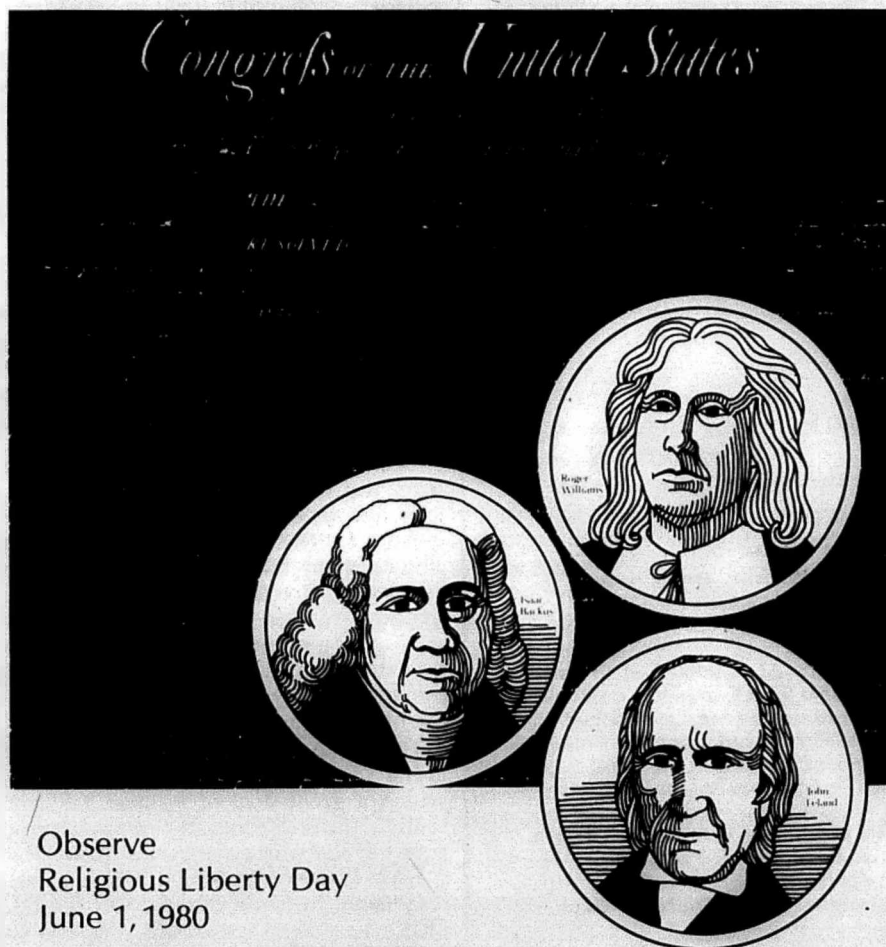


**Religious
Liberty
Issue**

May 1980

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REPORT from the **CAPITAL**



Observe
Religious Liberty Day
June 1, 1980

OUR BAPTIST HERITAGE: RELIGIOUS LIBERTY

Baptist Joint Committee on Public Affairs, Washington, D.C.

REPORT from the CAPITAL

"... a civil state 'with
full liberty in religious concerns' "

VOL. 35 No. 5

MAY 1980

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**BAPTIST JOINT COMMITTEE
ON PUBLIC AFFAIRS
200 Maryland Avenue, N.E.
Washington, D.C. 20002**

Be Still and Know . . .

Every so often the philosophical "law of parsimony" commends itself as an answer to the proliferation of things written and spoken, much of which will never withstand the test of time. Strip away with the unessentials, and let that which has been clearly and truthfully expressed be remembered.

The theme of freedom and liberty (is the distinction that of being born free as opposed to having been set free) will elicit a lot of discussion as we approach the celebration of our own nation's independence. Some observers will point to gradual erosion of freedom through fear and greed. Is there counsel from the past?

As the Baptist Joint Committee focuses on the religious liberty theme in this issue it was apparent that worship ought to come first. Appropriately, our start must be theological and Biblical, where we discover the liberating and reconciling force to be rooted in spirit—love.

"For this is the message which you have heard from the beginning," wrote John, "that we should love one another."

Add to that the more recent insights of the philosopher-theologian Nicholas Berdjaev, who speaks so directly to all who are committed to the ongoing mission of Jesus Christ:

"... the church is freedom and love, and there is no external authority in it . . . What is in it is *freedom enlightened by grace*. He adds, "each must take responsibility for all."

This issue, therefore, accents religious liberty in an arena in which we all can act responsibly, one in which a great deal of witness takes place. It is intended to be a reminder of the democratic political process, the way government functions.

Each instance in which religious values bring influence to the Congress, the Court, and the Executive Office to make them more sensitive to human concerns in domestic and foreign policies, is an achievement in the spirit of serving our Lord.

He has already assured us that in serving the least important person, "you did it for me."

In keeping with our initial observation, these comments are left open-ended for individual reflection.

Victor Tupitza



WASHINGTON OBSERVATIONS **news/views/trends**

WILLIAM G. TANNER, EXECUTIVE director-treasurer of the Southern Baptist Convention's Home Mission Board, has been named as a replacement for Grady C. Cothen on the search committee seeking a new chief executive for the Baptist Joint Committee on Public Affairs here.

Cothen, recovering from surgery for an abdominal malignancy, had earlier been named chairman of the search committee. According to Baptist Joint Committee chairman Gideon K. Zimmerman, the search committee will next meet May 5 in Chicago and name a new chairman then. ■

WARNING THAT THE use of clergy by U.S. intelligence agencies "perverts the mission of the church without accomplishing the state's objective," a Baptist spokesman urged the Senate Select Committee on Intelligence here to place explicit prohibitions against such practice.

James E. Wood, Jr., executive director of the Baptist Joint Committee on Public Affairs, called for more restrictions on the use of clergy than are presently contained in intelligence charter legislation being considered by the Senate committee.

The "National Intelligence Act of 1980," (S.2284), introduced in February by Sen. Walter D. Huddleston, D-Ky., prohibits the use of clergy or religious institutions for cover, but allows their use as informants. ■

A BILL RESTORING a \$20,000 annual income-tax exclusion for missionaries and other employees of charities working in developing countries has cleared the Senate Finance Committee with a do pass recommendation.

The Senate Finance Committee report on H.R. 1319 contains an amendment which restores the \$20,000 tax exclusion eliminated by the Foreign Earned Income Act of 1978.

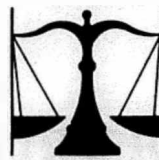
While recognizing that increased tax liability for individuals working abroad was intended by the 1978 act, the committee reasoned in its report that "charitable employees in developing countries generally are performing services in which the United States has a special interest" and therefore justifies the tax exclusion.

Support for the amendment has come from a broad base of groups providing charitable services in developing countries, including the Southern Baptist Convention's Foreign Mission Board and the Board of International Ministries of the American Baptist Churches, U.S.A.

Should the Senate approve the measure, it would then be referred to a conference committee. The House version of H.R. 1319, passed last fall, does not contain any of the provisions of the Senate report. ■

John W. Baker

VIEWS OF THE WALL



The First Amendment built "a wall of separation between Church and State." Thomas Jefferson in a letter to the Danbury Baptist Association

"... the line of separation, far from being a 'wall', is a blurred, indistinct, and variable barrier." Chief Justice Burger, *Lemon v. Kurtzman*.

Does Title VII of the Civil Rights Act of 1964, which prohibits discrimination based on sex, apply to church-related schools? Does excessive entanglement of the state with religion occur if a teacher, dismissed by a religious school on moral grounds, is able to get a court order to reinstate her in her teaching position?

An unmarried woman who was a teacher in an Iowa Catholic school became pregnant. The school terminated her employment on the grounds that she had violated the school's code of moral conduct which it applied to all teachers. That code included the proscription of premarital sexual intercourse—which the teacher had obviously violated. The teacher challenged the termination as sex discrimination which is forbidden under the Civil Rights Act of 1964.

The school rested a major part of its case on *NLRB v. Catholic Bishop of Chicago*, 440 U.S. 490 (1979), in which the Supreme Court denied the NLRB jurisdiction over the Catholic schools on the grounds that Congress did not specifically state that it intended that church-related schools be covered by the National Labor Relations Act. In this case the school argued that because Title VII does not apply to a religious corporation, association, educational institution or society "with respect to the employment of individuals of a particular religion to perform work connected with the carrying on . . . of its activities," Congress did not intend that religious schools be covered by Title VII. The school also argued that since excessive entanglement of government with religion violates the establishment of religion clause of the First Amendment, Title VII would be unconstitutional as applied to religious schools.

The U.S. District Court for the Northern District of Iowa decided that it first had to determine whether Congress intended that Title VII cover religious schools, and if so it then had to determine if Title VII did, in fact, excessively entangle government and religion.

The court held that Congress intended that religious schools be able to discriminate on the basis of religious beliefs but that it did not intend to

exempt religious educational institutions with respect to any or all discrimination—including sex discrimination. The court said that if the act did so exempt religious institutions it would run into First Amendment problems by favoring religious as opposed to secular institutions.

The court asserted that the issue of sex-discrimination could be settled without the state becoming entangled in Catholic moral or doctrinal precepts. The only issue, it said, was whether those moral precepts, to the extent that they constitute essential conditions for continued employment, had been applied equally to male and female teachers and whether the woman had been discharged only because she was pregnant rather than because she obviously had premarital sexual intercourse. There was no evidence which would dissipate the charge of sex discrimination—e.g. the school did not produce evidence of a non-discriminatory handling of similar violations of moral or doctrinal precepts by male faculty members.

The court then held for the teacher, distinguished the NLRB case, and denied that excessive entanglement would grow out of enforcement of Title VII. *Dolter v. Wahlert High School*, ___ F.Supp. ___ (N.D. Iowa 1980).

On November 9, 1979, the United States District Court for the Eastern District of Pennsylvania, in *Gilfillan et al. v. City of Philadelphia*, No. 79-3377, announced its decision that payment by the City for the costs of that part of the visit of Pope John Paul II which consisted of a strictly religious ceremony was an unconstitutional use of public funds. The court determined that \$204,565 had been improperly spent and, according to an agreement reached in court by all parties prior to the Pope's saying of the mass, the Archdiocese should reimburse the City. (See *Report From The Capital*, Nov.-Dec., 1979, p. 8 for details).

To the surprise of most observers, the City of Philadelphia has filed an appeal in the U.S. Court of Appeals for the 3d Circuit and argued, essentially, that provision of the platform, shrubbery, flowers, chairs, etc. by the City

did not sufficiently constitute the "establishment" of religion prohibited by the First Amendment. "The purpose of the platform was to provide the maximum opportunity for citizens to see and hear the City's visitor . . . and to maximize the public relations benefit to the City of a visiting dignitary."

In a brief for appellees the Rev. Mary Anne Forehand and the Board of National Ministries of the American Baptist Churches in the U.S.A. it was argued: 1. that a government action even "respecting" an establishment of religion is contrary to the First Amendment even though an establishment may not be completed; 2. that the establishment clause requires that government be neutral toward religion and that it neither restrain nor advance religion; and, 3. that "the expenditure of city funds for the Pope's platform had a religious purpose, had the direct, immediate and substantial effect of advancing religion, and entangled city officials with religion." The brief urged that the District Court decision be affirmed.

This is a very important church-state case which could well end up in the Supreme Court. We will keep you posted.

Sole Surviving Founder of BJC, Theodore Adams

Theodore F. Adams, sole surviving member of the committee which conceived and in 1939 brought into being the Baptist Joint Committee on Public Affairs, died on February 27, 1980 after having suffered a stroke a few days earlier.

His distinct role in the inauguration of the Committee and his contribution to its work and witness were appropriately recognized at the Southern Baptist Convention in 1974 on the occasion of the BJC's 35th anniversary.

Dr. Adams was long cherished as an outstanding leader among Baptists of North America and throughout the world, serving on the general council of the Baptist World Alliance from 1934 until his death.

Raymond P. Jennings

Dr. Jennings is Senior Minister of the National Baptist Memorial Church, Washington, D.C. He has served as a missionary to Japan and held pastorates in Ottawa, Kansas; Berkeley, California, and Syracuse, New York.

Celebrating Religious Liberty in Worship

In recent years there has been a proliferation of special days in which pastors and churches are called upon to observe. As pastor of a church which, because of its strategic location and dedication,* is affiliated with three national bodies of Baptists, the American Baptist Churches in the U.S.A., the Southern Baptist Convention and the Progressive National Baptist Convention, I have been made acutely aware of this fact. At the beginning of the new year I took a medium sized pocket calendar and attempted to record the special designated dates of each of the three bodies. On some Sundays, I discovered, after I had written in the special emphases, there was no room left to record appointments and engagements! The listing of the designated special observances filled the full spaces for some Sundays!

At the same time the thoughtful pastor will realize that the purpose of the special designated Sundays is clear: To provide for a balanced and regular presentation of important themes and programs which, left to their own devices, pastors might well neglect. The dedicated pastor will want to give rea-

*National Baptist Memorial Church was dedicated in 1933 as a memorial to religious liberty by the American Baptist Churches, USA (then, Northern Baptist Convention), and the Southern Baptist Convention, when the two bodies both met in Washington, D.C.

sonable attention to the prescribed days. This is not so much a test of the pastor's denominational loyalty as a reflection of the concern that the average congregation be exposed to the wider issues and involvements of Christian witness.

The Baptist Joint Committee on Public Affairs has designated the first Sunday (Saturday for Seventh Day Baptists) of June each year as Religious Liberty Sunday. This year that (Sunday) falls on June 1, Trinity Sunday. The number of pastors and churches giving any attention to this significant designation is, tragically, very limited. With all of the other calls for special observances the average pastor may well feel that this is one Day which can easily and quietly be ignored. After all, what lay person is going to ask, "Why didn't we observe Religious Liberty Day?"



In this apathetic neglect the pastor misses a unique opportunity to educate the church's membership, robs the membership of learning about and participating in one of the most vital elements among our Baptist distinctives and is ignoring one of the most pressing and crucial issues on the contemporary religious scene. Religious Liberty is not only in the forefront of the news today but is one of the most threatened principles of modern society. Religious Liberty Day should be high on the list of special Days for observance by every Baptist church. It

should hold a place right along side of Christmas and Easter for, if religious liberty were to be lost, there would be no right to publicly celebrate these great Christian festivals, nor, for that matter, to decide to observe or not observe the myriad of special Sundays! Our ministries would then, indeed, not be prescribed but proscribed.

The recognition of the Religious Liberty Day may range from the pastor preaching a sermon on the theme to dedicating the entire worship hour to the lifting up of substantive religious liberty data. The Sunday School, small groups and auxiliary organizations can also be drawn into a significant consideration of the topic.

The temptation, in an article such as this, is to prepare and offer a detailed order of worship which could be employed with adaptation or effort by readers interested in observing the day. Rather than do that we will offer a list of suggestions designed to stimulate the development of a unique and distinctive service of worship in any local church—a service tailored to the local situation. Such a service could easily include biblical material, historical material and contemporary material. Here are a few "starters"—suggestion which may trigger some ideas of your own.

Use sections of the Universal Declaration of Human Rights as a call to worship:

"Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance." (Article 18)

"Everyone has a right of freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

(Article 19)

After reading one or more of these articles the worship leader may add: "Claiming and exercising this fundamental God-given human right, we gather today to celebrate the free-

**"He has sent me to bring good news to the poor,
to proclaim liberty to captives, freedom to those in
prison"**
Lk 4:18

dom of religion which we enjoy and to proclaim that right for all peoples, giving thanks to God and praying for all who may not, like us, enjoy this right." This declaration could be followed by a suitable scripture passage such as Acts 4:20 or Isaiah 61:1.

In addition to the usual Scripture Lesson (some appropriate scriptures are suggested later) include a reading from history ("The Word From History") which speaks to the struggle for religious liberty. Words of our own forebearer, Roger Williams, come to mind:

"I affirm it lamentably to be against the Testimony of Christ Jesus, for the civil state to impose upon the souls of the people, a religion, a worship, a ministry, oaths (in religious and civil affairs) tithes, times, days, marryings and burials in holy ground." OR, "That body-killing, soul-killing, and state-killing doctrine of not permitting but persecuting all other consciences and ways of worship (but their own), is to pluck up the roots and foundation of all common society in the world, to turn the garden of paradise of the church and saints into the field of the civil state of the world . . . to blow out the candle or light and to make a noise in the dark with a sound and cry of a guilty land, a guilty state, soul-murders, soul-killers, soul-seducers, rebels against the Lord." OR, "I desire not that liberty for myself which I would not freely and impartially weigh out to all consciences of the world besides; therefore, I humbly conceive that it is the express and absolute duty of the civil power to proclaim an absolute freedom of conscience in all the world."

Similar quotations can be found in both Baptist and non-Baptist writings. The writings of the Ana-baptists, Martin Luther (notably "A Treatise on Christian Liberty"), the early American settlers and "greats" like William Law, Thomas Carlyle, Ralph Waldo Emerson and Phillips Brooks. A little research will produce some genuine gems from the past. Perhaps the youth group could be invited to research and select a few such quotations with young people themselves reading them in worship.

Include, also, "A Contemporary Word." Select and incorporate into the

worship material from current literature or even from the newspaper highlighting current religious liberty issues. These might include articles on prayer in the public schools, churches and taxes, the government and cults, state funds for private schools, the draft and conscientious objection, and a host of almost daily questions raised in the public press about church-state issues. An adult class or young adult study group might be challenged to watch the local newspapers during the preceding week for items which impinge upon the question of religious liberty and "report" on Sunday, possibly even having clipped and mounted the articles for display.

A variation of this (or an added dimension) would be to ask the women's society to study the issue of religious liberty in the mission field and briefly cite examples of how it affects the work of our missionaries.

- Develop a responsive reading or litany which can be used in the worship, possibly blending the words of scripture and contemporary issues. Again, this could be an assignment made to a class or group in the church.

- Select appropriate hymns — perhaps at least one with which the congregation may not be familiar and, thus, will be prompted to think about the words. Possible hymns might be "Men and Children Everywhere," "Let the Whole Creation Cry," "Praise to the Living God," "I Feel The Winds of God Today," or "I Bind My Heart This Tide." At the end of this article are words written by this writer which are an effort to capture the moods of our times and address the question of the "liberation" theologies. This is written to Short Meter Double (SMD) and may be sung to any one of three familiar tunes.

- Preach a sermon on Religious Liberty or a particular religious liberty issue (some have been cited above). There are numerous biblical texts which clearly address the theme. A few of these would be: Deuteronomy 16:20; Romans 8:18-30; Matthew 2:13-18; 1 Corinthians 8:1-13; John 10:10-24; 1 Corinthians 9:1-2; Acts 7:23-27; 1 Corinthians 10:29-11:1; Acts 17:22-36; Galatians 3:26-29; II Corinthians 3:1-18; II Corinthians 5:11-21; 1 Peter 2:11-17.

Give the congregation something to carry away to read and study after worship. This could be an outline of the sermon, a page of printed quotations used in the worship or folders or pamphlets on religious liberty. The Baptist Joint Committee on Public Affairs has materials which are readily available and these may be ordered easily. We are often given to the assumption that the remembrance of the spoken words is sufficient proclamation. Our preaching might be more effective if we more frequently provided our listeners with material to study afterwards and which serves as a reminder of the words we have spoken.

- Don't overlook the possibility of either musical or dramatic enrichment of the worship.

"The condition upon which God hath given liberty to man," wrote John Philpot Curran in 1790, "is eternal vigilance." Nowhere is that truth more often forgotten or ignored than in the church! At no time in many decades has the need for vigilance been greater than today. Religious Liberty Day, 1980, is a critical opportunity for the pastor to atone for this all-too-frequent neglect!

OUR DAY IS NEW (SDM*)

Our day is new and fresh,
The old has been surpassed;
The Lord of Life in liv-ing flesh
Pur-su-eth still His quest:
To birth the new spir-it,
To build true per-son-hood
To give His bless-ing in-fi-nite
To our free ser-vi-tude
We own Him Lord of Life
Whose good-ness touch-es all,
And ends our en-mi-ty and strife;
Re-ceive-ing great and small,
U-ni-ting slave and free;
To know not strong or frail,
Nor mark of na-tion-al-i-ty,
Nor ma--ale-- or fe-male.
Our day is new and fresh,
Our old dis-tinc-tions yield,
As lib-er-ation's winds re-fresh
And an-cient rifts are healed
The fu-ture o-pens bright
As Christ ex-tends His call;
We join to-geth-er and re-spond
And own Him Lord of All.

*To be sung to tunes such as:
Diadema ("Crown Him with Many Crowns")
Terra Patris ("This Is My Father's World")
Bealoth ("I Love Thy Kingdom Lord")

Legislation

"All legislative Powers herein granted shall be vested in a Congress of the United States . . ."

—U.S. Constitution, Article 1, Section 1

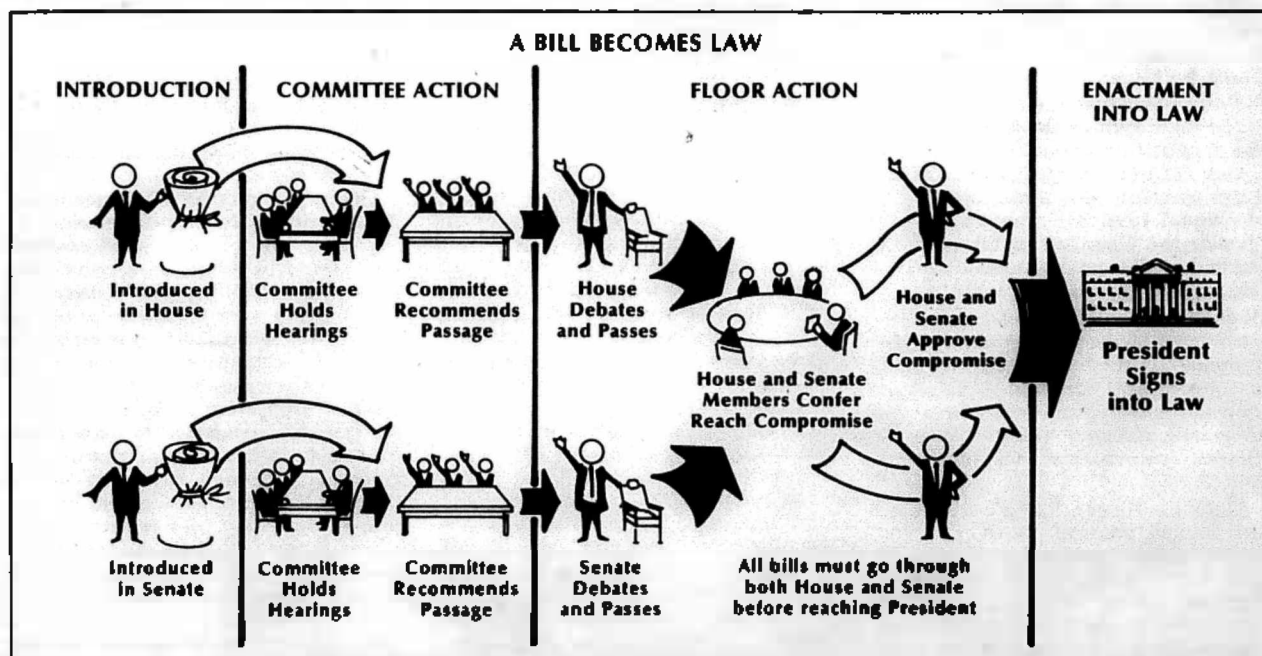
"Most of the time the real drama is going on elsewhere — in the cloakrooms and corridors, in the inner sanctum of the leaders, in the member's own offices."

That observation of Douglass Cater suggests that in the legislative process, much remains hidden to the visitor to the Senate and House galleries. Yet,

By virtue of their elected offices, members of the Congress and the President of the United States are the primary sources for proposals for legislation. By an "executive communication," initiated either in the Oval Office, the President's Cabinet, or in an independent agency, the President transmits draft proposals. These are sent through a member of the Con-

this page. While there are more complicated as well as simpler routes, the greater number of bills fall by the wayside and never enter into the full process.

Cater's remark fails to take note of the House and Senate Committee rooms as a locus of great deal of activity which results in legislation. Here, differences are resolved in the move



few persons leave unimpressed at the awesome sight of this unique deliberative body in session.

One of the cornerstones of the American democratic system, the federal legislative process, while providing opportunity for all sides to be heard, nevertheless requires consideration and approval by both Houses of Congress before a proposal can become enacted into law.

Democracy is also well served by the Constitutional provision extending access to the legislative process to individuals and special interest groups through the "Right to Petition" their legislators to introduce proposals for consideration. Often, these are welcomed for the substantial content they bring to the important task of writing bills.

gress or directed to the Speaker of the House or the President of the Senate.

The House and Senate possess equal legislative functions and powers. The House alone, however, initiates revenue bills while the Senate has the additional function of advising and consenting to treaties and to certain nominations of the President.

Both House and Senate have a judicial as well as legislative role; the House, of indictment (impeachment) and the Senate of trying cases of indictment or impeachment. Richard Nixon, for example, had been impeached by the House but submitted his resignation before the Senate could act.

Typical of the way in which proposed legislation is enacted into law is shown in the graphic illustration on

toward consensus sufficient for approval of bills. In point of fact, a bias against legislating on the floor makes sound committee work all the more essential.

A bill, once it assumes final form, is printed and sent to the President. The President may approve it, in which case it becomes law. But the President, withholding approval, "shall return it" stating the objections. This vetoed bill is privileged and requires a motion to take it from the table for further action. Two-thirds vote in the affirmative is necessary to override a veto.

—Victor Tupitza, director of Denominational Services, serves as managing editor of the REPORT.

Interpretation/ Adjudication

"The Judicial Power of the United States shall be vested in one supreme Court, and in such Inferior Courts as the Congress may . . . establish."

—U.S. Constitution, Article III, Section 1

"Equal Justice Under Law" . . . "Justice the Guardian of Liberty" . . . The American devotion to the rule of law and to constitutional government, as elusive and difficult to achieve as it is, nowhere is better symbolized than in the two mottos above the West and East facades of the U.S. Supreme Court buildings at One First Street, N.E., in the nation's capital.

The high court as the final arbiter of the Constitution and laws of the United States is charged with doing all it can to insure that those lofty ideals of "Equal Justice Under Law" and "Justice the Guardian of Liberty" are reached in all legal disputes before it.

The late Chief Justice Charles Evans Hughes, incidentally, a leading American Baptist layman, once said that the Supreme Court is "distinctly American in concept and function." No other court in the world has in fact exercised for so long and with such influence the authority of constitutional interpretation.

Alexis de Tocqueville, the 19th century French political observer, noted that although representative government had been adopted by a number of European states, "I am unaware that any nation of the globe has hitherto organized a judicial power in the same manner as the Americans . . . A more imposing judicial power was never constituted by any people."

Without question the most significant explanation both for the durability and scope of influence of the U.S. Supreme Court is that from its infancy America has treasured its Constitution. The founders wisely constructed a document both incisive enough to settle real constitutional issues, yet general enough to allow for its application to ever-changing circumstances in the nation's life.

The Constitution is characterized also by its provision for a federal government sufficiently strong and flexible to meet the needs of the nation, while at the same time protecting the inalienable rights of individual citizens.

Access to the High Court is thus available at least in theory to every citizen, from the chief legal officer of the U.S. government (the Solicitor General) to the humblest citizen, even if he is a forgotten inmate in a distant prison.

Basic to the Supreme Court's ability to do its work is the crucial concept of "judicial review" first declared for the Court by Chief Justice John Marshall in *Marbury v. Madison* (1803). Numerous legal scholars have noted that although the Constitution itself did not provide explicitly for such review by the Court of legislative and executive acts, the founders clearly intended it. The nature of the Constitution itself, it can be argued, made necessary constitutional interpretation and application by the High Court.

By statute, each Term of the Supreme Court begins on the first Monday of October and normally concludes by the end of the following June. The Term is divided between "sittings" for the hearing of cases and delivering of opinions, and intervening "recesses" for the writing of opinions and the disposition of some 4,000 cases presented annually to the justices. These alternating sittings and recesses occur usually at two-week intervals.

All but approximately 150 of the 4,000 cases appealed to the Court are disposed of without oral arguments and the issuance of formal written opinions. By rejecting most cases, the decisions of the courts from which appeals are presented are left standing. Contrary to popular belief, however, rejection of a case does not necessarily signal the High Court's approval of either the decision or reasoning of lower courts. It indicates rather that an insufficient number of the justices believes that a particular case is "ripe" for their review. Four of the nine justices must agree to hear a case before it can be scheduled for oral argument.

Before oral arguments are heard, the justices and their legal clerks review

the written record in each case. That record usually consists of a petition for a writ of certiorari (we want to be informed) or a jurisdictional statement, a document sent the justices by the losing side in the lower court outlining the reasons why the High Court ought to review the lower ruling. Once the case is accepted for review by the justices, attorneys on both sides prepare legal briefs arguing the constitutional issues at stake.

Oral arguments, which normally last one hour, equally divided between the two sides, are followed by an unspecified period of time during which the justices consider the case's final outcome. At its weekly conference on the Friday following oral arguments, the justices normally take a preliminary vote on the case. If no consensus is reached at this early stage, several of the justices may choose to write drafts for the consideration of the others. When it becomes apparent that a majority has made its decision, by custom either the Chief Justice or the senior justice voting on the side of the majority assigns either himself or one of his colleagues the task of writing the formal opinion for the Court.

Before the final decision in any case is announced and released to the press and public, every effort is made behind the scenes to seek the strongest majority possible. Revelations by Bob Woodward and Scott Armstrong in their best-selling book, *The Brethren*, demonstrate that much bargaining goes on behind the scenes in some cases up for decision.

Whatever the internal decision-making process in any individual case, the opinion of the High Court is final and not subject to further appeal. The only remedy left for the losing party is to request formally a rehearing by the Court, a maneuver which only in the rarest of situations has succeeded.

—Stan L. Hastey, director of Information Services, covers the Supreme Court for the REPORT.

Administration/ Implementation

"The executive Power shall be vested in a President of the United States of America." He shall take care that the laws be faithfully executed, . . ."

—U.S. Constitution, Article II, Section 1.

All citizens of the United States are well aware of government regulations, but a surprisingly large number of them do not understand the reasons for those regulations, how they come into being, how they work, and why they are of any importance to religious bodies. This brief article will attempt to provide basic understandings of the administrative process as it relates to churches.

In order to limit this article to a discussion of those regulations which most directly affect religious organizations, those issued by the so-called "independent regulatory commissions," such as the Federal Trade Commission and the Federal Communications Commission, will not be covered. These commissions were set up primarily to regulate businesses, and, though the regulations they issue may be of concern to the churches, they do not usually impinge directly on the churches. More often, it is the administrative agencies, subunits of the federal government departments, which cause problems for religious organizations. The Internal Revenue Service, which is a part of the Department of the Treasury, will be used as the primary example, but it is only one of many which could have been used.

Administrative agencies have two major functions—administrative and quasi-legislative. As administrators they are charged with oversight and enforcement of statutes, rules, regulations, and judicial determinations as they are applicable to individuals or groupings of individuals. They may require reports, conduct investigations, make studies which may lead to new regulations, and in many other ways keep on top of matters pertaining to their jurisdiction.

However, the major concern of the churches in recent years has centered around the quasi-legislative or rule-making power of administrative agencies. This function far transcends the importance of the strictly administrative function.

Administrative agencies have the power to make and promulgate rules and regulations which apply and "flesh out" or implement broadly phrased acts passed by Congress. These rules and regulations, to be

valid, must be within the scope and intent of the law under which they are issued—i.e. they must be tied to the written ("black letter") law and to the intentions of Congress as shown in the legislative history of the law. If the rules and regulations do fall within the letter of the law and the intent of Congress, they have the force of law equally with the statute itself. Hence, it is properly said that administrative agencies have a kind of legislative power—or a quasi-legislative power—subject to judicial review and congressional direction.

Persons adversely affected by these rules and regulations having the force of law can challenge them in court either by attacking the basic law or by asserting that the regulations go beyond the letter of the law or are contrary to congressional intent. Alternatively, the injured parties can press Congress to change the law—a difficult and time-consuming task to accomplish.

The Administrative Procedures Act of 1946, as amended, 5 U.S.C. §§551-706, governs the issuance of rules and regulations. The basic provisions of the Act are: 1. full publicity must be given to the process by which an agency formulates its rules; 2. all proposed rules and regulations must be published in the *Federal Register* and must state the applicable statutory authority; 3. any interested person or party must be given an opportunity to submit a written statement on the proposals and, in the case of major rules, time must be allowed for public hearings; 4. the final rules must be published in the *Federal Register* accompanied by an explanation of how the agency responded to the proposals for change contained in the written statements or the oral testimony. President Carter attempted to make a major contribution to the rulemaking process on March 23, 1978 when he issued Executive Order No. 12044, which said in part, "Regulations shall be as simple and clear as possible." It is too soon to tell whether the Order will have the desired effect of eliminating obfuscation and jargon.

A brief illustration of the importance of the quasi-legislative function to

churches, which by now may be old to some of you, is the IRS's rules dealing with "integrated auxiliaries." In §6033 of the Internal Revenue Code of 1954, Congress had excluded "Churches, and conventions or associations of churches" from filing informational returns with the IRS. In the 1969 major revision of the Code, §6033 was expanded to exclude "Churches, their integrated auxiliaries, conventions or associations of churches." The IRS, feeling it necessary to define the phrase "integrated auxiliaries" to clarify who was mandatorily excluded from filing the informational returns, published proposed rules in the *Federal Register*. All facets of the religious community submitted strong written and oral arguments that the proposed rules were not within the letter of the law or congressional intent and were an unconstitutional attempt to define for churches which of their agencies are and which are not integral to their mission. Despite the protests, the final regulations published in the *Federal Register* retained the major elements of the original proposed rules.

Under these final regulations the Annuity Board of the Southern Baptist Convention has been declared by the IRS not to be an integrated auxiliary. The Board has almost exhausted its administrative appeals. If, as seems likely, the final decision goes against it, the recourse is to the courts to test the validity of the regulations. The court decision will apply to all church pension plans. If the decision is unfavorable, the costs of reporting to government will reduce the money available for pensions and precedent will exist for other government intrusions into religious organizations.

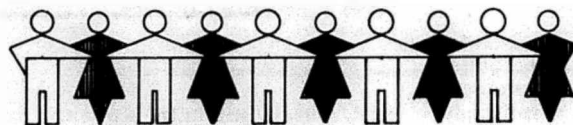
The regulatory process is, in some ways, as important as the legislative process, and it is essential that Baptists keep informed about both. *Report From the Capital* will report on developments in the Annuity Board's case and on other rules as they are proposed.

—John W. Baker, director of Research Services, and General Counsel, prepares testimony relating to administrative matters.

Christian Service

"In our age, the road to holiness necessarily passes through the world of action"

—Dag Hammarskjöld.



Christians in a democratic society have the opportunity to witness to government officials about their Christian values and convictions. Because we live in a society where we have both religious liberty and freedom of speech we are able to speak and act in ways not possible for some of our Christian brothers and sisters in other parts of the world.

Because we live in a powerful nation we have a special responsibility to speak God's truth and love to people who are powerful and whose decisions affect the lives of people throughout the world. Paul heard this message from the Lord, "Take courage, for as you have testified about me at Jerusalem, so you must bear witness also at Rome." (Acts 23:11) Washington, D.C., is a power center of our time just as Rome was in New Testament times.

When we accepted Jesus as Savior and Lord of our lives we promised to follow him. Some of the daily decisions we make as disciples trying to be faithful to his calling involve the interaction of our faith with society, trying to "do justice, and to love kindness, and to walk humbly with God." (Micah 6:8) Read again Jesus' word to Pilate in John 18:36-37. We are not called to force society to do things our way, but we are called to maintain a faithful witness to our own Christian values and God's word as we understand it in relation to events of our day.

It is possible to witness to government officials as individuals, and in fact as Baptists we may take different positions on some of the issues. However, we are challenged as people living in a Christian community, part of the body of Christ, to seek together the mind of Christ on these matters. As Baptists we cherish our right as individuals to interpret the scriptures, yet it is in communion with God and with other Christians that we can find wisdom for daily application of God's word. Also, we can have greater influence on governmental policies if we act together as committed Christians, ad-

ding our strength to each other's in a common effort.

Some of our Baptist denominations have begun to develop networks of people in the churches who are interested in participating in this ministry. You may write to your own convention or to the Baptist Joint Committee for information about becoming involved in this way.

An interfaith legislative and action network called IMPACT has been founded to provide informational materials and calls for action on governmental issues of priority to its member groups. Participation costs \$7.50 per year (\$15 in AL, CA, CT, FL, IA, IL, MI, NJ, NY, OH, PA, TX, WI and WV where there are also State IMPACT organizations). Further information may be obtained by writing IMPACT at 100 Maryland Avenue NE, Washington, D.C. 20002.

Churches have found that assigning responsibility for public witness or social justice concerns to a committee or a member can provide a meaningful and effective way for the church to keep public policy concerns on their agenda, and a helpful way to give support to people who want to engage in this ministry. There are many resources, from local to international sources, available to such groups.

Our denominational families and Baptist organizations sometimes take stands on current ethical issues related to public policy. These statements and other educational materials are available for study by people who want to chart a course of action.

Professional staff, serving on behalf of religious denominations and organizations, work together in Washington on shared issues of concern. They do research, write articles and newsletters, visit members of Congress and other government officials, and strategize about ways to raise our ethical concerns most effectively in the halls of power.

The products of these staff efforts are shared with people in churches who

want to receive this on-the-scene perspective from their representatives in Washington, D.C. In addition to denominational offices such as Baptist Joint Committee and the American Baptist Washington Office there are coalitions of religious groups working on very focused issue areas relating to domestic or foreign policy.

There is a great challenge today to people of faith to take a courageous stand in society for those values we profess in church and in our devotional lives. In our world we see starvation and war, racial bigotry or intolerance, people without shelter or adequate nutrition, hatred and killing, torture, massive stockpiling of armaments, fear, misunderstanding, greed, economic injustice and denials of political, religious and social rights. We cannot avoid these scenes if we listen to the daily news.

Often it seems overwhelming, and it is tempting to withdraw into a safe and secure environment and protect ourselves from any threat and fear. Answers to these complex problems are not easily found or implemented.

Yet we are called to be *light and salt* to a needy world. We need the protective environment of the Christian community for our nurture and mutual encouragement. This can give us the wisdom and strength to take on the cares and needs and prejudice and shortsightedness we experience in the world.

Christ called us to service and discipleship, to love the world and our neighbors. It is a difficult calling. We must try to bring peace and justice and equity to a world caught up in pain and strife and selfishness. It is not for our own welfare we strive, but for others. "The least of these," the powerless, those without a voice to affect their destiny—what will be our response?

June Totten is the director of Governmental Relations in Washington for the American Baptist Churches, USA

News in Brief



Baptist Politician Scores Demagoguery from Pulpit

GREENVILLE, S.C.—Sen. Robert B. Morgan, D-N.C., told his fellow Southern Baptists here that religion should not be used as a basis for "dogmatic political positions."

Addressing the 150th anniversary celebration of the Baptist State Convention, he declared that "demagoguery from the pulpit is no different than demagoguery on the campaign trail. If anything, it is worse, because it clothes itself in self-righteousness, invokes the name of Christ or his church in an appeal to passion, prejudices and irrationality."

Making an apparent reference to the Moral Majority movement of fundamentalist preacher Jerry Falwell, Morgan said, "Across the nation I understand there is a crusade by a group that uses the word 'moral' as a part of its name. This implies that anyone who disagrees with any of their beliefs is not moral."

Morgan, who is seeking re-election this year, has been targeted by such groups as American Life Lobby as an opponent of "pro-life" causes because he has opposed measures to ban all federally funded abortions.

Peace Conference Hears Military Might Futile

CHARLOTTE, N.C.—Increased military might is not the Christian way to world peace, according to speakers at a peacemaking conference here at Myers Park Baptist Church.

Glen Stassen, associate professor of Christian ethics at Southern Seminary told the more-than-200 persons attending, "It is imperative we take the forgiving words of Jesus concerning our brothers to the people of Russia for the survival of those we love."

Bill Elder, director of Christian Citizenship of the Southern Baptist Christian Life Commission said that Americans seem confused on the issue of peace, noting that almost 60 percent of Americans favor a nuclear limitations treaty with Russia while 64 percent want increased U.S. spending for nuclear arms.

Myers Park pastor Eugene Owens stated that peacemaking is a "noisy business," reminding his listeners that

the noise against Viet Nam changed the minds of many who had supported it. "The nuclear era has changed everything except our way of thinking and now we must change our minds," he said.

Massachusetts Court Strikes Down Prayer Law

BOSTON—Massachusetts' highest court struck down the state's new "voluntary prayer" law just six weeks after it took effect.

The state's Supreme Judicial Court said the law, which required all public school teachers to issue a daily call for a class volunteer to lead in public prayer while excusing students who did not wish to participate, violated the U.S. Constitution's ban on an establishment of religion by the state.

Justice Herbert P. Wilkins, who wrote the decision, said that the law "could not be saved from unconstitutionality by the fact that prayers were spoken by volunteer pupils or that pupils could choose to be excused from exercises."

The decision represented a defeat for conservative Democratic governor Edward J. King, who expressed "disappointment" at the ruling. He said he will now introduce a new law in the state legislature mandating a moment of silent meditation in the schools.

Religious Leaders Want No Budget Cuts for Poor

WASHINGTON—Twenty-two U.S. religious leaders, including a pair of Baptists, issued a statement here expressing strong concern that President Carter and Congress are proposing budget cuts which "disproportionately hurt poor and hungry people" in governmental efforts to combat inflation.

The two Baptists signing the statement were James E. Wood Jr., executive director of the Baptist Joint Committee on Public Affairs and C.J. Malloy, Jr., general secretary of the Progressive National Baptist Convention, Inc., and a member of the Baptist Joint Committee.

The Protestant, Catholic and Jewish leaders expressed dismay that the budget proposals contravene a recent recommendation by the Presidential

Commission on World Hunger and Malnutrition that the "United States government make the elimination of hunger the primary focus of its relationships with developing nations, beginning with the decade of the 1980s."

The statement warns that proposed reductions of \$100 million to \$500 million in development and humanitarian assistance would have consequences in the range of "serious" to "catastrophic."

"While we are sensitive to the need to reduce inflation and are confident that responsible steps to do so will command widespread support, we feel strongly that anti-inflation measures must not require poor and hungry people who already suffer most to bear additional burdens," the group said.

High Court Schedules Parental Rights Case

WASHINGTON—At a time when the legal rights of both parents and children are being increasingly debated, the nation's highest court has agreed to hear an important test case which should help determine the conditions under which state officials may permanently remove children from their parents.

The U.S. Supreme Court will decide if state laws providing for the termination of the parent-child relationship in cases where parents are found "not fitted" to keep their children violate due process of law as guaranteed by the U.S. Constitution.

The high court agreed to hear a test case from Delaware on the sensitive issue after a couple in that state had their five children taken from them by state officials who cited the fitness standards in the law.

The couple, identified in papers filed with the court as John Doe and Jane Roe to preserve anonymity, has already lost twice in Delaware courts, the latest reversal coming last August when the state supreme court upheld the action removing their children.

Attorneys for the parents argued in a written brief asking the court to hear the case that the Delaware law is unconstitutional vague and indefinite and therefore violates the due process clause of the Fourteenth Amendment to the Constitution.

James E. Wood, Jr.

witness in public affairs

For James E. Wood Jr., who leaves the Baptist Joint Committee on Public Affairs June 1 after nearly eight years as Executive Director, the primary purpose for a Baptist presence in the political arena is theological rather than pragmatic.

"My ultimate concern is really a theological one," he declared in a far-ranging interview. "My concern is with the community of faith and the right of the community of faith to an integrity of its own which cannot be and must not be profaned by government." At the level of individuals, he went on, his concern has to do with "the inviolability of the human conscience," a concept which is the "brick and mortar" with which Baptists are built.

Perhaps the most able living church-state scholar among Baptists in America, the 57-year-old Portsmouth, Va. native reiterated his often-stated view that the commitment of the Baptist Joint Committee must be first and foremost to "the rights of persons" as over against institutional self-interest. Admitting to a sense of disappointment that the public image of this Washington agency has remained throughout its 40-year history that of a "lobby," he invoked a refrain familiar to Baptists who have heard him speak around the country, that the Baptist presence is the nation's capital is "to give witness in public affairs."

The preservation and enhancement of religious liberty and the separation of church and state, perceived by many as the sole reasons for the existence of the Baptist Joint Committee, actually have a wider base in what Wood calls the "sanctity of human rights." That undergirding commitment to the wide range of "human rights" has led the former Baylor University professor into repeated controversy over the scope of the agency's mandate.

Wood said that "it has been very difficult to communicate the broad definition of 'public affairs' in the Baptist Joint Committee's charter. He noted that not only he, but predecessors Joseph M. Dawson (1946-53) and C. Emanuel Carlson (1954-71), struggled continuously on behalf of the broad mandate encompassing the whole sweep of public affairs.

Defending the institutional separation of church and state is simply not a valid mandate for a credible denomina-

tional agency charged with relating to the public sector, he argues.

While contending for a broad mandate, however, Wood nevertheless believes there is danger in a "buckshot" approach to his agency's work. "We must not be guilty of what I call 'myopia,'" he elaborated, "but at the same time I do not think there can be an authentic and credible witness in public affairs" without careful selection of the issues to be addressed. Regarding those issues not taken on directly by the 10-member Washington staff but which nevertheless have an impact on other denominational agencies and institutions, Wood suggests that the staff assist other Baptist entities in an enabling, facilitating role.

Concerning future trends in the field of church-state relations, Wood says his views have changed during the eight years in the nation's capital. When he arrived in 1972, he explained, he was convinced that "free exercise" issues would dominate the church-state agenda for the rest of the century. Developments over the last few years have caused him to be more concerned about the other First amendment religion guarantee, that of "no establishment of religion."

Disclaiming "paranoia" about the growth of government and its recent tendency to "intrude" into church affairs, Wood says nevertheless that he has been "profoundly sobered and disturbed" by the efforts of government agencies to regulate and demand accountability from churches and denominations. Among the guilty government agencies, he said, are the Internal Revenue Service, the Equal Employment Opportunities Commission, and the Department of Labor. All three have had recent, well-publicized confrontations with church groups.

Another "disturbing" trend, according to Wood, is the new prominence of what he calls an "unholy alliance" between right-wing political groups and well-known electronic evangelists. He is especially critical of the decision of some television preachers to endorse candidates for public office. "I decry this as much as I think we should decry the government's use of religion for political ends," he declares.

Wood acknowledges that his agency often finds itself in the posture of responding negatively to public affairs



developments. "At the same time," he says, "we have tried to be positive." While condemning federal agencies for "overstepping boundaries" and "abridging the rights of churches," he has sought to have the Baptist Joint Committee commend public officials for courageous positions. He cites as an example the commendation of President Carter shortly after his inauguration for highlighting human rights in American foreign policy and for pledging to seek an end to the nuclear arms race.

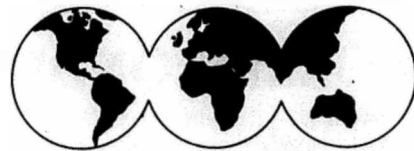
Asked to identify significant legislative victories during his tenure as executive director, Wood includes the defeat of tuition tax credits and of efforts to amend the Constitution on the volatile issues of prayer in public schools and abortion. On the positive side, he recalls Baptist Joint Committee support for full employment and the elevation by Congress of human rights in foreign policy.

Yet the most significant accomplishment of the Baptist Joint Committee during his tenure, Wood believes, is the lengthy list of positions officially adopted by representatives of the agency's member denominational bodies.

The broad range of issues addressed obviously pleases Wood. "I think we are headed in the right direction and that is the direction of saying that all of life is sacred. There is no part of this world outside of God's concern and God's dominion."

—Stan L. Hastey

INTERNATIONAL DATELINE



Religious Rights Group Targets Five Countries

NEW YORK—Freedom of Faith, an ecumenical Christian group which publicizes violations of religious freedom around the world, has focused on religious rights issues in Guatemala, Taiwan, the Soviet Union, Syria, and the Philippines.

Each month, the organization draws attention to the problems in several countries and asks for prayer and publicity to promote solidarity with persecuted adherents of various faiths.

Reporting on recent threats against the Jesuit community in Guatemala, Freedom of Faith notes that a paramilitary group called the "Secret Anti-Communist Army" threatened in January to kill all the Guatemalan Jesuits and expel the foreign ones. There are 52 Jesuits in Guatemala, most of them foreigners, engaged in education, parish work, and what Freedom of Faith calls "social research and action."

In Taiwan, the organization focuses on the persecution of the Presbyterian Church there in the wake of a government crackdown on opposition groups. Since December, 13 members of the Presbyterian Church have been detained by the government on unspecified charges. The arrests followed a protest in Kaoshiung which developed into a clash with security police, but the Presbyterian Church had no connection with the incident.

The third case cited by Freedom of Faith involves the Jan. 8 sentencing of Tatyana Shchepkova to three years' imprisonment in the Soviet Union on charges of "malicious hooliganism." The charges stemmed from a 1979 incident when a meeting of an Orthodox Christian study group was broken up by militia and Ms. Shchepkova allegedly resisted an officer who tried to take religious literature away from her.

Sheik Muhammad Chami was killed Feb. 2 in Aleppo, Syria, as he was officiating at evening prayers in the Al Sultaniyah mosque, Freedom of Faith reports. "While noting that it is unclear who assassinated the Sunni Muslim leader and why, the ecumenical group says that Syria 'has been the scene recently of considerable strife between

different segments of the Muslim community."

In its fifth case, Freedom of Faith highlights the continuing detention of the Rev. Edicio de la Torre, who was arrested in the Philippines in December 1974. Freedom of Faith notes that the priest was arrested with 30 other persons on charges of "conspiring to commit rebellion" and illegal possession of subversive materials. It says the first charge has been dropped and Father de la Torre has never been tried, although he has now served more time than he would be required to if convicted of the second charge. (RNS)

Swedish Baptist Mission

STOCKHOLM—About 60 representatives from various churches here and other places gathered recently for a conference on work with immigrants. Ulla Hallerad set the tone in her opening address on sojourners in the Old Testament and the divine concern for their welfare.

Zeth Abrahamsson, mission secretary of the Swedish Baptist Union, called attention to ways the modern world is shrinking. He introduced Yugoslavian immigrant-pastor Lazar Grujic who came to Sweden in 1975, who in February began a radio ministry in Malmö for the 6,000 Yugoslavians. Some Yugoslavians who became Christians in Sweden have returned to their home country as missionaries.

Baptists from Spain, Marco and Maria Florez, are working in the Sodermalms church with a group of Spanish Baptists. Syrian Baptists, connected with the Baptist church in Sodertälje, were represented by Feridon Aras, who called the church "his mother."

Besides hearing reports of mission work among immigrants, the conference considered various problems: how to make contacts with immigrant workers, how to explain the gospel to them, and how to give practical aid to meet specific needs. (EPS)

Harassment Denounced

NEW YORK—A Reform Jewish leader has denounced the vandalism of Christian institutions and harassment

of Christians in Jerusalem as "an embarrassing blot on the Jewish community of the entire world."

Rabbi Balfour Brickner, director of the Department of Inter-religious Affairs of the Union of American Hebrew Congregations, said, "In a land where Arab terrorism violates every shred of humanity, Jewish terrorism is equally contemptible."

Declaring that the actions of vigilantes "evoke the revulsion and disgust of the Jewish community," Rabbi Brickner declared, "These criminals do not serve Judaism and they do not save Jews. There can be no justification nor defense of their activities, and when apprehended they should be prosecuted to the fullest extent of the law."

The Reform Jewish leader stressed that "civil and religious rights for all—Christians, Jews, Muslims, and others—must be guaranteed and practiced in Israel without fear, if Israel is to remain true to the freedoms advocated by Judaism which brought it into being and which remain the rationale for its continuation."

Separation Measure Fails

GENEVA—By a 3-to-1 margin voters in Switzerland have rejected a referendum that would have separated church and state within two years.

With only slightly more than a third of the registered voters casting ballots, 1,052,294 (79 percent) voted "no" and 281,760 (21 percent) voted "yes" to a proposed amendment to the Swiss Federal Constitution that would have completely separated church and state in all 26 cantons.

The current relationship between church and state in most Swiss cantons provides direct aid for the churches or allows them to collect their own taxes. But church officials pointed out that it may have cost the state more to separate since churches now perform many social services that would have had to be taken over by the state and paid for with additional taxes.

The proposed amendment would have transferred authority over aid to churches from the canton to the federal government and would have ended government collecting of taxes for the churches.

CORRESPONDENCE

Baptist Joint Committee staff believes in two-way communication. Reader response to the actions taken by this office and reported in this publication, and to the feature material on these pages creates worthwhile dialogue and helps sharpen our understanding of the issues. Letters should be kept to about 200 words, signed, with address. Editors reserve the right to edit for length.

To the Editor: The purpose of this letter is basically three-fold. First of all I want to express my profound pleasure with this organization. I was aware of its existence; however, I did not know much about it. I encountered your publication REPORT from the CAPITAL just today and I was pleased. I have long thought that Christians should be aware of the developments in politics and should take an active role in the decision-making process. Thank you for providing this useful forum.

Cordially,
Jim Coode
Louisville, KY

To the Editor: "... thanks for what you are doing. Hopefully, through your assistance, my wife and I will be-

come better stewards of our Constitutional rights."

Mike Dixon
Louisville, KY

REFLECTIONS, from page 15

practice the professions of sailor, soldier, farmer, shop-keeper; we place our work and industry at your service." The resistance of the early Christians to the corruption and oppression of Roman power, expressed in repeated waves of persecution, unmistakably contributed to the very survival of Christianity during its first several centuries. This resistance of Christians to the power of the state was born out of their faithfulness to the gospel.

III

Here, the theological norms of Christian faith and the historical norms of the Christian church converge. No power but Christ is to be over the church, and any person, institution, or state that usurps that power has denied the authenticity of the church to be the Body of Christ, and has assumed an authority which belongs only to Christ.

The church, to be the church, is not the possession of any nation state, political institution, or economic system. For this reason, the church must always say an emphatic "no" whenever the state is judged by God's standards. In the same way, Christian faith can never be identified with any social or political systems. It cannot be, therefore, a front for capitalism, democracy, the American way of life, or any of even the highest achievements of mankind.

The Christian mandate for involvement does not mean equating the Kingdom of God with a nation state. The temptation of religious leaders to use government for the accomplishment of religious ends is no less dangerous than the temptation of public officials to use religion for political ends. Even more deplorable are the recent attempts of some on the Far Right to use religion for political ends by a fusion of religion with a particular political ideology and public policy, sanctified by claims of religious "orthodoxy."

To link God and nation in this way is to distort the mandate of Christian involvement in public affairs and to deny the prophetic role by making an idol of the nation state.

Please send the following:

STAFF REPORT

Baker, John W. Nontheistic Religions and the First Amendment—"The courts, . . . have equated nontheistic systems of ethical and moral thought with theistic systems of thought and have included both under the rubric of religion . . ." Single copies free. \$3.00 dozen, \$20.00 hundred copies

FREE PAMPHLETS

Religion and Public Education: Some suggested Guidelines
The American Tradition and Baptist Insights
The Commitment and Witness of Baptists in Public Affairs
Religious Liberty and the Bill of Rights (Please check literature desired)

NEW STAFF REPORT

—Wood, James E., Jr. Government Intrusion Into Religious Affairs (Single copy, \$.30; dozen copies, \$3.00; one-hundred copies, \$20.00)

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BAPTIST JOINT COMMITTEE ON PUBLIC AFFAIRS
200 Maryland Avenue, N.E./Washington, D.C. 20002

FROM THE
EXECUTIVE DIRECTOR,
JAMES E. WOOD, JR.

James E. Wood, Jr.



REFLECTIONS

The Mandate of Involvement

With this issue, I am contributing my final "Reflections" as Editor after almost eight years as Executive Director of the Baptist Joint Committee and a contributor to this publication. For me these have been eight richly rewarding years which I bring to a close with considerable gratitude for and cherished memories of experiences resulting from my relationship with this publication and the work of the Baptist Joint Committee on Public Affairs.

More than ever, as a result of these years with this Baptist agency in the nation's capital, I am deeply committed to Baptist representations to government as rooted in the theological principle of the mandate of involvement. In part, this involvement is expressed through this office on public affairs in upholding the free exercise of religion as basic to a free society, the cause of justice for all persons, the interdependence of religious liberty with all human rights, and the relevance of Christian concerns in national and international affairs.

Within the community of faith, the mandate of involvement needs continual reaffirmation. Both the theological affirmations of Christian faith and the historical experiences of the Christian church demand the church's involvement in society—if God's love for the world and the church's mission to the world are to be given any visible expression within history.

I

The church finds the basis of its mission to the world in the simple but profound first century theological affirmation, "Jesus is Lord." This theological watershed of Christian faith is an affirmation of God's involvement in history and in the world. Christ was no abstract divine emanation of spiritual principle. Rather, he was involved in the affairs of the day. A Jew, born in Palestine during the reign of Caesar Augustus, Jesus identified himself particularly with the powerless, those without rights or status, publicans and sinners.

Christ's power was not only evident to those who came to believe in him, but also to those who did not believe in him. The Romans did not believe in Christ as Lord, but they feared him, and by the Romans Jesus was charged with and convicted of a political crime, "inciting our people to revolt, opposing payment of tribute to Caesar, and claiming to be Christ, a king," and executed by Roman authorities.

Christian faith is an affirmation and a celebration of God's involvement in history for the realization of a new heaven and a new earth. The message of the gospel carries within it the mandate of involvement. When taken seriously, the power of the gospel has inevitably meant radical change for individuals and society. "Repentance," "rebirth," "regen-

eration," and "conversion" all speak of a spiritual revolution. Bernard Haring has attempted to capture the dynamic of the gospel in these words: "To be a Christian means to be on the move." "In this sense," Haring concludes, "the true Christian is really the all-out revolutionary, the one who knows no rest or repose."

"Jesus is Lord" is a declaration not only for the individual person, but for all of life! Therefore, the gospel, when properly understood, has always meant revolution—rebirth, regeneration, conversion—in the most profound sense, for persons and society. Such change is the inevitable result of taking seriously the affirmation, "Jesus is Lord."

II

The church finds its mandate for involvement in public affairs not only in its basic theological affirmations of Christian faith, ultimately rooted in "Jesus is Lord," but also in its historical beginnings and early history.

Christianity was born out of a power struggle, namely conflict with the Roman Empire of the first century. Although Jesus was no political revolutionary as such, he was charged with and convicted of a political crime, insurrection. His declaration, "My kingdom is not of this world," symbolized for the early Christians not the irrelevancy of the gospel to history, but the revolutionary character of Christ's teachings and the Christian faith in history. Again and again, early Christian writers observed that wherever the gospel was truly proclaimed and truly received, it had a profound and revolutionary effect on both individuals and society. That conflict with society will come to Christians and the church is regarded in the New Testament as unavoidable, but the mission of the church is clearly to the world.

For almost three centuries the early Christians found themselves compelled to exercise civil disobedience to civil authorities because of their prior loyalty to God. The early Christians came to know from firsthand experience that to say "yes" to God may well mean to say "no" to the state, in which case, Peter and the other apostles declared, "We must obey God rather than men." Christianity was literally born out of civil disobedience. Within a few centuries Christianity was able to transcend the power of Rome. The power of the Christian community was rooted in the affirmation, "We know that we are of God, and the whole world is in the power of the evil one."

Although early Christianity was without legal status, Christians sought to be citizens of two kingdoms. Tertullian wrote in the second century, "We do not live withdrawn from this world . . . we frequent the forum, the baths, the workshops, the stores, the markets, the public squares; we

Continued on page 14

REVIEWS



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JUSTICE

Gideon's Trumpet

By Anthony Lewis, 262 pp.
New York: Random House (Vintage Books), \$2.45, paper.

"The case of Gideon v. Wainwright is in part a testament to a single human being. Against all the odds of inertia and ignorance and fear of state power, Clarence Earl Gideon insisted that he had a right to a lawyer and kept on insisting all the way to the Supreme Court of the United States."

Gideon was a poor man, crafty but somewhat naive, who spent a good deal of his life in the courts and in jails. Throughout, he retained a keen sense of society's responsibilities against a background of his own worth and limitations. Thus, he challenged the refusal of a Florida judge to appoint counsel for his trial on a felony count. His simple but direct statement, "The United States Supreme Court says I am entitled to be represented by counsel", while not entirely accurate, set in motion the legal process that culminated in the decision which supported his claim.

Gideon's Trumpet sounds victory for the legal process of petition and trial which ultimately sets him free and assures others in similar circumstances of a right to legal council. It validates through human experience those words, carved in stone, at the front of the Supreme Court Building: "Equal Justice Under Law."

Here is a most readable book, as optimistic in tone as it is informative in the ways of the courts. Written in the smooth, flowing style of an experienced journalist, the story of one man's pursuit for legal rights proceeds with a minimum of legalese (then always explained) as it portrays the movement of justice.

One is brought to a fuller appreciation of the distinctives of the Anglo-American legal traditions which Professor Arthur L. Goodhart sees as three in number: "The judges sit in open court; there is no secret evidence and no secret arguments to which they can listen. . . . The judges give reasons publicly for their judgments. . . . The judges act not as a body, but as individuals. Each one is free to dissent.

They are thus each other's severest critics."

For the layperson, this book is a bonanza.

JUSTICES

The Brethren:

Inside the Supreme Court

By Bob Woodward and Scott Armstrong, 467 pp. New York: Simon and Schuster, \$13.95.

This book, written by investigative reporters, gives an inside view of the decision making processes involved in the major cases decided by the United States Supreme Court during the years in which Warren Burger has served as Chief Justice. After interviews with present and former Justices and a large number of the bright young law graduates who have served as law clerks under them, the authors paint a vivid picture of the inner workings of the Court. Internal documents and preliminary drafts of decisions—which are seldom seen except by those who are in the Court's inner circles—are made public. Some of the bargaining between the Justices is revealed. So are the thoughts which the authors attribute to the Justices.

The legal community has generally given the book unfavorable reviews based on opinions that: (1) the authors are not lawyers and, therefore, do not themselves really understand the law or the judicial processes which they attempt to describe, or, (2) the disclosures will tend to diminish the stature of the Court and, therefore, should not have been made, or, (3) the law clerks had broken an unwritten agreement not to discuss their work or that of their Justices, or, (4) the law clerks' disclosures tended to be self-serving and to make their role appear much more important than it actually is, thereby distorting the picture, or, (5) the authors appear to have decided which of the Justices were heroes and which were villains and then slanted their observations to serve their heroes.

The Brethren is not great literature. It is not even good law. However, it is well written, holds the reader's attention, and aids in an understanding of

RESOURCES

Books

The Presidency, by Dale Vinyard, 214 pp. New York: Charles Scribner's Sons. (paper)

Power in Washington, by Douglass Cater, 275 pp. New York: Random House (paper)

Toward Benevolent Neutrality: Church, State, and the Supreme Court, by Robert T. Miller and Ronald B. Flowers. Waco, Texas: Baylor U. Press.

JUSTICE

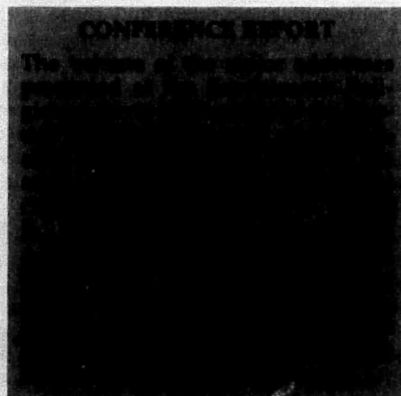
Gideon's Trumpet

By Anthony Lewis, 262 pp. New York: Random House (Vintage Books), \$2.45 (paper)

Pamphlets

The Constitution of The United States of America. Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (\$1.00 postage paid)

How Laws Are Made, by Charles J. Zinn. \$1.00 from the government printing office, but available from most congressional offices free of charge.



the way the Court itself works. It is well worth reading. The price of the hard-back edition makes it worthwhile to wait for the paper-back edition.