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Religious funding battle in Georgia could impact other states

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WASHINGTON (ABP)-A battle over government funding of religious institutions that could have national implications is shaping up in Georgia.

Republican Gov. Sonny Perdue, a Baptist, proposed an amendment to the Georgia Constitution that would clear the way for state funding of pervasively religious groups-whether directly or indirectly.

The U.S. Supreme Court has ruled the federal Constitution allows indirect state funding of religious schools through voucher-type scholarship programs as long as secular alternatives are available. But Georgia and many other states have provisions in their state constitutions that specifically bar the state from funding churches and other religious groups-even if such funding is done indirectly.

And the federal courts repeatedly have ruled that government may only fund activities conducted by religious groups when they achieve a secular

purpose. The government is not allowed to fund inherently religious activities—such as worship or indoctrination.

The state constitutional provisions prohibiting funding of religious groups are commonly grouped under the title Blaine Amendments, after 19th-century U.S. Sen. James Blaine of Maine. He proposed a similar amendment to the U.S. Constitution. Although it narrowly failed, many states modeled state provisions after it.

Supporters of government funding for religious groups say Blaine amendments are vestiges of anti-Catholic sentiment that was rampant in the United States during the 1800s. But supporters of strict church-state separation say the amendments are useful in guaranteeing religious freedom today and often were instituted less out of anti-Catholic bias than in reaction to aggressive attempts by Catholic organizations to receive government funding.

Currently, Georgia's Blaine Amendment reads, "No money shall ever be taken from the public treasury, directly or indirectly, in aid of any church, sect, cult or religious denomination or of any sectarian institution."

A news release from Perdue's office calls that provision "an even higher barrier to faith-based initiatives than the First Amendment to the U.S. Constitution."

Perdue proposed adding a 12-word clause to the beginning of Georgia's Blaine-style provision: "Except as permitted by the United States Constitution, as amended."

That would clear the way in Georgia for voucher programs that fund religious schools. It also could legalize the provision of other state services through religious groups, although in practice some state agencies already contract with religious organizations. Nonetheless, Perdue may face an uphill legislative battle.

“I suspect that's going to create quite a stir,” said longtime state Sen. Terrell Starr, a Democrat and former speaker pro tem of the Georgia Senate. Starr declined to take a firm position until he knew more about the proposed amendment's specifics, but he added, “I'd have to be convinced it's the thing to do.”

For passage, the state legislature, which next meets in January, would have to give the amendment two-thirds approval in both chambers. A majority of the state's voters then would have to support it in the 2004 general election before it could become law.

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