Politics and Religion in the Twentieth Century: Bob Jones University, the IRS, and the First Amendment

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"It was the IRS trying to take away our tax exemptions
that made us realize that we had to fight for our lives."
– Reverend Jerry Falwell, 1980[1]

The First Amendment of the United States Constitution states in part "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." In an 1802 letter to the Danbury Baptists of Connecticut, Thomas Jefferson reiterated the intention of the First Amendment's Establishment and Free-Exercise clauses- that the religious freedoms sought in the American experience required "a high wall of separation between church and state."[2] Only by extricating religion from government, and government from religion, could American citizens truly enjoy both their faith and democracy. Not until the twentieth century, though, were the Establishment and Free-Exercise clauses seriously tested. Religion, the Supreme Court, and American politics collided in the second half of the twentieth century. Beginning in the 1940's, the Court began to address previously unquestioned traditions of prayer in the public schools and modern concerns regarding religious faiths and the workplace. The real challenge for the Court, though, resulted from the confrontation of religious liberties and civil rights, specifically those granted to redress long standing racial prejudices in American history. It was this juxtaposition that had the most serious ramifications for modern politics and debates regarding Constitutional religious rights.

Bob Jones University v. United States (1983) [*BJU v. U.S.*], and the decade of litigation preceding it, represents one such confrontation. Bob Jones University [BJU] is a highly conservative, fundamentalist Christian school in South Carolina. In 1970, the Internal Revenue Service [IRS] threatened to remove the school's tax-exempt status due to the school's racially discriminatory admission's policy. An addition to the Civil Rights' Act in 1970 had specified that tax-exempt private organizations that held racially discriminatory policies could lose that status for violating public policy. BJU sued the IRS on First Amendment grounds and the case was eventually heard by the Supreme Court of the United States. The case illustrates how the new conservative Christian movements of the 1970s and 1980s encountered federal politics and law and defined the debate concerning the separation of church and state in the twentieth century.

The Constitutional debate between BJU and the IRS was not triggered directly by BJU's racially exclusive admissions policy. The primary issue at stake was whether an agency of the federal government, the IRS, had the legal authority to revoke the tax-exempt status of a religious organization whose internal policies violated public policy, and if doing so violated that religious institution's First Amendment protections. The issue that precipitated the revocation *was* BJU's admissions policy, but the modern Christian conservative movement was diverse and should not be equated with or reduced to racially discriminatory politics. The issue of racial discrimination or segregation was one of great social and legal concern in the mid-twentieth century, and the IRS was acting on the language and intent of the recently passed Civil Rights Act of 1970 to support its claim that BJU's admission's policy violated public policy. The Constitutional challenge, then,

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[1] Matthew C. Moen, *The Christian Right and Congress* (Tuscaloosa, Alabama: The University of Alabama Press, 1989), 27.

[2] Kermit L. Hall, ed., *Major Problems in American Constitutional History, Volume II: From 1870 to the Present* (Lexington, Massachusetts: D.C. Heath and Company, 1992), 462.

was the result of conflict between public policy regarding civil rights and whether the First Amendment rights of a private, religious school precluded the federal government from revoking its tax-exemption privilege.

Bob Jones College was founded in 1927 as a fundamentalist Christian college in Florida by Bob Jones Sr. After an interim move to Tennessee, it became Bob Jones University of Greenville, South Carolina in 1947.[3] Until 1971, the school's admissions policy specifically excluded black applicants.[4] At that time, BJU changed its policy to exclude only *unmarried* blacks largely in response to the notification received from the IRS: on July 10, 1970, the IRS had announced its intention to cease granting tax exemptions to organizations with racially discriminatory policies;[5] in a letter to BJU dated November 30, 1970, the IRS formally notified the University of the change in policy.[6] The IRS's policy change came in response to *Green v. Connally* (1971),[7] in which Mississippi parents of public school minors had petitioned that segregated private schools should not be eligible for tax-exempt status, as they perpetuated *de facto* segregation. The Court found in favor of the petitioners; a preliminary injunction against granting tax-exempt status to racially discriminatory schools was issued in January 1970. The IRS's policy change was supported by the Court's re-characterization in *Green* of "charitable" (26 U.S.C. § 170) organizations in the IRS Code of 1954 § 501(c)(3) list of tax-exempt eligible entities to preclude those which have racially discriminatory policies. In 1971, the IRS formalized the policy by explicating that any organization, educational or otherwise, that accepted charitable donations would be governed by this policy.[8] BJU fell into this category.

The first suit involving the university and the IRS was actually adjudicated by the Supreme Court in 1974: *Bob Jones University* v. *Simon*.[9] BJU, having been notified of the IRS's change in policy and intent to revoke BJU's tax-exempt status, filed suit to enjoin the IRS, claiming First and Fifth Amendment violations. BJU argued that the IRS's actions represented government influence in the practice of faith and would impinge on the university's free exercise of their religiously based policies regarding racial separation. The District Court granted the injunction;[10] the Court of Appeals overturned, relying on a portion of the IRS Code that prevented petitioners from enjoining the IRS until it had actually assessed the taxes. The Supreme Court upheld the Appeals Court finding. The ruling in *Simon* demonstrated a statutory reliance on procedural law. Not until *BJU v. U.S.*, though, would the substantive content of the constitutional issues be ruled upon. To appreciate the confluence of issues, it is important to set the stage.

The Religious Right political constituency, variably referred to as Christian, Fundamentalist, or Evangelical Conservatives, was not fully apparent until the late 1970's, when they coalesced, briefly, around the born-again Baptist Presidential candidate Jimmy Carter, and more permanently, the Republican party of Ronald Reagan. It is important to note the distinction between "evangelical" and "mainline Protestants." The political movement that is commonly referred to as the Religious Right is largely comprised of socially conservative Protestant denominations including the Southern Baptist Convention, Churches of Christ, and Assemblies

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[3] http://www.bju.edu/about/history/; http://www.bju.edu/about/history/gville.html, accessed May 2008.

[4] 461 U.S. 574 (1983), 580.

[5] Steven C. Schroer, "Applicability of Prohibition of Suits to Restrain Assessment and Collection of Taxes to Revocation of Tax Exemptions under Section 501(c)(3) of the Internal Revenue Code," *Columbia Law Review*. 73, no. 7 (Nov 1973): 1502.

[6] 461 U.S. 574 (1983), 581.

[7] 330 F. Supp. 1150

[8] Mayer G. Freed and Daniel Polsby, "Race, Religion and Public Policy." *The Supreme Court Review*. Vol. 1983 (1983): 5.

[9] 416 U.S. 725 (1974)

[10] Schroer, 1502.

of God.[11] The impetus for the convergence was, broadly speaking, a general sense among socially conservative Protestants that they were being attacked by an increasingly secularized culture. The Christian Conservative political movement claimed that the state was denying its "Christian heritage" by legislating or adjudicating in a manner that, they argued, violated their First Amendment protections. The sense of secularization was reinforced by numerous Court challenges to religious practices, the cultural ramifications of desegregation and the civil rights movement, censorship by the Federal Communications Commission of religious programming,[12] the well-documented abortion debate, and finally, what was perceived as a direct affront upon the freedom to practice religion in the *BJU v. U.S.* case.

The first notable challenge to the religion clauses of the First Amendment came in *Everson v. Board of Education*,[13] (1947). In this case the Supreme Court upheld a New Jersey state statute authorizing the use of public taxpayer money to bus school children to Catholic schools. Justice Hugo Black's opinion was restrained, though, "The First Amendment has erected a wall between church and state...We could not approve the slightest breach. New Jersey has not breached it here."[14] The dissent used this very restraint to argue that the opinion should have been just the opposite, indicating the precarious nature of resolving First Amendment religious debates. Fifteen years later, the Court succeeded in "nationalizing" the First Amendment by overturning New York and Pennsylvania state laws implementing prayers in public schools.[15] In *Engel v. Vitale*,[16] (1962) and *School District of Abington Township, Pennsylvania v. Schempp*,[17] (1963) the Court found school sanctioned prayers unconstitutional by incorporating the First Amendment by the Fourteenth Amendment. State sponsored Christian prayer in the public school seemed an obvious violation of the separation between church and state.

The Court was not engaging in an outright attack on religious protections, though. For instance, in *Sherbert v. Verner*[18] (1963), which was decided during the same session as *Schempp,* the Court ruled that the state could not deny the petitioner's unemployment claim as she had left her job because it required her to work on Saturdays, and her Seventh-Day Adventist faith observed Saturdays as the Sabbath.[19] The Court's early decisions involving the establishment and free-exercise clauses were carefully carving out the delicate balance between religious freedoms and state control.

After the *Brown v. Board of Education* decision in 1954, many southerners had begun to privatize the education of their children to circumvent the mandated desegregation of the public school system. Court rulings regarding school prayer, bussing, evolution, and the general cultural liberalization of the 1960s, furthered the trend toward private, especially Christian, schools into the 1970s.[20] Contrary to popular history, Protestants did not overwhelmingly coalesce against *Roe v. Wade* (1973). In fact, the highly conservative Southern Baptist Convention in 1971 passed, and in 1974 and 1976 affirmed, a resolution that approved abortion under certain conditions: rape, incest, fetal deformity, or the well-being of the mother,[21] a position contrary to other Protestants

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[11] Frank Lambert, *Religion in American Politics* (Princeton and Oxford: Princeton University Press, 2008), 185.

[12] Moen, 23-25.

[13] 330 U.S. 1 (1947)

[14] Hall, *Problems*, 471.

[15] Kermit L. Hall, Paul Finkleman, and James W. Ely, Jr., eds., *American Legal History: Cases and Materials* (Oxford and New York: Oxford University Press, 2005), 542.

[16] 370 U.S. 421 (1962)

[17] 374 U.S. 203 (1963)

[18] 374 U.S. 398 (1963)

[19] Freed, 21.

[20] Moen, 26.

[21] Randall Balmer, *God in the White House: A History: How Faith Shaped the Presidency from John F. Kennedy to George W. Bush* (New York, New York: Harper One, 2008), 94.

groups, but in line with the smaller segment of socially liberal Protestants. The abortion debate did not unify all Christians in opposition. The issues that unified Christian political interests were broader and not motivated by protecting specific religious doctrines; rather it seemed that the Religious Right became unified against this perceived secularization of America and the Court's encroachment on religious practices in private institutions.

Arguably, it was in fact the IRS's attack on BJU that commenced the unified politicization of the Christian Right.[22] Bob Billings, founder of Christian School Action, remarked in regards to the IRS's actions against BJU, "'The IRS ignited the dynamite [within the fundamentalist community] that had been lying around for years.'"[23] Social changes and Court decisions had formalized the secular nature of public schools, forcing Christians to seek private institutions to inculcate their moral and religious beliefs, and now the government via the IRS was directly attacking the private, religious educational institutions they had created to provide refuge by attempting to revoke the financially beneficial tax-exempt status of their religious schools.

On April 16, 1975, the IRS formally notified BJU of the pending revocation of its tax-exempt status, and on January 19, 1976, the exemption was officially revoked. In the meantime, on May 29, 1975, BJU updated its admissions policy to allow married *and* unmarried black applicants. However, the university maintained a disciplinary rule that prohibited any interracial dating or marriage, or advocacy thereof, on penalty of expulsion.[24] To surpass the procedural arguments addressed in *Simon*, BJU paid $21 in taxes and then promptly filed a refund request. The denial of this request, due to BJU's new, non-exempt status, triggered a counterclaim from the IRS and associated Constitutional arguments.

BJU argued that the IRS did not have the Constitutional authority to revoke tax-exemption based on the literal reading of § 501(c)(3); that authority was reserved to the Congress to specifically legislate and delegate to the IRS to enforce. Any interpretation by the IRS of Congressional intent not explicitly stated was influenced not by legal standards, but rather by social standards. Also, as argued in *Simon*, BJU claimed that the revocation actually violated the university's rights under the religion clauses of the First Amendment. Because BJU's rules and teachings regarding the segregation of races were rooted in their interpretations of biblical text, the university argued that the IRS's policy violated their First Amendment rights to freedom of religious expression. Furthermore, BJU claimed that the IRS's actions represented an attempt to control the specific policies of a religious institution, an action prohibited by the establishment clause.

BJU did not attempt to defend their racially discriminatory policies. Efforts to excuse the interracial dating ban by claiming it affected both white and black students equally could be easily defeated: first, the school had only changed its admissions policy in response to the IRS's notification of its new tax-exemption policy; and second, inherent in their reasoning against interracial relationships, underscored by their only recently amended total exclusion, was that black students were considered less desirable or unworthy of association in their white, fundamentalist Christian school. In fact, Bob Jones III is quoted as saying, "The question is not whether we are discriminatory. We are, and we have never tried to hide the fact."[25] Asked for a reference to support the school's racial separatism, a BJU student offered, "It is in the Bible. It says you should not be unequally yoked."[26] The verse referenced by this student reads in entirety "Be ye not unequally yoked together with unbelievers: for what fellowship hath righteousness with unrighteousness? and what communion hath light with darkness?"[27] It appears, then, that

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[22] Lambert, 197.

[23] Moen, 27.

[24] 461 U.S. 574 (1983), 580-581.

[25] "Religious School is in Tax Battle over Policy of Racial Separatism," *New York Times*, January 26, 1981, Monday, Late City Final Edition, sec. A, p. 18.

[26] Ibid.

[27] 2 Corinthians 6:14, The Holy Bible, Authorized King James Version.

the university's doctrine equated black students with "unbelievers." The student's justification expressed an attitude, not a legal defense, but clearly indicates the religious underpinnings of BJU's policies and why the university argued that the IRS was infringing upon their free-exercise rights.

The government's position was complicated by the Reagan administration's changing opinions. Part of Reagan's Republican Party Platform in 1980 had been the promise to do away with the "unconstitutional regulatory vendetta launched by Mr. Carter's IRS commissioner against independent schools."[28] In January 1982, the Reagan Administration made good on its campaign promise and announced that it had shifted its support in this matter to BJU's claim: the IRS did not have the authority to enforce "social law" without Congressional legislation specifically to that intent.[29] The President had been influenced by conservative Republicans Presidential Advisor Edwin Meese III, Senator Strom Thurmond, and Representative Trent Lott,[30] representatives of the Christian Right that had been Reagan's strongest constituency in his recent election. O. Jack Taylor, Jr., an attorney for BJU, was, unsurprisingly, happy with the Administration's new position. The policy change complemented BJU's argument that the tax laws were not intended to enforce unspecified public policy.[31]

In a letter protesting the Administration's new stance, over 200 lawyers and members of the Justice Department's own civil rights division admonished the President, "Many of these schools were established for the purpose of perpetuating racial segregation in communities which were in the process of desegregating their schools pursuant to the requirements of Federal law."[32] Congressional and community civil rights leaders saw the Reagan Administration's move as an affront to the successes of the Civil Rights Movement of the previous three decades.[33] President Reagan reacted quickly. On January 18, 1982, he sent a bill to Congress that would deny tax-exemptions to private schools that racially discriminate.[34] In forwarding a bill for Congressional review and approval, President Reagan did not contradict his recent change in position, but rather bolstered his claim that clarifying the meaning and intent of the IRS code was a Congressional matter, not an IRS authority, while acting quickly to assuage critics that saw his previous move as wrong-headed in regards to civil rights.

William T. Coleman, Jr. was appointed by the Supreme Court in April 1982 to argue the government's position, since the Administration no longer represented the IRS in the matter.[35] The main argument offered by Coleman was that the racially discriminatory policies of BJU violated public policy and law. Where the IRS code was not explicit, the intent could be inferred

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[28] Martin Schram and Charles R. Babcock, "Reagan Advisors Missed School Case Sensitivity," *The Washington Post*, January 17, 1982, Sunday, Final Edition, sec. A1.

[29] Ibid; Freed, 1; Aric Press and Diane Camper, "Religion, Race and Taxes," *Newsweek*, October 25, 1982, United States Edition, sec. "Justice," p. 102; and, Walter Shapiro and Diane Camper, "Reagan's Civil Rights Woes," *Newsweek*, June 6, 1983, United States Edition, sec. "National Affairs," p. 38.

[30] Schram, *The Washington Post*, January, 17, 1982; Howell Raines, "President Shifts View on Tax Rule in Race Bias Case," *New York Times*, January 13, 1982, Wednesday, Late City Final Edition, sec. A, p. 1.

[31] "U.S. Tax Rule Shift Applauded and Attacked," *New York Times*, January 9, 1982, Saturday, Late City Final Edition, sec. 1, p. 10.

[32] "Text of Letter on Exemptions," *New York Times*, February 3, 1982, Wednesday, Late City Final Edition, sec. A, p. 21.

[33] Raines, *New York Times*, January, 13, 1982.

[34] Lee Lescaze, "Reagan Submits Bill on Schools," *The Washington Post*, January 19, 1982, Tuesday, Final Edition, sec. A1; Steven R. Weisman, "Reagan Acts to Bar Tax Break to Schools in Racial Bias Cases," *New York Times*, January 19, 1982, Tuesday, Late City Final Edition, sec. A, p. 1.

[35] Stuart Taylor, Jr., "Reagan is Opposed in Racial Bias Case," *New York Times*, August 26, 1982, Thursday, Late City Final Edition, sec. B, p. 9.

from other Congressional actions; the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Federal Housing Act[36] revealed a legislative commitment to civil rights and racial nondiscrimination. As was argued in *Brown,* there was also recognition of the keen importance of nondiscrimination in education. In a friend of the court brief, Harry K. Mansfield of the National Association of Independent Schools wrote, "Racial discrimination is not only socially inadmissible but also educationally deleterious."[37]

The implicit conclusion drawn by the IRS from such legislative acts was bolstered by case precedent. *Green* had established an expanded definition of "charitable" that encompassed BJU, and supported the argument that racially discriminatory policies precluded the university, since it accepted charitable donations, from tax-exemption. In *Norwood v. Harrison*[38] (1973) the Court found that offering free textbooks to segregated Mississippi private schools amounted to tangible financial assistance that violated the State's constitutional requirements to prohibit racially segregated schools. Racially discriminatory admissions policies in education were directly confronted in *Runyon* v. *McCrary*[39] (1976). Two Virginia private schools were found to be in violation of a federal statute protecting the rights of all persons within the U.S., regardless of race, to make and enforce contracts. *Runyon* effectively illegalized racially discriminatory policies in nonsectarian private schools.[40] It was during the litigation of this matter that BJU opened its admissions policy regarding blacks, but maintained the prohibition of interracial relationships.[41]

To make the above decisions applicable against BJU, though, the First Amendment claims would have to be addressed. The IRS rebutted the charge that revocation of tax-exempt status prevented or prohibited BJU's religious beliefs or practice thereof; it merely removed a government sanctioned tax privilege because of the organization's failure to comply with law and social policy. The need to protect civil rights and prevent racial discrimination in society outweighed BJU's claim to entitlement of a special tax status.

The decision in *Bob Jones University v. United States*[42] was announced on May 24, 1983. The Court ruled in favor of the IRS's revocation of the tax exemptions. The 8-1 majority opinion was written by Chief Justice Warren Burger. The basic premises for the conclusion are faithful to Coleman's arguments for the IRS: an organization's eligibility for tax exemption cannot contradict "common community conscience" or "established public policy;" regardless of whether the organization's rationale is religiously based, racial discrimination contradicts public policy; the IRS acted within its authority and properly applied it to both petitioners in the case; and, the "compelling government interest" in "eradicating racial discrimination in education" outweighs the First Amendment free-exercise claims of the petitioners.[43]

The concurring opinion of Justice Powell and the dissent of Justice Rehnquist are especially enlightening to the struggle between social policy and religious liberties. Justice Powell agreed with the ultimate outcome of the majority opinion: eliminating racial discrimination in education was an imperative concern to be weighed heavily. However, relying on "the common community conscience" to sanction the IRS's authority to interpret tax code based on social norms set a dangerously broad precedent. Tax-exempt organizations serve a public purpose by encouraging diverse viewpoints to the public discourse. For the Court to rule that the government has the authority to enforce social policy without explicit Congressional instruction weakens the legislative representation of a diverse American population.[44] Senator Jesse Helms

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[36] Freed, 9.
[37] Taylor, *New York Times*, August 26, 1982.
[38] 413 U.S. 455 (1973)
[39] 427 U.S. 160 (1976)
[40] 427 U.S. 160 (1976), 163.
[41] Freed, 4.
[42] 461 U.S. 574 (1983)
[43] 461 U.S. 574 (1983), 575.
[44] 461 U.S. 574 (1983), 609.

represented the dissent to Congress with this very point: the Supreme Court had circumscribed legislative authority by effectively amending the IRS code with the *BJU v. US* decision.[45]

Justice Rehnquist's dissent was quite similar to Justice Powell's concurrence. He also expressed agreement that eliminating racial discrimination in education was a necessary goal. His similar reasoning led him to a different result. The Supreme Court was not "constitutionally empowered"[46] to circumvent Congressional authority and effectively legislate on a social policy. The Court's reliance on "public policy" and common-law readings of "charitable contributions" signaled not an opportunity for the Court to act, but rather as a directive to Congress to address the conflict between civil rights, religious liberties, and tax codes.

The public reaction to the decision was equally nuanced. Bob Jones III offered an extreme warning to his students, "We're in a bad fix in America when eight evil old men and one vain and foolish woman can speak a verdict on American liberties...You no longer live in a nation that is religiously free."[47] President Reagan simply said, "We will obey the law."[48] In a brief filed with the ACLU, the American Jewish Committee argued that the constitutional mandate to eliminate "government-supported race discrimination in education" far outweighed any First Amendment claims of the schools involved,[49] and therefore validated the Court's ruling. Protestant Church officials were divided by the opinion. Most, like William P. Thompson, CEO of the United Presbyterian Church, agreed that the decision upheld "the principle of a nonracist culture" but worried what the ruling would mean for the First Amendment protected "free exercise" clause, specifically the separation between church and state when religious beliefs differ from public policy in areas other than racial discrimination.[50]

The fine distinctions in the analysis of the official decision are reflected by the conflicted concerns expressed by religious leaders: the Court's ultimate result, to deny tax benefits to racially discriminatory organizations, is positive. However, as Justice Powell's concurring opinion and Justice Rehnquist's dissent illustrate, the rationale offered in the majority opinion set a potentially dangerous precedent for replacing proper Congressional legislative remedies with Judicial jurisdiction over, albeit in this case, valid, social or public concerns, threatening the Constitutional guarantees for the protection of religious freedoms. The IRS Tax Code has since been modified to reflect the sentiment of the ruling. Private educational organizations, regardless of religious or secular affiliation, are required to comply with the "Racially Nondiscriminatory Policy" in order to obtain and maintain a tax exempt status.[51]

The long legal battle that culminated in *BJU v. U.S.* had significantly contributed to the unification of a large constituency of Protestant Christian conservatives in the Republican campaign of 1980, a demographic that has maintained considerable political influence since. In 1993, Congress responded to the concerns of Christians by passing the Religious Freedom Restoration Act [RFRA]. The act strengthened the "compelling interest" test in favor of First Amendment guaranteed religious freedoms, maintaining that the government must have a distinct interest in the general law to override an individual's religious practices that disagree with that law.[52] The inspiration for the act had been the ongoing conflict between religious liberties, government interest, and public policy illustrated in the *BJU v. U.S.* case. The direct impetus, however, was the Court's ruling in *Employment Division v. Smith* (1990),[53] in which Oregon's

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[45] Hall, *Problems*, 491.

[46] 461 U.S. 574 (1983), 612

[47] Phil Gailey, "Bob Jones, in Sermon, Assails Supreme Court," *New York Times*, May 25, 1983, Wednesday, Late City Final Edition, sec. A, p. 23.

[48] Ibid.

[49] Marjorie Hyer, "Many Church Leaders are Torn by Supreme Court's Tax Ruling," *The Washington Post*, May, 28, 1983, Saturday, Final Edition, sec. C14.

[50] Ibid.

[51] http://www.irs.gov/publications/p557/ch03.html, accessed May 2008.

[52] Hall, *Cases*, 548.

[53] 494 U.S. 872 (1990)

jurisdiction to outlaw the religious use of peyote was upheld. RFRA was not the end of the debate, though, as it was overturned in 1997 by *City of Boerne v. Flores.*[54] In Flores, the Court held that RFRA's incorporation of the First Amendment over state law by the Fourteenth Amendment represented an overextension of Congressional enforcement powers because it attempted to *define* First Amendment guarantees rather than simply protect them.

The political potency of the case was apparent again in the presidential campaign of 2000. George W. Bush accepted an invitation to speak at Bob Jones University and was criticized in the media and by his Republican opponent, John McCain, for endorsing an institution that still maintained a prohibition against interracial relationships. Bush claimed he was not aware of the policies of the university. In response to the media attention surrounding the campaign controversy, BJU's president, Bob Jones III, announced during a March 3, 2000, appearance on the Larry King Live show, that effective immediately the interracial dating policy would end.[55] BJU now has a "Nondiscriminatory Policy" on the Admissions page of its website.[56] On November 21, 2008, the Associated Press reported that BJU's president, Stephen Jones, grandson of founder Bob Jones, had issued an official apology for the university's past policies regarding race.[57] The school's website now includes a page explaining the university's new position.[58] In the statement, the previous policies regarding race are repudiated as un-Christlike and are blamed on the heritage of "the segregationist ethos of American culture" at large. The major organization is still not tax-exempt.

The debate surrounding *Bob Jones Univ. v. United States* can be seen as a transition to an active Christian constituency in American politics. But more importantly, the case represents a national discussion about how to balance civil rights and the religious freedoms protected by the First Amendment. The decision itself reflects the influences of the past wrongs of racial discrimination in the United States and the Supreme Court's efforts to reconcile civil rights with religious liberties. The reactions to it reveal the rise of a Religious Right, conservative movement in U.S. party politics. Within it are apparent long standing concerns regarding the balance of powers between the three branches of government, and how to appropriately balance and define the Constitutional rights of American citizens.

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[54] 521 U.S. 507 (1997)

[55] Gustav Niebuhr, "The 2000 Campaign: The Religion Issue; Interracial Dating Ban to End," *New York Times,* March 4, 2000, Saturday, Late Edition – Final, sec. A, p. 11.

[56] http://www.bju.edu/admissions/nondiscrim.html, accessed May 2008.

[57] http://www.msnbc.msn.com/id/27845030/, accessed November 2008.

[58] http://www.bju.edu/about/race.html, accessed May 2008.