or as Bob Edgar, of the National Council of Churches, called it, “Just-Us” Sunday—pointing out the arrogant presumption that the organizers of the event are right and godly and those who disagree are not only wrong but hostile to people of faith.

The Baptist Joint Committee weighed in full force with an early media statement and helped organize a counter press conference the Friday before. Many thanks to our friends Joe Phelps, pastor of Highland Baptist Church in Louisville, and Reba Cobb, a Baptist Joint Committee board member, for leading that effort. Along with pastors from 17 Louisville-area churches, Joe and Reba stood and delivered, telling the assembled press corps that the organizers of Justice Sunday do not speak for all Christians or even all Baptists. (Statements from the press conference are posted on the Baptist Joint Committee’s website at www.BJConline.org.)

One of the most cogent op-eds about what was objectionable about Justice Sunday was penned by Cary Clack writing for the *San Antonio Express-News*. I think Mr. Clack hit the nail right on the head.

His basic point was this: what was wrong about the Justice Sunday extravaganza was not its *purpose* but its *premise*.

The purpose of the rally was fine: to allow people of faith to speak out on the important issue of whether the filibuster should be used in the U.S. Senate to oppose judicial nominations. Although the event was shrouded in unmistakable *partisan* wrapping, reinforced through a video pitch by the Senate’s majority leader, it was entirely appropriate for those with strong views to speak out in the public square.

No, the problem with Justice Sunday, as Clack points out, was the *premise* that those who oppose judicial nominees are carrying out a vendetta against people of faith or are motivated by some kind of religious bigotry.

This premise is hopelessly flawed. It was a shameful abuse of religion to suggest that God has taken up sides in this debate. Whatever our differences on the

filibuster and on judicial nominees, there are people of faith on both sides, and neither has God in their hip pocket. An unintended consequence of Justice Sunday was to highlight the vast number of people of faith in this country who are willing to stand up and publicly oppose the narrow self-righteousness that was revealed at the rally on Sunday night. It is clearly as wrong to sacralize secular policy issues as it is to try to banish religious voices from the debate in the first place.

As Clack aptly points out, “In the political realm, people of faith can be opposed to other people of faith on given issues without either side being condemned to the fires of hell. Being a Christian isn’t synonymous with being a political conservative. That there is a Christian right and Christian left is a testament to how people find different interpretations and inspirations in the same sacred text. But there is something wrong with never having spoken to a person, not even knowing their middle name but purporting to know the condition of their soul. Who, not even knowing the contents of the other person’s prayers, has the right to judge their relationship with God?”

Moreover, I see no concerted effort to deny anyone a judgeship based on his or her religion. Debate about whether a nominee is fit to serve as a judge is not only legitimate but goes to the heart of the confirmation process. No one should be denied the right to serve based on some religious litmus test, but policy positions and legal philosophy are fair game for public scrutiny—however motivated by religious conviction they may be. Religious belief does not give anyone a free pass to the bench or any public office.

Yes, the Baptist Joint Committee defends the right of people of faith and religious organizations to advocate with their religious voices in the public square and to serve our country as public officials. But, at the same time, we must discourage claiming divine authority on behalf of public policy issues, characterizing political opponents as anti-God and lying about their motives.

Whatever our differences on the filibuster and on judicial nominees, there are people of faith on both sides, and neither has God in their hip pocket.

April 14 -15, Baptists gathered in Washington, D.C. to emphasize ...

Putting First our

Be humble, aggressive in defending First Amendment, congressmen say

Baptists who believe in church-state separation need to do a better job of defending that principle in the public arena, two members of Congress counseled at a recent conference.

Speaking in Washington April 14 at a conference on the First Amendment, Reps. Chet Edwards, D-Texas, and David Price, D-N.C., both said moderate Baptists need to defend the principle more aggressively. Price also counseled humility.

The comments came during the two-day First Freedoms Conference, which focused on religious freedom and freedom of the press as intertwined principles. The meeting was sponsored by Associated Baptist Press, the Baptist Joint Committee for Religious Liberty, and *Baptists Today* news journal.

Edwards, a Methodist who attends Calvary Baptist Church in Waco, Texas, said religious defenders of church-state separation need to reclaim language they have ceded to the religious right. "The other side is beating us in defining the debate," he said.

Politicians who support the principle become fewer after every congressional election, he added.

"Why are we moving backwards? The simple reason is the massive coalition arrayed against us," he said, noting that the "bully pulpit of the White House" and wealthy conservative think tanks and religious right groups are dominating the airwaves and casting the debate over church-state separation as a simple battle between those who despise religious influence in public life and those who believe church-state separation is simply a myth.



Nearly 80 people attended the First Freedoms Conference in Washington, D.C., April 14-15. Attendees stopped for a group picture on the steps of the Jefferson Building of the Library of Congress.

"It's very misguided to think that the principle of church-state separation requires the total privatization of religion," Price, a Baptist, told conference participants, who gathered for a banquet at the Freedom Forum near Washington. "We're called to the public arena, and what we advocate and what we fight for in politics will often have a strong relationship to what we believe in."

Price, a member of Binkley Memorial Baptist Church in Chapel Hill, N.C., said Christians and other religious people who strongly support the First Amendment's Establishment Clause—which bars government establishment of religion—need to explain to the public why the principle is actually pro-religious.

He noted a failed constitutional amendment that would have loosened the First Amendment's rules on government-sanctioned prayer and other religious activities. Price said the so-called "Istook Amendment"

was defeated in part because some religious people realized that government forcing religious practice would ultimately prove dangerous to their belief in free will.

"What religious freedom is about, and what that proposed amendment threatened, was not just civil liberty but also religious faithfulness—rooted in the religious tradition itself, not something imposed from outside," Price said. "That's the spirit in which I think

the establishment clause ought to be interpreted."

Edwards, meanwhile, counseled conference participants to take more specific steps in defending church-state separation in the political realm.

He encouraged groups that support religious freedom to join in a concerted effort to defend church-state separation in the judicial, political and media realms.

In the political realm, Edwards noted, politicians who stand up for religious freedom need more "political cover."

Edwards called for the creation of a polit-



First Freedoms



Rep. David Price, D-N.C., above, counseled humility in dealing with those who disagree on church-state issues, and Rep. Chet Edwards, D-Texas, right, addressed the need for an offensive, rather than defensive, strategy for protecting religious liberty.



ical action committee that would provide funding and media defense of politicians who support church-state separation.

"There's no political defense now for those willing to stand up for church-state separation," Edwards said. "Politicians are afraid to appear anti-religious. So this is a powerful force."

Edwards spoke from experience. Texas Republicans targeted him for defeat by redrawing his congressional district last year. Although Edwards narrowly won, he faced harsh opposition for some of his votes on church-state issues. One ad accused him of not wanting schoolchildren to "pray for our troops" because he voted against a congressional resolution telling all Americans that it was their "duty" to pray.

"Isn't it amazing that you can be called 'un-American' and 'un-Texan' for saying you believe in the first 16 words of the Bill of Rights?" asked Edwards, referring to the First Amendment. "The other side preaches the Ten Commandments, but they break the Ninth Commandment [against lying] on a regular basis."

Edwards also encouraged a stronger media strategy for supporters of church-state separation so opponents can no longer portray the debate as simply between anti-religion and pro-religion forces.

He referred specifically to the recent Ten Commandments case in Alabama, in which church-state separationists succeeded not only in removing a monument to the Ten Commandments erected by Chief Justice Roy Moore in the rotunda of the Alabama Supreme Court building but also in deposing him from office.

Nonetheless, opinion polls consistently reveal broad public support for Moore and his cause.

"Did we win the legal battle? Yes. [But] in the court of public opinion, we lost badly," Edwards said.

He encouraged the establishment of a group of "30-40 retired Baptist pastors" who could travel around the country to counter Ten Commandments activists who demonstrate in support of such displays.

Because the only other counter-protesters are often atheists in such instances, Edwards said, the news media—and particularly television outlets—end up casting the complex

debate over the First Amendment in simplistic terms.

"They see this as a debate of: Are you for the Ten Commandments or are you against them?" he said. "In the media, I think we need to go on the offense. ... I am so tired of playing defense."

Despite such challenges, Price counseled humility in dealing with those who disagree on church-state issues.

"There is, I think, at the heart of the Jewish and Christian traditions a kind of counsel of humility—a sense that our will and our program ... [are] never to be confused with God's will," he said. "It's pervasive in the prophets, and it's pervasive in our religious tradition."

The belief that all people are imperfect and "live under God's transcendent mercy and judgment ... should encompass everything we do in public life," Price continued. "That kind of sense of humility and that sense of perspective is so often missing today from people whose theology should teach them better."

—ABP

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**Baptists
Today**

First Freedoms Panel Discussion

David Sapp

Pastor of Second-Ponce de Leon Baptist Church, Atlanta, Ga.



It seems to me that the first line of defense today for us as we wage a kind of battle for religious liberty is to keep our own people on board. And I think that's probably radically different from other periods of Baptist history.

Many people do not see religious liberty and do not see church-state separation as being in their own self-interest. Part of my understanding of my own role is to help people understand that religious liberty is in the self-interest of us all; that is a task of communication at which I think we have failed.

Secondly, it seems to them not a local issue. One of the most important tasks that we have is the reinterpretation of freedom for our time. We know pretty well what we mean about freedom when we apply it to the Civil War ... but in our time, the ground has shifted in a multicultural setting.

The fact that our very term is the separation of church and state is in itself revealing. When it becomes the difference between Christians and Jews and Muslims and Buddhists and on and on, that's a much different issue—a much larger issue.

One of the biggest challenges I think we face at the local church level is the practice of freedom in our time. We talk a lot about preserving our liberty, but we don't do a lot of practicing it.

John Finley

Pastor of First Baptist Church, Savannah, Ga.



I live in Savannah, Ga., where the colony of Georgia was founded on February 12, 1733 by James Edward Oglethorpe, and which serves today as an excellent model for the role of religion in a pluralistic society.

The "Savannah Plan" was conceived in 1732 by 21 English trustees, including five ministers. Their motto was "Not to us but others." According to David W. Gobel, the goals of the trustees were at least two-fold: (1) relief for the poor given the fact that many persons were languishing in debtors' prisons; and (2) religious freedom for persecuted Protestants. So, at the very beginning, Savannah embodied a progressive type of prison reform as well as a far-sighted model for religious freedom in a nation as yet unborn.

It is not clear whether the colony's trustees ever intended that Savannah become as diverse as it did, but rather rapidly, those first Anglican immigrants were joined by Lutherans from Salzburg, Austria; Count Zinzendorf's Moravian community; Scottish-Presbyterian Highlanders; Sephardic Jews; French Huguenots and a variety of other dissenting Protestants. In less than a hundred years, Savannah would own a diverse religious landscape with Anglicans, Presbyterians, Lutherans, the third oldest synagogue in North America, white and black Baptists, Methodists, Unitarians, Roman Catholics, and a Mariner's Church. And Savannah has been that way ever since.

Gary Burton

Pastor of Pintlala Baptist Church, Hope Hull, Ala.



I feel privileged to live at a country crossroads near Montgomery, Ala. The state of Alabama is the object of my love and also the recipient of my concern. We have almost deified the status quo where fear-based politics have become an art form. We are learning that powerful Baptists think differently than persecuted Baptists about freedom.

Loosely paraphrased, Peter Hamill once said that "America is at great risk because of our willingness to embrace a contrived nostalgia for things that never were." The thought that our nation was founded as a theocracy favoring one religion above another or that the concept of separation of church and state was foreign to the minds of our founders is not remembrance but imagination.

Although I have not seen any hard polling data, my intuition tells me that the institutional church and organized religion are soon to be on hard times. A strong contributing factor is the politicizing of faith. It was not accidental that the church in America thrived at a time when Baptists championed religious liberty and the separation of church and state was not trivialized.

There was a time when the slightest scintilla of coercion registered on the radar screen of freedom-loving Baptists. Our challenge today is to reconstruct a new radar screen.

Hardy Clemons

Retired pastor of First Baptist Church, Greenville, S.C.



To me, one of the great mysteries of being a moderate Baptist is this—how many of us talk religious liberty, but live out religious coercion and support religious coercion by the way we vote and the way we don't speak out. We need to pray to God for the ability to tell people honestly how we think—not how they must think.

We must use our voices and our pulpits to say something about religious liberty. I have found that if my congregation knows I care about them, they listen. At least they respect what I say, even if they disagree. Congregations will support us in our attempts to be honest far more than we think they will. And those of you who are laity have enormous power to encourage your ministers to do precisely that. One of the huge problems in Baptist life is how timid we have become in speaking out for religious freedom.

People like us must take stands that articulate what we believe and why we believe it. The practicality, I think, of it all, is we need to take the opportunities we have to speak up. Look for times and places when we can articulate an advocacy and a rationale for religious liberty.

Becoming a Revolutionary

By **Walter B. Shurden**

Executive Director, Center for Baptist Studies, Mercer University

I believe . . .

in the First Amendment to the Constitution of the United States. "Wow," you say, "Now there's a revolutionary statement!" If Brent Walker is even in the ballpark in his assessment that the First Amendment would not pass if put to the American public today, a belief in the First Amendment may be far more radical than you think. Even more alarming is a recent survey of high school students which revealed that only "half of the students said newspapers should be allowed to publish freely without government approval of stories."

Ratified 15 December 1791, the First Amendment goes like this: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

I am 68 years old. I have been in the ministry since I was 18 years old. The math is easy: 18 from 68 is 50. For a half century now, I have been roaming the Baptist yard, observing Baptist practices, loving and being loved by Baptist people, and celebrating the principles for which they have stood. When I entered the

Baptist ministry in 1955 and for at least 30 years afterward, if you preached a sermon in a Baptist church on the separation of church and state and religious liberty, you would have them snoring in their pews in a matter of minutes. The Benediction was wake-up time.

But not today! Today you preach a sermon on religious liberty and separation of church and state, freedom of conscience and freedom of the press, and you will begin to feel sanctuary electricity. Something serious and radical regarding First Amendment issues has distorted the Baptist vision in the last 20 to 25 years.

Among other things, we Baptists have distinguished ourselves by neglect of our own heritage. Our understanding of Baptist history goes way back to the last resolution adopted at the last meeting of our particular denominational convention. We are a historically illiterate people. We are an unanchored people because we are an unhistorical people.

We now have Baptists who get elected to public office by minimizing the separation of church and state and maximizing the claim that this is a Christian nation. When they want to demonstrate their commitment to a belief in pluralism they refer to this republic only as a Judeo-Christian nation, forgetting all other devout religionists

and those with no religion at all.

Someone asked Helen Keller if anything was worse than losing one's sight. "Yes," she said, "losing one's vision." Have Baptists lost our vision? Have we lost our vision of freedom of conscience for all, freedom of religion for all, and freedom of speech for all? Have we lost our vision of the First Amendment that we Baptists helped to get adopted? Have we lost our vision that the Body of Christ should not be feeding itself at Caesar's troughs?

I am grateful to God that the Associated Baptist Press, *Baptists Today*, and the Baptist Joint Committee have kept the vision. I am grateful to God that they call us to renew our vision. I am glad to join them. I urge you to join them in the First Freedoms Project. Read at www.firstfreedoms.com and find out all about the First Freedoms Project.

Cornelius Plantinga, Jr. haunts me with his words: "One way to evade responsibility is to play dead, to do absolutely nothing and to do it repeatedly." (See *Not the Way It's Supposed to Be: A Breviary of Sin*, 187) Baptists did not play dead in 1791 regarding the First Amendment. Let us renew our vision. Let us commit ourselves today to the First Amendment of the Constitution of the United States of America. (First printed in *The Baptist Studies Bulletin*, April 2005)



Walter Shurden notes that "we Baptists have distinguished ourselves by neglect of our own heritage." **The full text of his address is available at www.firstfreedoms.com.**



"John Leland," portrayed by Fred Anderson of the Center for Baptist Heritage & Studies, braved the wind and addressed attendees at the Jefferson Memorial, emphasizing the history of Baptists and liberty.



Jeff Huett

Director of Communications

Anwering the million-dollar question: "So what?"

At least once on any given Sunday morning between 9:30 and 10, members of a large church congregation in the D.C. area can be heard on the radio shouting "So what?"

To the untrained listener, the congregation sounds like its members are in revolt. In reality, the congregants are asking the million-dollar question.

It's logical, really. The pastor of the church typically begins his sermon with some background and Scripture, and then prompts the members of the congregation to verbally question the message's relevance to their lives.

"So what?" they say in unison. The pastor proceeds, then, to offer possible answers to the question.

And so it is at the Baptist Joint Committee for Religious Liberty, where our on-going challenge is to show the immediacy of something that many people take for granted. BJC Executive Director Brent Walker has warned that the First Amendment would not pass if put to a vote today. Opinion polls suggest that the younger generation, specifically a large sample of high school students, does not fully understand the First Amendment or admits they take it for granted.

"So what," you ask?

As James Dunn has said, "when anyone's religious liberty is denied, everyone's religious freedom is endangered." Certainly, preserving religious liberty for our children and grandchildren requires vigilance today.

It is with this sense of urgency that we go about our work at the BJC, including the task of making sure you know about religious liberty news through this monthly publication, regular e-mails and our web site. I hope you have enjoyed receiving the e-mail updates. If you are not receiving them, **I invite you to send me your e-mail address so that we have an additional link with you.** Recently, BJC staff sent a response to the passing of Pope John Paul II, a statement from Brent Walker on the "Justice Sunday" event in Louisville, Ky., press releases providing our positions on two issues before the U.S. Supreme Court and links to coverage of the BJC in the national media.

In recent weeks, we have also updated our logo and letterhead to reflect the organization's name change. Last fall the BJC board voted to change the name from "Baptist Joint Committee on Public Affairs" to "Baptist Joint Committee for Religious Liberty." The change does not signal a shift in our focus, but instead, more accurately reflects our singular focus on religious liberty issues.

A new web site and our new e-mail addresses also reflect the name change. Please make a note of the staff e-mail addresses and feel free to write us should you have questions or comments.

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Work is beginning on a new and greatly expanded web site that will vastly upgrade current capabilities. In the meantime, we've taken steps to provide you with a tool that is easier to navigate. Visit us at our new home on the web: www.BJCOnline.org. Emilee Simmons, the BJC associate communications director, has done a great job designing a web site that provides quick access to useful information. Visit us online and see the difference.

I hope you will be able to attend the luncheon meeting of the Religious Liberty Council in Grapevine, Texas, on July 1 (See page 12). As you may know, the RLC is an organization of individuals who support the work of the BJC. Financial contributors to the BJC are automatically members of the RLC. In addition to the business portion of the meeting and our featured speaker, Rev. Charlie Johnson, we will distribute an issue guide that will be a handy reference for you. The guide will include information to help you be a more effective advocate for religious liberty in your community.

You play a vital role in our efforts to extend and defend religious liberty for all. Being informed about current religious liberty issues and the historic Baptist perspective on church-state separation is important. Making sure those in your circle of influence know your stance on hot-button religious liberty issues is important. Inviting Brent Walker or Holly Hollman to speak at your church or civic group is important. Each of these things could cause someone to think differently about a church-state issue.

These things are important, but remember, we must all be ready with the answer to that million-dollar question. It's our job to help you do that.

When religious certainty becomes public policy

By Deborah Jerome-Cohen

That the American character is drawn to a religious view of itself is hardly new.

Almost all the Founding Fathers had something to say about the United States as a Christian nation. John Adams wrote to his wife, Abigail, in 1798 that "Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other."

Alexis de Tocqueville, on his road trip across the United States, noted that "the religious aspect of the country was the first thing" to strike his attention. A bit more than a century later, British philosopher Isaiah Berlin, doing a stint at the British Embassy in Washington during World War II, described Henry Wallace's "Free World Victory" speech of 1942 as "an apocalyptic version of America as 'the chosen of the Lord' in whom the culture of Palestine, Rome and Britain are to be brought to a final fruition. America has accepted a divine mission to save the world ... (with) the New Deal as the New Islam."

So President Bush, along with other Republicans, is part of a long tradition of religious idealism in politics. The problem is that, unlike the framers of the Constitution, some forget the principle of separating church and state, so that one person's ideals do not become another person's shackle and one form of religious values cannot be lorded over others. This religious conservatism sees the White House as a pulpit and man's laws as a reflection of God's. Many Americans understandably balk at this, which is probably why the president in his press conference April 28 distanced himself from extremists, saying "faith is a personal issue."

It's not easy trying to separate morality from religion. It's not easy working toward a society that is both just and free. But respecting pluralism need not mean that anything goes. It simply means that people of goodwill can agree to disagree about the means to certain ends. If my religion instructs me that stem cell research is acceptable, and yours does not, it neither means that my religion is bankrupt nor that yours is draconian. Respecting pluralism, however, does suggest that you cannot make the view of your religion law. It means that while religious law may embrace certainty, civil law must embrace doubt.

In that context, then-Cardinal Joseph Ratzinger raised some goose bumps delivering his homily to the world's cardinals just before they were sequestered to choose their next leader. He cautioned against the "dictatorship of relativism," reminding listeners that the world has jumped from Marxism to liberalism, from collectivism to radical individualism. "Having a clear faith, based on the creed of the church, is often labeled today as fundamentalism."

Sounding this kind of alarm is appropriate to religion, where a call to the faithful to adhere to religious traditions and values is its

purview. It's especially understandable coming from a man who, as a child in Nazi Germany, saw firsthand the evils of an amoral relativism. For Catholics in countries where church and state are each firmly ensconced in their own realms, the speech raised questions about how austere a Catholicism they would be asked to practice, but none about how that might affect their lives as citizens.

Here in the United States the words echoed differently, causing ripples of dismay among people skeptical of absolutism enshrined as law and canny enough to know the religious right might try to make political hay from the cardinal's warning.

This is no fault of the man who is now Pope Benedict XVI. He was speaking religiously, not politically. Here, though, his words sounded against a backdrop of a growing culture war in which the voices of moderation and individual liberty are mocked as idealistically bankrupt by the public moralists.

To a certain kind of fundamentalist, there were no legitimate questions over whether to remove Terri Schiavo's feeding tube. For others, Sen. Bill Frist's decision to appear on a religious telecast suggesting that Democrats who want to use the filibuster to oppose several of President Bush's judicial nominees are "against people of faith" was a righteous and courageous act. For them, on issues such as these, there is no difference of opinion. There is only the right way, or heresy.

Admirable though the search for an all-embracing truth might be, history has amply demonstrated the dangers of believing one has found it. The Enlightenment morphed into the scientific certainties of Marxism, Nazism, fascism; if man was a creature of reason, he should be able to find the correct way for all mankind to live and, of course, insist that everyone join the party. Romanticism fostered the excesses of individualism and nationalism.

Society seems to careen between these extremes. Each provides a corrective to the other. That's probably as it should be. Right now, it's the excesses of conservative faith that need to be moderated. Surely cautious Democrats and Republicans alike can bring an idealistic fervor to a campaign for the virtuous, but difficult, middle ground between the dictatorship of relativism and the dictatorship of absolutes. The state has its job; religion has its own. That's of particular issue today, as the United States and other nations try to promote the virtues of liberalism and democracy in response to the threat of Islamist fundamentalism.



Deborah Jerome-Cohen is deputy editorial page editor for *The Star-Ledger* of Newark, N.J. (*The Star-Ledger* photo)



Overhauled electioneering bill still bad for everyone involved

K. Hollyn Hollman
General Counsel

The idea that a church leader should not endorse or oppose a candidate in the pulpit is just one way of ensuring that a tax-exempt organization is not being used as a shelter for political action that is regulated by other aspects of the law.

It's back. Rep. Walter Jones, R-N.C., has again proposed electioneering legislation for churches. Under current tax laws, non-profit organizations, including houses of worship, cannot intervene in political campaigns. Unlike the more lenient rules allowing non-profits to do some lobbying, the prohibition on electioneering is absolute. It applies to all entities receiving favorable tax treatment under the tax laws known by the U.S. Code Section 501(c)(3).

In the last few sessions of Congress, Rep. Jones has proposed changing the law, but only for houses of worship and related religious nonprofits. Promoting this misnamed "Houses of Worship Free Speech Restoration Act," supporters make the false claim that churches are being muzzled on important moral issues. The BJC, working with other religious and civil liberties organizations, has opposed these efforts. So far we have been successful.

For most denominational groups, the legislation is an unwanted invitation for politicization of houses of worship. Under the proposed law, congregations would be targeted by candidates for their endorsement. Candidates would be hard pressed to resist the temptation of campaigning as the "largest-congregation-in-the-jurisdiction-candidate," with a hope of leaving the impression that they are "God's candidate."

Still, the legislation enjoys support from some well-funded and persistent interest groups that want churches to endorse candidates while enjoying favorable tax status. This time, the legislation has a twist.

In addition to a general provision allowing political endorsements by churches "during religious services or gatherings," the new H.R. 235 provides: "No member or leader of an organization described ... shall be prohibited from expressing personal views on political matters or elections for public office during regular religious services, so long as these views are not disseminated beyond the members and guests

assembled together."

I can see it now. During a sermon prepared for and on behalf of the church, the pastor says: "I now interrupt this service where I have been fulfilling my duties of worship leadership for this church to give you my personal opinion about who you should vote for in the upcoming election. This statement is made in my personal capacity only and is not intended to infect this tax-exempt entity into any prohibited campaign activity. I will now return to my sermon."

I am not sure what the drafters had in mind, but they didn't fix the bill. The idea that a church leader should not endorse or oppose a candidate in the pulpit is just one way of ensuring that a tax-exempt organization is not being used as a shelter for political action that is regulated by other aspects of the law. To the extent that a clergy person feels a religious call or duty to endorse a particular candidate for office, he or she should do so in a way that avoids putting the church at risk.

As supporters of the change in law continue to revamp the bill's language, they also are finding new ways to sell their ideas—a book, a web site, a focus on African-American clergy, efforts to connect the support for civil rights and the alleged need for churches to endorse candidates. For the first time, the bill has a sponsor on the Senate side.

These efforts demand a continued response from individual church members, church leaders and denominational organizations.

The threat of divisiveness is not hypothetical. Recently a Baptist church in North Carolina made headlines when its pastor told members to leave, saying if they didn't support George Bush, they should resign or repent. Several members were disfellowshipped and others, including some who had been members for decades, resigned in protest. This is exactly that kind of threat to churches that the proposed electioneering law would make commonplace.

Atheists sue Education Department over funding of Christian college

An atheist group has filed suit against the U.S. Department of Education, charging that the \$1 million given to an Alaska college with just 37 students is unconstitutional.

The Madison, Wis.-based Freedom From Religion Foundation said Alaska Christian College features a “substantive integration of religion” in its education program and should not have received federal grants worth about \$1 million over two years.

The April 21 legal complaint charged that the funding of the school with 37 students gives the appearance of government endorsement of religion. An Education Department spokesperson did not return a call requesting comment.

Keith Hamilton, the school’s president, said in an interview that the school has received about \$1 million from federal sources, including \$350,000 for the school’s counseling center from the Substance Abuse and Mental Health Services Administration of the U.S. Department of Health and Human Services.

He said most of the students are Native Americans who have lived in small villages. The school, which is affiliated with the Evangelical Covenant Church of Alaska, aims to help them make the transition to a university by offering them communications and Bible-based courses and linking them to a neighboring community college.

Hamilton declined to comment on the specifics of the suit against his school, which has an operating budget of about \$2 million.

“We’re just trying to help students get from their village life and succeed,” he said. “We’re trying to do good work.”

—RNS

Air Force Academy to combat religious discrimination

The U.S. Air Force Academy has begun a mandatory class in religious tolerance for cadets and staff.

Over the past four years, the 4,300-student school near Colorado Springs, Colo., has received 55 complaints of religious discrimination.

The grievances included use of religious slurs against non-Christian cadets, proselytizing by evangelical Christian students and special treatment given to Christian students and staff.

On March 29, the school began requiring one-time attendance of the 50-minute class, “Respecting the Spiritual Values of All People,” for all cadets—more than 90 percent of whom identify themselves as Christians—and staff at the academy.

“It outlines how we need to respect each other’s values and ideas, but also discusses what some of the Air Force standards are for how you can discuss these issues,” said Capt. Kim Melchor, a spokeswoman for the academy, in an interview.

Melchor said the class teaches how constitutional rules and Department of Defense regulations can be balanced with respecting each individual’s faith or choice not to be religious.

“Religious discrimination is ‘inextricably intertwined in every aspect of the academy.’”

— Mikey Weinstein of Albuquerque, N.M., a 1977 academy graduate and parent of two former cadets

To help students of diverse faiths connect with their religious groups, the academy has offered optional weekly classes in spiritual growth since the 1980s, Melchor said.

Some associated with the academy have said the efforts are inadequate.

Mikey Weinstein of Albuquerque, N.M., a 1977 graduate and parent of two former cadets—who he said were targeted with anti-Semitic insults—said religious discrimination is “inextricably intertwined in every aspect of the academy,” the Associated Press reported.

—RNS

Federal court rules against Wiccan in municipal prayer dispute

A federal appeals court has ruled that a Virginia county can exclude a member of a minority religion from offering prayers at county board meetings—even though adherents of “Judeo-Christian” religions are allowed to lead invocations.

In a unanimous ruling April 14, a three-judge panel of the 4th U.S. Circuit Court of Appeals ruled against county resident Cynthia Simpson, whom officials denied the opportunity to offer prayers at meetings of the Chesterfield County Board of Supervisors.

Simpson is a practitioner of Wicca, a neo-pagan religion that she has described as interchangeable with witchcraft. She is a leader in a Wiccan congregation in the suburban county near Richmond. When she asked to be put on a list of those who could lead invocations at board meetings, the county attorney told her she would not be allowed, claiming that “Chesterfield’s non-sectarian invocations are traditionally made to a divinity that is consistent with the Judeo-Christian tradition.”

Simpson, working with attorneys from a pair of civil liberties groups, sued the county. A federal district judge in Richmond sided with her, ruling in 2003 that the practice unconstitutionally discriminated against religions that do not stem from the dominant Western monotheistic traditions.

But the latest ruling reverses that decision, citing the Supreme Court’s 1985 *Marsh vs. Chambers* decision allowing “non-sectarian” legislative prayers before the Nebraska legislature. Judge J. Harvie Wilkinson III, authoring the 4th Circuit’s opinion, said the content of the prayers Chesterfield County officials allowed was broad enough, and the fact that Simpson was barred from offering one was immaterial to the case.

“This case points out the difficulty with public legislative prayer in a religiously pluralistic society. The government always is involved in picking and choosing.”

— J. Brent Walker, on the 4th Circuit opinion barring non-Judeo-Christian prayers at municipal meetings

A Baptist expert on church-state issues said the case was wrongly decided. “The clearest command of the Establishment Clause, and even [of] fundamental fairness, is that the state must not prefer one religion over another,” said Brent Walker, executive director of the Washington-based Baptist Joint Committee for Religious Liberty.

Walker also said the suit is indicative of the problems with using public prayers to solemnize government activities. “This case points out the difficulty with public legislative prayer in a religiously pluralistic society,” he said. “The government always is involved in picking and choosing.”

—ABP

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REPORT

from the Capital

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