

# **Church-state issues will remain prominent in new Congress\_11005**

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WASHINGTON (ABP)—As the 109th Congress goes to work in an atmosphere already charged with partisanship, legislative battles over religious and moral issues are virtually certain to remain as prominent as they were in the last session, according to two Washington observers of church-state issues.

Holly Hollman of the Baptist Joint Committee for Religious Liberty and Roger Limoges of the Interfaith Alliance agree many of the religious-freedom and moral issues that arose in the 108th Congress will come up again.

And with a handful of conservative Republicans in the Senate replacing moderate Democrats, some church-state legislation passed by the House but halted in the Senate could have more hope of passing.

Hollman, BJC's general counsel, said she expects "three major issues will

be back”—another attempt to allow churches to engage in partisan political campaigning while maintaining their tax-exempt status; a series of bills that would strip federal courts of their jurisdiction to rule on various church-state issues; and President Bush’s continued efforts to expand the government’s ability to fund social work through churches and other religious charities, also known as the “faith-based initiative.”

Limoges, the Interfaith Alliance’s deputy director for public policy, agreed with Hollman’s assessment, but also said he expects church-state issues to arise in likely Senate fights over confirming Bush’s nominees to federal courts — especially one or more possible vacancies on the Supreme Court. He said his group would be particularly concerned with nominations “that are going to be couched in (terms of) whether someone is a good Catholic or a good person of faith.”

Limoges also said his group considers the Federal Marriage Amendment—a constitutional ban on same-sex marriage, which failed in the last Congress but is almost certain to come up again—a religious-freedom issue.

### **Church electioneering**

Both Hollman and Limoges said they expect another attempt from Rep. Walter Jones (R-N.C.) and Religious Right forces to pass the Houses of Worship Political Speech Protection Act. They have pushed the bill in the past two sessions of Congress, including forcing a floor vote in the House. Although it has failed, it also has steadily gained support.

Hollman noted that some of the bill’s chief opponents in the House “are no longer there.” Chief among them is retired Rep. Amo Houghton (R-N.Y.), who chaired a key subcommittee of the House Ways and Means Committee that dealt with the proposal. His departure “might make the bill more likely to get through the committee process,” Hollman said.

## **“Court-stripping” bills**

Last fall, the House passed two bills that would strip federal courts of their ability to rule on marriage issues and on the constitutionality of the Pledge of Allegiance. While the Senate never acted on the proposals, they are likely to come up again, Hollman said.

“We saw last term that court stripping is a new popular strategy for addressing issues that may not do as well (for them) in the federal courts,” she said.

She also noted that a third “court-stripping” proposal that ran out of time in the House is likely to gain publicity and momentum because of two high-profile court cases that will be in the news this spring. The bill would have removed jurisdiction from federal courts in cases involving displays of the Ten Commandments on government property.

“Given the attention that will be on the Ten Commandments because of the Supreme Court’s decision to hear cases this term, we will likely see legislation designed to protect government displays of the Ten Commandments,” Hollman said.

## **Faith-based initiative**

Bush’s faith-based initiative is likely to come up again too, Limoges and Hollman agreed, although they differed slightly on how. Because of many conservative religious leaders’ perception that President Bush’s stances on religious and moral issues are why he won re-election in November, Hollman said, they may try to pressure more moderate Republicans into legislative advancement of the faith-based plan.

“I think that there will be some members of Congress coming back with more confidence post election that will try again to move faith-based

legislation,” she said.

“Some who interpret the president’s win as a mandate for ‘moral values’—including his top kind of faith-related domestic priority, which is the faith-based-initiative—may push to pass something akin to the CARE Act,” Hollman continued. That bill was left languishing in the last Congress, but in its original version would have made it easier for government to provide social-service funding through churches.

Limoges predicted Bush would make a renewed attempt at writing the faith-based plan into federal law. In his first term, he attempted to push authorization for funding of virtually all social services through churches and other deeply religious charities. The effort was stymied in the Senate. He then used his administrative powers—executive orders—to accomplish much of the same in individual federal agencies.

But a future president can undo such orders, while laws have to be repealed or overturned by federal courts. Emboldened by his perceived mandate on the subject, Bush “is going to go for the complete package again,” Limoges predicted.

## **Judicial nominations**

Limoges noted that Bush had re-nominated several of his appointees to federal courts whom Senate Democrats had halted because of their perceived judicial extremism—including on church-state and abortion-rights issues. Many Washington observers agree the move signals Bush plans to fight to get all his nominees through, causing a significant shift to the right on the federal courts.

## **Gay marriage**

Limoges also said he fully expects supporters of a constitutional ban on

same-sex marriage to bring the issue up again. The amendment proposal failed on a procedural vote in the Senate last year, but it is a favorite of social conservatives. “We certainly believe that they will be back again,” he said. “For us, it’s a religious-liberty issue. It always has been. The government cannot be telling churches whom they can and cannot marry.”

Highlighting the prominence such issues are sure to have, several Religious Right leaders have warned members of Congress who oppose them on these issues to back off.

In a recent letter to his supporters, popular Christian radio host and Focus on the Family founder James Dobson singled out Democratic senators up for re-election in 2006 in states with large evangelical Christian populations. He said they should not oppose Bush on court nominations or other matters, or the senators “will be in the ‘bull’s-eye’ the next time they seek re-election.”

And Tony Perkins, president of the Washington-based Family Research Council, used his daily e-mail newsletter to supporters Jan. 4 to ask Bush and Congress to focus on “values” issues.

“Clearly, this recent election was influenced by a strong turnout of ‘values voters,’ who understand the seriousness of the issues at stake in the battle over our culture,” he wrote. “We are grateful that there are strong leaders in Congress who also see the importance of legislative action to defend the American family from a growing and ever more pervasive secularism. However, we ask President Bush and congressional leadership to make social issues a priority of this Congress.”

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