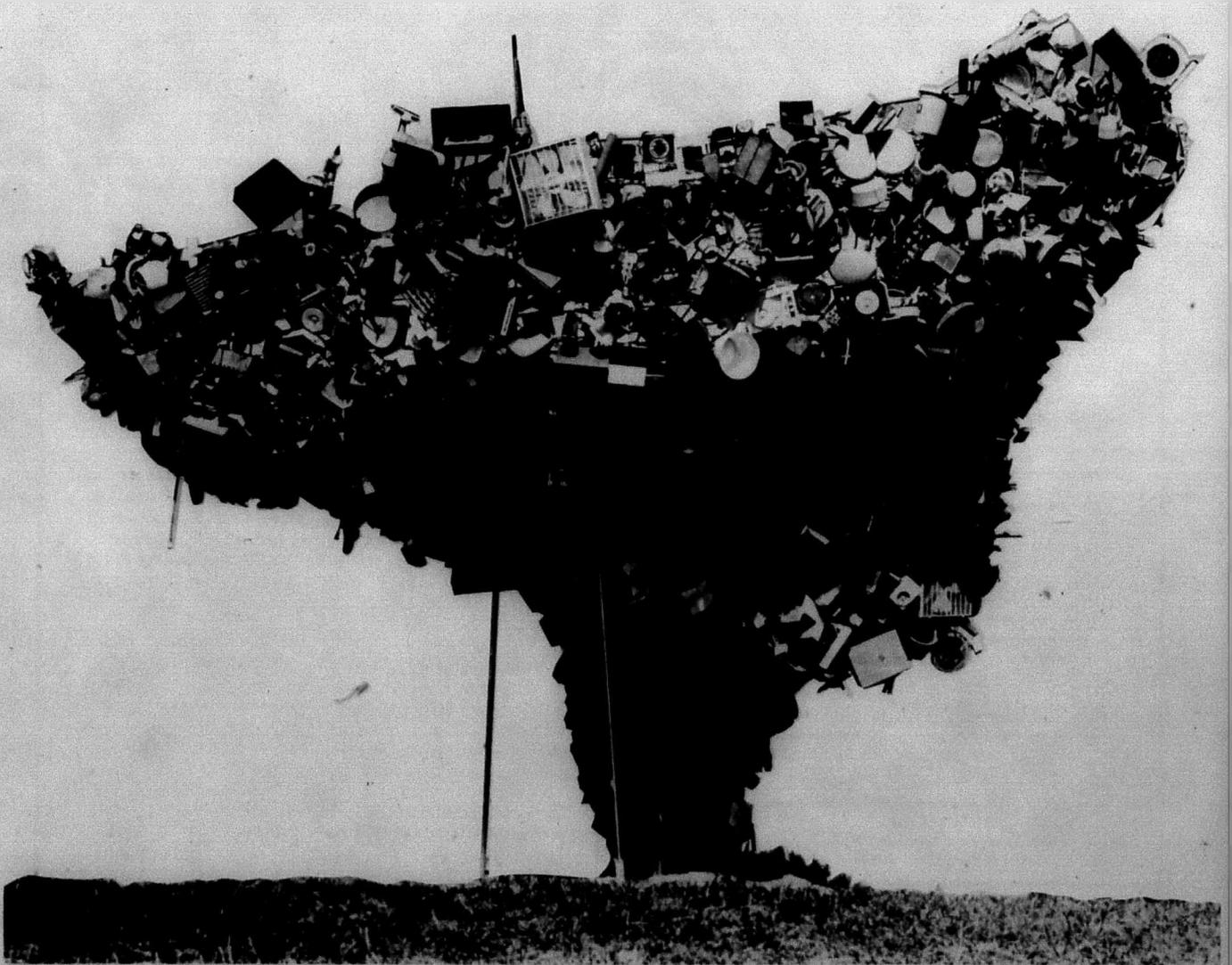


November-December 1982

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REPORT from the CAPITAL



REPORT from the CAPITAL

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

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Cover: "You all be careful and stay on your guard against all kinds of greediness. For a person's life is not for the piling up of possessions." Lk. 12:15 (Cotton Patch Verson)

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Piety With Rights

It's more than a hollow solemnity that one experiences in gazing upward within the nation's capitol dome. Friends I have led around Washington always sense it, and it happens to me each time I find myself in that area. Romanticism has little part in it. Rather, it occurs because of the perceived dignity of our history, that reasoned retelling of our past—of democracy and liberty which here are symbolized in works of art and made alive and current in discourse and debate over freedom and justice; here, where law makes no distinctions that lessen minority claims or fail to protect their rights amidst the press of teeming majorities.

That same feeling of awe can be discovered in the reading of religious history in America, where line upon vivid line resonates in undiminished testimony to the activity of God's Spirit and to souls grasped and led to the abyss of unparalleled liberty of conscience. If a lesson for our times is to be found, it teaches us not to draw back in fear, preferring the tutelage of those who force future history in molds meant to contain rather than liberate the human spirit, but rather to press forward in God's liberty.



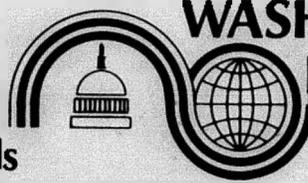
McLoughlin

This issue of **REPORT** is enhanced by the example of one of those fearless divines, John Leland, in an excerpt by William McLoughlin. A determined opponent of religious tyranny, Leland found he could best serve His Lord as a free-spirited preacher who made no pretense of theological sophistication. He gave himself to the savings of souls. A vocal proponent of the separation of church and state, he best served his country by contesting establishment in Massachusetts and through his outspoken opposition to the "notion of a Christian commonwealth." Leland preferred to be remembered by this inscription on his tombstone: "Here lies the body of John Leland, who laboured to promote the piety, and vindicate the civil and religious rights of all men."

Christian ethicist John Swomley, professor at St. Paul Seminary (United Methodist) writes insightfully on implications of the president's prayer amendment as **Views of the Wall** guest columnist. Adding to the understanding of the imperative for a strong public school system are BJC director James Dunn's **REFLECTIONS**, supported by a column of Quoting.

Stan Haste previews the 1982-83 term of the U. S. Supreme Court, examining the IRS—Bob Jones and Goldsboro Christian school tax dispute, and a Minnesota law providing tuition tax deductions for private education. Having listened to the IRS-Bob Jones oral arguments before the Court, he raises some of the pertinent questions in **Washington Observations**. Threats to religious liberty remain ubiquitous, the call for vigilance never more compelling. □

Victor Tupitza



news/views/trends

DOES A RELIGIOUS INSTITUTION possess a constitutionally guaranteed right to discriminate on the basis of race and still keep its tax exemption?

Or does the Internal Revenue Service possess legal authority over religious institutions to revoke or deny tax exemption for race discrimination?

Those are the questions the U.S. Supreme Court must weigh following oral arguments Oct 12 in the long-awaited case of Bob Jones University and Goldsboro (N.C.) Christian Schools against the United States.

In what may be the most important case of its current term, the high court heard prominent church-state attorney William B. Ball argue that the Internal Revenue Service does not have authority under present tax law to decide that "federal public policy" demands denial or revocation of tax exemption to religious schools that practice racial bias.

By imposing such a regulation on religious institutions, Ball said, IRS on its own initiative fabricated a "superlaw." Furthermore, he charged, to allow the IRS policy to stand would pose a threat to the freedom of all religious institutions.

William Bradford Reynolds, assistant attorney general in the civil rights division of the Justice Department, also attacked the IRS regulation, declaring that nothing in the legislative history of current tax laws shows that the powerful tax collecting agency was given such "broad, unfettered authority" based on its "notion" of federal public policy.

But veteran civil rights attorney William T. Coleman Jr. dismissed such claims, saying that no one who has read the history of civil rights laws can conclude that Congress did not intend to deny tax exemption to racially discriminatory institutions, religious or nonsectarian.

Asked by associate justice Sandra Day O'Connor if the IRS would have similar authority to revoke or deny tax exemption to a church whose membership policies excluded persons for racial reasons, Coleman said it would not.

Another justice, Lewis F. Powell Jr., asked if the IRS could likewise penalize educational institutions that admit only applicants of one sex. Coleman replied, "We didn't fight a civil war over sex discrimination." •

THE FATE OF PRESIDENT REAGAN'S CAMPAIGN for a constitutional amendment on prayer in public schools will apparently be passed on to the new, 98th Congress which will convene here in January.

Senate Judiciary Committee chairman J. Strom Thurmond, R-S.C., has told president Reagan he will push for the amendment in the next Congress, sending another strong signal that the proposal is going nowhere in the remaining days of the 97th Congress.

How fast and how far the amendment will move in the next Congress is open to speculation. However, Thurmond's press aide told Baptist Press that getting the measure to the Senate floor in the next Congress "could take a very long time." •

William G. McLoughlin

Opponent of RELIGIOUS TYRANNY

John Leland and "Modern Liberality"



John Leland

John Leland's fame as a protagonist of religious freedom is second only to Isaac Backus's fame among the Baptists. He worked with the Baptists of Virginia to petition the legislature for the passage of Jefferson's bill for religious freedom. He became one of the foremost lobbyists for a bill to end the incorporation of the Episcopal church and to dispose of its glebe lands. It is said that James Madison personally sought his aid in support of the federal constitution which Leland at first opposed. In April 1791 he returned to New England, settling for two months in New London before moving to Cheshire, Massachusetts where for the rest of his life, he was one of the outstanding leaders in the fight for disestablishment in Massachusetts as well as in Connecticut. He was also one of the leading Jeffersonian Republicans in Massachusetts; he often spoke at party rallies and served two terms in the legislature. But he devoted most of his time to preaching and itinerant evangelism until he died in 1841.

Because of the importance of his career as Backus's successor and because of certain misunderstandings about his position among the Baptists, we digress here to set the record straight. Most writers have failed to make any

Dr. McLoughlin is Professor of History at Brown University, Providence, RI, where he teaches American social and intellectual history. This excerpt from his latest two-volume study, "New England Dissent, 1630-1833, The Baptists and the Separation of Church and State" has been edited for REPORT, and used with the author's permission.

distinction between his views and Backus's views. They were different in their outlooks on this issue. It is Backus, not Leland, who was the more representative of the Baptists in this period. Leland was considered a scandal within the denomination both for the eccentricity of his language and for his behavior. He was admired as a dedicated preacher and opponent of religious tyranny, but his views on theology, church discipline, Baptist institutional aims, and church-state relations were often deplored by his brethren. His years in Virginia had put him out of touch with most of his New England brethren. Although they welcomed him back as an ally in their efforts after 1791, he was always considered a prodigal son rather than a distinguished spokesman or leader. However much of a hero he was to Virginians and to his local partisans in western Massachusetts, he was a distinct embarrassment to most of the denominational leaders in New England.

Three things distinguish Leland's outlook from that of Backus and the other Baptist leaders. First, he was born a generation after Backus; he therefore did not share the religious intensity of the Great Awakening and its aftermath. Second, he was more interested in saving souls than he was in doctrinal purity or the Calvinistic integrity of the Baptist faith. Third, regarding separation of church and state, he, like Roger Williams, favored total separation, not "sweet harmony," like Backus.

Effectively, Leland was more pragmatic, more liberal, and less sectarian

than was Backus, though they knew and respected each other. Backus was widely read in the Calvinistic theology of his day and he wrote extensively on theological problems. Leland found himself confused and ill at ease in theological discussions and his religious works were primarily exhortations to salvation or attacks on those who tried to confuse the simple fundamentals of the gospel by doctrinal metaphysics. Backus read Jonathan Edwards with pleasure and felt capable of arguing with his conclusions. Leland probably never read two pages of Edwards and would not have understood him if he had. Backus never doubted that he was a Calvinist, but Leland was never sure that he was. When he was asked at his baptism whether he believed in "the Calvinistic doctrine" (as he reported in his autobiography), "I replied that I did not know what it was." Although Leland believed in "free grace" and disagreed with those who taught that men could be saved through their own exertions, he admitted that he was never able to reconcile the problem of predestination and free will. He certainly never said, as Backus did, that Jonathan Edwards had solved that problem.

Leland's whole career among the Baptists was controversial, not only in theology but also in church practice. Because he accepted ordination over his first church by the members only, without any assistance from other elders, he was denied fellowship with most Baptist ministers for nine years until he allowed himself to be properly ordained. In the great disputes be-

tween the Regular and Separate Baptists in Virginia, and between the predestinarian and freewill Separates, he took no sides but urged them to compromise and be reconciled. He was sorry that they felt they had to unite on some agreement as to a confession of faith:

... Had a system of religion been essential to salvation, or even to the happiness of the saints, would not Jesus, who was faithful in all his house, have left us one? ... Confessions of faith often check any further pursuit after truth, confine the mind into a particular way of reasoning, and give rise to frequent separations.

When, in 1792, he became pastor of the Baptist church in Cheshire, Massachusetts he did not think it necessary to write any articles of faith for the church. He did join the Shaftesbury Association which presumably would not have accepted him had he not been considered Calvinistic. In 1798 he developed scruples about the administration of the Lord's Supper. For the next twenty years or more he refused to perform that ordinance, though he continued to preach and act as a pastor to the Cheshire church for most of that time. When a dispute arose in the church over this problem, he left the town for two years rather than argue over it. He returned only when the church decided to accept him on his own peculiar terms. Like most Calvinists in this period of transition to a more Arminianized version of its tenets, he did not really know where he stood: "It has always been a question with me of great importance to know how to address a congregation of sinners, as such, in gospel style ... Neither Gill, Hopkins, Fuller nor Wesley could remove my difficulties." In his old age he admitted, "I have never labored hard to support the CREED of any religious society; but have felt greatly interested that all of them should have their RIGHTS secured to them beyond the reach of tyrants." Leland was a Baptist liberal, a child of an antireedical, antisectarian era. He summed up theology once by saying, "What I cannot spell out, I must skip." Nehemiah Dodge, not Backus, was his closest parallel in New England in this era. Dodge was a Baptist elder in Connecticut who fought vigorously for disestablishment and then, in 1820, became a Universalist.

Leland, it has usually been said, based his attitude toward disestablish-

ment on "rationalist principles" because his views of separation were so similar to Jefferson's and Madison's and because he hated all theological controversy. But Leland was not a rationalist. He preached fervently "the great doctrines of universal depravity, redemption by the blood of Christ, regeneration, faith, repentance and self-denial"; he favored revival meetings which were full of the power of the Holy Ghost and "great emotion in the heart"; he was a staunch defender of the necessity of adult baptism by immersion. Far from exalting human ability, he said "I know myself to be a feeble, sinful worm." He never approved of dancing, gaming, theatre-going, and gambling. His church records show that he was ready to excommunicate any church member who indulged in excessive drinking, abusing his wife, being in loose company, frolicking, or sharp horse trading. He once reported that the voice of God spoke to him and that on another occasion some devilish ghost approached his bed one night with such horrid groanings that Leland was able to vanquish him only by hiding under the bedclothes and praying to God for help. Here there was little to distinguish him from any other uneducated frontier evangelist.

What misled some people into calling him a rationalist was his obvious antireedicalism and anticlericalism, his dislike for "the priestcraft," his disdain for institutionalism and ritualism, his belief that religious convictions were merely "opinions," and his radical doctrine of separation of church and state. In this he was like Jefferson and Madison and differed from Backus and from most of the New England Baptists. Where Backus and the New England Baptists carried into their views many aspects of the Puritan belief in the necessity for a Christian commonwealth, Leland utterly repudiated that notion: "The notion of a Christian commonwealth should be exploded forever," he said, "without there was a commonwealth of real Christians." He meant by this that the only way to have a Christian society was to convert all the people in it. His

The notion of a Christian commonwealth should be exploded forever, without there was a commonwealth of real Christians.

radicalism here made him agree with Madison and Jefferson that the government ought not to use public tax money to pay for chaplains in the Congress or for the armed forces. He also agreed with them that no magistrate had the right to proclaim days of thanksgiving or fasting (the state had no right to make any one day more holy than another). Both of these views went beyond those of Backus. True, Backus in one tract mentioned his opposition to paying Episcopalian chaplains for Congress, but that was because they were Episcopalians. When Baptists were appointed chaplains to the various New England legislatures (as was the case with increasing frequency after 1790), they thought it a great honor to themselves and to their denomination.

But what really shocked and embarrassed the New England Baptist leaders, who after 1800 sought to make themselves indistinguishable from other denominations on these points, was Leland's opposition to missionary activity, to the creation of theological seminaries, and to the Sunday School movement. When the Baptists joined the Congregationalists and others in petitioning Congress to abolish the delivery of the mail on the Sabbath, Leland joined the anticlerical Jacksonians in praising Col. Richard M. Johnson for his masterful rebuke to such clerical meddling in the secular affairs of the state.

Although it is possible, therefore, to admire Leland for his consistency in these matters and although it is correct to say that he belongs in the Jeffersonian tradition of separation, it is a serious mistake to classify him among contemporary rationalists or to imply that his views were representative of the Baptists of his day—especially of the New England Baptists. His official biography in the history of the Shaftesbury Association is more accurate when it refers to him as "this eccentric but useful minister" whose "peculiarities" were such that they "too much alienated the venerable Leland from many of his brethren."

Apart from his radical consistency, Leland's redeeming feature in fighting for separation of church and state was his colorful, forceful style. In his attack upon the Connecticut certificate law of May 1791, he used his sharp wit and sardonic ridicule advantageously ... He emphasized in his tract on the *Rights of Conscience* that if George

Continued on page 7

John M. Swomley, Jr.

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.

President Reagan's proposed Constitutional amendment on prayer states: "Nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions. No person shall be required by the United States or by any state to participate in prayer."

This amendment is aimed at overturning an important Supreme Court decision, *Abington v. Schempp* (374 U.S. 203, 1963) which held that the "concept of neutrality" to which our government is committed on religious matters "does not permit a State to require a religious exercise even with the consent of the majority of those affected. . . ."

Since attendance at public school is compulsory, the decision prohibited school-sponsored prayer services. It did not ban voluntary, private, silent prayer. Such private communication between an individual and her/his God, which is the essence of genuine prayer, would be unknown to anyone else in school and hence could not be subject to law. The chief purpose of the amendment is therefore to permit school authorities to organize or sponsor prayer services as a part of school or classroom activity and to authorize extracurricular prayer groups at other times in school buildings.

Since the Court said nothing about prayer in "other public institutions," the Reagan proposal is intended to apply only to public schools. It would, however, preclude any future court decision about prayer in other public settings such as public sports arenas, the armed forces, government office buildings or other places where people are in effect captives because they are present for reasons other than worship.

The amendment [on its face] is apparently not aimed at the overthrow of *Engel v. Vitale* (370 U.S. 421, 1962) which said that "government in this country should stay out of the business of writing or sanctioning official prayers. . . ." [A White House document, however, explains "... states and communities . . . could choose prayers that have already been written, or they could compose their own prayers. If groups of people are to be permitted to pray, someone must have the power to determine the content of such prayers."]

It is a very serious matter when the President of the United States pro-

poses an overthrow of a Supreme Court decision. It is an even graver threat to the Constitution when the President proposes a limitation on the Bill of Rights. In effect the Reagan proposal would modify the First Amendment by saying that government "shall make no law respecting an establishment of religion" except with respect to "group prayer in public schools and other public institutions."

The reason prayer has become a political issue is that many fundamentalist Christians view it as a device for conversions. They think it will convert the public schools from "secular humanism", convert school children to committed Christians and lead America back to what Jerry Falwell calls "moral greatness." Others view prayer as a magical device to combat crime or instill discipline in the population. Jesse Helms said: "If you go back and look at the history of the public schools since this ill-fated disastrous decision by the Supreme Court you will find that discipline—the whole base for discipline in the schools—has just disintegrated." Such views are based on the assumption that religion is conservative, that the greater the emphasis on individual piety the less people will engage in unacceptable social behavior including criticism of, or resistance to authority.

The slogan used by the religious right [to describe their position] is "voluntary prayer." This is dishonest terminology in that it refers only to those zealous religionists who want to pray aloud so that other people will have to listen to their prayers. There is nothing voluntary about the captive classroom audience that must listen day after day to sectarian prayers. School sponsored prayers would license cultic as well as fundamentalist doctrine couched in the form of prayer.

In cases where parents tell a child to walk out of class, the child in order to be loyal to parents must challenge the pattern acceptable to teachers and classmates. It takes a great deal of courage and independence for any child to withdraw from a classroom activity. Although this amendment would permit a student to leave the room during a prayer service, walking out in front of the teacher and other students is more like conscientious objection to a requirement than it is to voluntarism.

The assumption that schools may conduct worship services if nonbelievers are excused without violation of their civil liberties is a fallacy. Justice Tom Clark in the 1963 bible reading and prayer case rightly observed that such an assumption "threatens their religious liberty by placing a premium on belief as against non-belief and subjects their freedom of conscience to the rule of the majority."

If school children are permitted to go into the hall, will the teacher have the same right to leave the classroom? To deny teachers the right to withdraw is to violate their constitutional rights. Yet such withdrawal means leaving the post of classroom responsibility. What would happen to the sole atheist, or Catholic or Jewish teacher in some parts of the U.S. if that teacher were to exercise a right of conscience? School sponsored prayer services are not only a violation of separation of church and state but also a denial of the teachers' and pupils' right of privacy.

In a significant discussion on "Government and Prayer" in the December 1962 *New York University Law Review* Edmund Cahn said that the Constitution pre-supposes not only a minority right not to be persecuted but also a majority "right not to participate in inflicting persecution." The First Amendment "makes it ethically safe to belong to the majority. By separating church and state, it assures the rarest and perhaps the most excellent of all civil rights: the constitutional right not to persecute."

This means that a Protestant in a heavily Protestant area may honorably belong to a church, knowing that Protestant prayer services are not being inflicted on Jews or humanists or Roman Catholics who attend public school in that vicinity.

The issue in prayer legislation is not whether we are for or against prayer, but whether we are going to defend the constitutional right of every American not to have government establish religion in the public school. It is whether we will defend the religious liberty of those who choose not to engage in prayer. It is also whether we will defend the religious liberty of those who prefer to pray only in their own home and church uncoerced elsewhere by government. □

Quoting

Opposition of Religious Tyranny

Washington, whose name "fills every heart with pleasure and awe, should remove to Connecticut for his health, or any other cause, what a scandal would it be to the state, to tax him to support a Presbyterian minister, unless he produced a certificate informing them that he was an Episcopalian." Pointing to the disestablishment of religion in the states outside New England (including Rhode Island) Leland said that "if the principles of religious liberty contended for in the foregoing pages are supposed to be fraught with Deism, fourteen states in the Union are now fraught with the same." And "If the citizens of this state have anything in existence that looks like a religious establishment, they ought to be very cautious; for being but a small part of the world, they can never expect to extend their religion over the whole world, without it is so well funded that it cannot be confuted." To him clearest confutation of the Connecticut system was "that in the southern states where there has been the greatest freedom from religious oppression, where liberty of conscience is entirely enjoyed, there has been the greatest revival of religion." But most characteristic of him was his willingness to argue not only for his own sect or for other dissenters, but for all men:

This certificate law is founded on this principle, "that it is the duty of all persons to support the gospel and the worship of God." Is this principle founded in justice? . . .

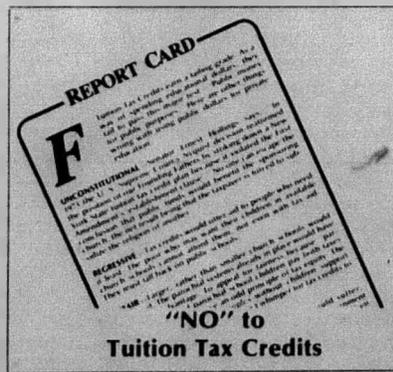
This was not the style the New England Baptists used on behalf of voluntarism.

More important than Leland's criticism of the certificate law was this willingness to acknowledge that even non-Christians had rights of conscience which must be respected: the right to support non-Christian religions or to give no support whatever to religion. This was a right which few Baptists in New England ever acknowledged—nor especially espoused in print. True, one could so interpret broadly their demands for complete liberty of conscience and for religious equality, but the Baptists' fight against the Standing Order was always waged within a much narrower and self-interested compass. They fully shared the belief of their Puritan forefathers and of their Congregational neighbors that in a

Protestant nation, non-Protestants existed merely on sufferance, benighted objects of evangelism for whom the truth would dawn in due time.

Leland made a major contribution to the fight for religious liberty (after 1776, for religious equality) in New England by forcing the Baptists to acknowledge—or at least not to disown his publication of—the radical implications of their own premises. Leland rebuked his brethren of the Baptist ministry when he denounced those who kept civilly-appointed fasts and thanksgivings, those who accepted minister's lot, those who sought exemption from civil taxes or even from military service as clergymen. His radical egalitarianism was consistent to the final full measure. He wanted no "sweet harmony" between church and state; no "general encouragement" for the Christian religion or its ministers: "The law should be silent about them [ministers], protect them as citizens, not sacred officers, for the civil law knows no sacred religious officers." This was taking spiritual laissez-faire pretty far; it was difficult for the Baptists to accept; few ever did. But they could not continue, as Leland saw, to push the Congregational establishment further and further toward yielding its own privileges without admitting that the Christian religion required no privileges whatsoever. Just where was the line between a "mild establishment" granting equality to all Christian sects and "sweet harmony"? . . .

[T]he test of empirical demonstration— . . . replaces the traditions and faiths of the ancient and honorable, the wise and the learned, the church and the state. The individual is supreme, and his own heart is the measure of all things. To be true to the commands of one's own conscience is to be true to God. □



Richard T. McCartney
Baptist Messenger

Probably the oldest argument in favor of government support for parochial schools is, "It isn't fair to make me pay taxes to support public schools while I'm also having to pay tuition to keep my children in parochial school."

Just recently I've heard several Baptists use that tired old argument in support of the tuition tax credit proposal before the Congress. "Why should we support public schools whose philosophies are repugnant to us," they ask, "while having to pay tuition for our children to attend a Christian school?" . . .

It is a matter of choice. Many parents now are paying a single tax and sending their children to the public schools. Others choose to send their children to a private or church-related school. With the choice goes the obligation to pay the tuition in addition to the public school tax. It should come as no surprise to parents who make that choice. But [they] must not expect people of other religious faiths to help us pay for the religious instruction of [their] children.

Double taxation is not a valid argument in favor of tuition tax credits. It never was when Catholics were using it and it isn't now that Baptists are parroting it. □

Fr. Marie-Dominique Chenu
(Martin Marty in Context)

A theologian has to be immersed in the movement of history. You might say that when something new is beginning, when things start to fall asunder, that's when he's most deeply happy, because then he's given a unique opportunity to observe the Word of God at work in history. The newness of the Word of God, shaking up the world—that is where true theology springs from! The faith of most of the French used to be a conformist, sociological thing . . . Christians fear change, and so does the Church, insofar as it is a society of Christians. Afraid of being blamed by the future, it prefers security to freedom. I prefer freedom. □

James D. Smart
The Rebirth of Ministry

Education may be captured by a philosophy of life, a conception of man and of the goals of human life, that a Christian must repudiate or cease to be a Christian. But again, an education that claims to be Christian and that has a simple solution to every cultural problem may, in its naiveté, be simply bad education in the context of formal Christian doctrine and so equally a threat to the existence of the Christian. □

News in Brief

U.S. Supreme Court to Render Decision in Beliefs vs. 'Compelling Public Interest'

The U.S. Supreme Court returned to the bench on Oct. 4 for its 1982-83 term, its church-state docket dominated by the pending conflict between the Internal Revenue Service and Bob Jones University and Goldsboro (N.C.) Christian Schools over the disputed tax status of the fundamentalist institutions.

While the high court announced on its first day back after a traditional summer recess that it will decide on the constitutionality of a Minnesota law providing tax deductions to parents who send their children to sectarian schools, its church-state agenda features one of the most highly publicized cases in recent years, the IRS flap with Bob Jones and Goldsboro over race discrimination policies at the two schools.

Complicating the case for nearly a year has been the government's on-again, off-again decision to pursue the IRS's claim that revocation of Bob Jones' tax-exempt status and outright denial of the benefit to Goldsboro Christian Schools is mandated by civil rights laws barring discrimination in admissions and other school policies.

Few constitutional experts disagree with the view that the powerful tax-collecting government agency possesses statutory authority under the Civil Rights Act to deny or revoke tax exemption when private, nonsectarian schools are found to discriminate.

But according to church-state attorneys, that is not the issue before the high court in the Bob Jones-Goldsboro test case. Instead, they maintain, what distinguishes this case from others in the past is precisely the religious argument made by the fundamentalist institutions that the IRS has neither the legal nor constitutional authority to penalize with loss or denial of tax exemption schools which discriminate on the basis of sincerely held religious beliefs.

What has perhaps most frustrated these constitutional authorities, who represent churches and umbrella church organizations from the whole theological spectrum of American religious life, is the failure of most reporters and commentators to make the distinction.

What remains to be seen, of course,

is how the nine justices on the nation's highest tribunal choose to approach the case. If they decide it on narrowly religious grounds, most reporters and commentators are likely to accuse the court of perpetuating racist institutions.

If, however, they decide the case on the basis of the "compelling public interest" that elimination of race discrimination as a national objective outweighs the churches' interest in strict separation of church and state, Bob Jones, Goldsboro and others can safely be predicted to howl in outrage.

The tangled web clinging to the Bob Jones-Goldsboro case began in 1969, when the IRS announced, with the support of former president Richard M. Nixon, that it would thereafter deny tax exemption to schools that could not prove they did not discriminate on the basis of race.

Apparently forgotten now is the fact that church groups, ranging from hardline fundamentalist to liberal establishment, protested that administrative decision vigorously.

But with the successive support of the Ford and Carter administrations, IRS refused to back down. In 1976 it took one of the actions now contested before the Supreme Court, revoking the tax-exempt status of the Bob Jones University.

Officials at the Greenville, S.C. institution were encouraged, nevertheless, when then presidential candidate Ronald Reagan promised during the 1980 campaign to reverse the IRS policy, a pledge strangely ignored at the time by most of the media.

Last January, Reagan made good on his promise when the Justice Department announced that it wished to withdraw from the Bob Jones-Goldsboro case, while IRS indicated it would abandon its 12-year-old policy.

Those moves came on Friday afternoon, Jan. 8, the same day the Justice Department announced an historic antitrust settlement with the American Telephone and Telegraph Co., thus removing from the courts one of the most complicated business law cases in history. The administration apparently hoped the AT&T settlement would so

dominate the news that the Bob Jones-Goldsboro move would go relatively unnoticed.

But after a massive uproar resulted in one of the first genuine crises facing his administration, Reagan took to the airwaves to announce he was sending a bill to Congress making plain that no school that discriminated in its racial policies would receive tax exemption in the future.

At the Supreme Court, the government entered a new request that the court decide Bob Jones-Goldsboro after all, indicating it would take the position that while IRS had exceeded its authority under the law in revoking and denying the schools' tax exemption, the institutions had no constitutional grounds to support their policies.

Acting on a separate motion, the justices also agreed to invite veteran civil rights attorney William T. Coleman Jr. to argue the legality under civil rights statutes of the IRS policy initiated in 1969.

In the Minnesota tax deduction case, the court signaled its willingness to face head-on once again the thorny constitutional problem of how much and what kind of public aid may flow to parochial schools.

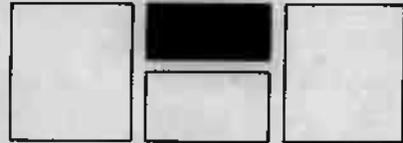
The contested Minnesota law provides annual state income tax deductions of \$500 and \$700 respectively for each child enrolled in elementary and secondary church-related schools. It has been upheld by the Eighth Circuit Court of Appeals.

With this review of the case, the high court will reopen church-state arguments aired in 1973, when in *Committee for Public Education v. Nyquist*, a 6-3 majority struck down a New York law providing tuition tax credits against state income taxes owed.

Proponents of parochial aid will argue that the Minnesota law is fundamentally different from the stricken New York statute in that tax deductions do not represent as direct a form of assistance as do tax credits.

But a wide range of religious denominations and umbrella organizations can likewise be predicted to enter the case on the argument that either scheme unconstitutionally aids religion and invites excessive governmental entanglement in religious affairs (82-195, *Mueller v. Allen*). □

Stan Hastey



Focus of BJCPA Statement On Free Exercise Rights

WASHINGTON—A reaffirmation of the free exercise of religion rights guaranteed by the First Amendment highlighted a two-day meeting of the Baptist Joint Committee on Public Affairs' executive committee.

In a unanimously-adopted statement, the Baptist Joint Committee underscored its "determination to safeguard the genuine free exercise rights of every U.S. citizen."

The statement further requested staff of the Washington, D.C.-based agency to "seek proper legislative and judicial avenues to protect and enhance the free exercise of religion of all citizens, including that of elementary and secondary school children."

In other action, the committee affirmed the Baptist Joint Committee's participation in the Brooks Hays Memorial Fund—an endowment set up to honor the memory of the late Baptist statesman and former congressman from Arkansas.

In addition to the BJCPA, the Hays fund will be managed by representatives of Calvary Baptist Church, Washington, D.C.; Second Baptist Church, Little Rock, Arkansas; the National Conference of Christians and Jews; Former Members of Congress Organization; and the U.S. Capitol Historical Society. Interest from the fund will benefit these organizations and churches according to its chairman, Fred Schwengel, president of the Capitol Historical Society.

The BJCPA also agreed to focus on an affirmation of Baptist identity and heritage during its biennial religious liberty conference scheduled Oct. 3-4, 1983.

BJCPA executive director James M. Dunn, in his report, said the agency's 1983-84 priorities will include a "back-to-Baptist-basics" emphasis on such Baptist themes as soul freedom; a reinforcement of the Baptist Press bureau in the nation's capital; an expansion of a Baptist network of citizens concerned with public affairs issues; and continued resistance of governmental intrusion into religious affairs.

Highlighting some of the agency's accomplishments during the past year, Dunn cited the filing of a friend-of-the-court brief with the U.S. Supreme Court supporting the right of student

President's Thanksgiving Proclamation

"Two hundred years ago, the Congress of the United States issued a Thanksgiving Proclamation stating that it was 'the indispensable duty of all nations' to offer both praise and supplication to God. Above all other nations of the world, America has been especially blessed and should give special thanks. We have bountiful harvests, abundant freedoms, and a strong, compassionate people.

"I have always believed that this appointed land was set apart in an uncommon way, that a divine plan placed this great continent here between the oceans to be found by people from every corner of the Earth who had a special love of faith and freedom. Our pioneers asked that He would work His will in our daily lives so America would be a land of morality, fairness, and freedom.

"Today we have more to be thankful for than our pilgrim mothers and fathers who huddled on the edge of the New World that first Thanksgiving Day could ever dream. We should be grateful not only for our blessings, but for the courage and strength of our ancestors which enable us to enjoy the lives we do today.

"Let us reaffirm through prayers and actions our thankfulness for America's bounty and heritage. . . ."

religious groups to meet on state college and university campuses; the agency's assistance in securing pledges from administration officials which guarantee foreign missionaries freedom from CIA involvement; and its aid to church pension board personnel in obtaining tax law changes which provide better treatment of participants in church pension plans.

In addition to the 1983 Religious Liberty Conference, projects for the coming year cited by Dunn include a doubling of the circulation of *REPORT from the CAPITAL*, extension of the religious liberty conference resources to seminary campuses; and refinement of the system of linkages to state conventions and regional organizations to provide more immediate and mutually beneficial relationships.

The committee also approved a working 1982-83 budget of \$431,916 for the agency which represents nine Baptist denominations in the U.S. and Canada.

Mass. Prayer BILL Fails State Court Test

The Massachusetts Supreme Judicial Court says a pending bill allowing students to lead voluntary prayer and meditation in public schools is unconstitutional.

"Such a bill would, if enacted, come into clear conflict with the prohibitions of the Establishment Clause of the First Amendment" which deals with the separation of church and state, said an advisory opinion by Chief Justice Edward F. Hennessey and four other justices.

The court said the proposed bill did little more than add the words "or meditation" to a prayer law struck down by the court in March 1980 as "unconstitutional because the statute was religious in character and had a sectarian purpose and effect."

More Briefly

Officials of the Grand Rapids (MI) public schools have appealed a federal judge's refusal to delay a ban on public school teachers teaching in church-related schools. Under a shared time program, some 475 public school instructors were paid to teach secular subjects to students at 41 private schools in Grand Rapids.

The Rhode Island Supreme Court says a former Coast Guard seaman whose car collided with another three years ago cannot be prosecuted for the death of an unborn baby in the accident. The Court said it did not think the state legislature meant a fetus to be classified as a "person" when it enacted the state's vehicular homicide law.

Congress has adopted a resolution asking President Reagan to designate 1983 as the Year of the Bible. Commemorative legislation such as this requires 30 signatures from the Senate and a majority from the House before it can be considered. The resolution affirms the Bible as the Word of God and its importance as an influence on civil government. Sen. William Armstrong (R-Col.) sponsored the legislation.

The nudist Church of Pan won a new hearing in its fight to get tax-exempt status in Rhode Island, where the state Supreme Court ordered a Superior Court to schedule further hearings in the case. The Court said the denial of tax-exempt status for the 30-family church raises substantial Constitutional issues under the First and Fourteenth Amendments.

Donald Boles

Donald Boles teaches political science at Iowa State University.

Free Exercise not Establishment

With the announcement on May 4, 1982, that President Reagan was formally supporting a constitutional amendment authorizing prayer and Bible reading in the schools, public attention focuses even more sharply on the issue of church-state relations which has been simmering since the Supreme Court in *Engel v. Vitale* (1962) prohibited state-sponsored prayer in the public schools and in *Abington v. Schempp* (1963) prohibited Bible reading as a religious exercise in the schools. It is well known that these decisions were especially unsettling to segments of the population feeling the need for manifestation of public piety and who, in effect, brush aside Thomas Jefferson's dictum that "Religion should be a private matter between man and his God." Other groups, of course, for a variety of political, economic, and social reasons have continued to be critical of the Court's decisions in this and related areas of church-state relations.

[Reagan and his advisors apparently find their own leanings best conceptualized by scholars of one special interest organization, the conservative American Enterprise Institute for Public Policy Research. In recent studies* for that Washington-based think tank,] Michael J. Malbin argues that the Supreme Court in approaching relationships between church and state, as well as that between religion and politics, has "relied on an incredibly flawed reading of the intentions of the authors of the First Amendment."

Moreover, as he sees it, most scholarly writings on the subject are little better. Malbin apparently feels he has corrected such scholarly defects by utilizing recent archival work dealing with the *Annals of Congress* resulting from the First Congress Project at George Washington University, sponsored by the National Archives, which produced a definitive multivolume documentary history of the First Congress.

Curiously, however, after holding out the tantalizing bait which implied that startling new evidence on the religion clauses is emerging from the recent work, Malbin concludes that "nothing collected by the First Congress Project suggests any reason for dissatisfaction with the *Annals* on the religion clauses . . . [at] no point do the other accounts of the debate add new information to the *Annals* or alter what was in them." Thus, it would appear we are back at square one with all scholars relying on essentially the same data base. The shortcoming of existing research, which Malbin seeks to correct, then, is that "nobody has tried to interpret the debates in the First Congress on a speech-to-speech basis."

According to Malbin, school prayers raise very different constitutional issues from aid to private and parochial schools. Under the establishment clause, as Malbin sees it, "the original rule . . . probably would prohibit Congress from doing most of what worries modern separationists . . . it clearly would prohibit government from prescribing school prayer for children, even supposedly voluntary prayers. A moment of silence would be all right . . ."

"Trying to push prayer on a nation whose religions are far more diverse now than they were a century ago . . . threatens to excite exactly the same passions the Constitution was meant to clamp down," Malbin notes.

When it comes to public support for religiously affiliated schools, however, Malbin takes a quite different approach. As he views it, "The establishment clause was meant . . . to require a strict neutrality between religions, not neutrality between religion and irreligion. He concludes that, "The establishment clause was not meant to prohibit truly nondiscriminatory forms of aid to religion." Thus, he maintains that today's tuition tax credits or tui-

"YOU SEE, WE'RE AGAINST BUSES BECAUSE THEY MIGHT ENCOURAGE 'WHITE FLIGHT'"



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tion vouchers are nondiscriminatory forms of aid, not far different from the Northwest Ordinance (which the First Congress reenacted and which contained a clause giving free land to build churches or schools, including church schools.)

Critics of Malbin's approach will fasten on his heavy reliance upon the Northwest Ordinance to prove his points. After all, its clause "Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools, and the means of learning shall forever be encouraged" does not necessarily require that schools either be sectarian or teach religion. The clause might just as easily mean that schools should teach about religion and morality, which is exactly the point made by the Supreme Court in the *Schempp* case. □

*Religion, Liberty, and the Law in the American Founding. (Religion and Politics: The Intentions of the Authors of the First Amendment. (Michael J. Malbin)

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INTERNATIONAL DATELINE



Ten U.S. Church Leaders Denounced Digest's Article As 'Biased, Negative'

GENEVA—Ten top U.S. church leaders attending the World Council of Churches policy-making Central Committee have denounced an article in the August *Reader's Digest* as "biased and unfairly negative."

Spokesmen from nine Protestant and one Orthodox church expressed deep disappointment at the misrepresentation in the article, "Karl Marx or Jesus Christ?" which charges that the Council is more interested in politics than Christian unity. The response refers to demeaning and "superficial stereotypes and code words which obscure the rich Christian community that we experience in the World Council of Churches."

"To describe our friends and colleagues as 'anti-western', 'anti-capitalist', 'Marxist', 'leftist' is to do them injustice. It is also to do a disservice to the readers of the *Digest*, many of whom are members of the churches we serve.

"We welcome fair and honest criticism. But this article presents a biased and unfairly negative view of the World Council, unsubstantiated by facts and contrary to the realities we have personally experienced."

Signers of the statement included Dr. Robert Campbell of the American Baptist Churches in the U.S.A.

Moscow Helsinki Monitors Distressed, Disband

MOSCOW—The group of Russian dissidents which monitored Soviet violations of the Helsinki human rights accords is disbanding because of arrests and deportations.

The end of the so-called Helsinki group was announced at a press conference here after the government told one of three remaining members, Sofiya V. Kalistratova, that it was considering charging her with spreading slander against the Soviet state.

The announcement came from Yelena Bonner, wife of exiled physicist, Andrei Sakharov. Ms. Bonner and Naum Meiman, a 70-year-old physicist are the other active members who so far have escaped arrest, prosecution or exile.

Sixteen members of the Moscow group have been prosecuted, as have

The text stated, "We have personally experienced the WCC as a living community of committed Christians gathered from among more than 400 million members in more than 300 Churches in over 100 countries. The diversity of traditions, variety of opinions, and kaleidoscope of cultures represented in such a gathering is replete with occasions for misunderstanding and conflict. We have ourselves often struggled with them.

Indeed, the WCC was created in 1948 in order to address these divisions in the Church and the world. Since that time, the divisions in the world have increased and grown more dangerous. Political, economic, social and territorial issues continue to separate peoples and contribute to suspicion and misunderstanding.

The WCC deals with these divisions in the context and confidence of our common faith in God and our joint submission to the Lord Jesus Christ. In the WCC, we have opportunity to know and talk with our brothers and sisters who live in different cultures, under different economic and political systems. We can hear their concerns and learn from their witness. We are convinced that such bonds must be strengthened through all possible channels. Our unity in Christ makes the WCC a unique and valuable instrument for binding up our broken world."

all members of satellite groups in the Soviet republics of Armenia, Georgia, Lithuania and the Ukraine.

The end came 11 months after a senior official of the KGB security apparatus, writing in the main Communist Party ideological journal, claimed victory over organized political dissidence. The article asserted that western intelligence bodies have been behind the dissent.

The so-called Helsinki group was founded in May 1976, 10 months after the signing of the east-west cooperation accords which included a commitment to a broad range of human rights.

Japan Abortion Debate Focuses on Economics

TOKYO—Pros and cons of abortion are again being hotly debated in Japan. Minister of Health and Welfare Motoharu Morishita is preparing a re-

vision bill, while feminist leaders are marshaling forces to oppose the change.

Article 14 of the Eugenic Protection Law specifies that abortions may be performed "for economic reasons." The Ministry of Health and Welfare seeks to revise this article. Officials say, "Now that Japan's GNP has reached that of a prosperous nation, there is no need for a law allowing abortions for economic reasons."

Because reasons of livelihood are recognized as legal justification for abortions, such operations are virtually uncontrolled in Japan. Conservative Japanese politicians are seeking to revise Japan's Eugenic Protection Law, now that the time seems ripe for reconsideration of what they see as a frivolous position.

The exact wording of the law has not been decided, but the Ministry of Health and Welfare has asked the Central Eugenic Protection Committee, a governmental advisory body, to examine effects of deletion of the "economic reasons" clause.

Would Mute Politics of Liberation Theology

GENEVA—Liberation theology may place too much emphasis on politics and not enough on relations between human beings and God, cautions a Chinese Protestant leader.

Excerpts from a critique of liberation theology by Bishop K. H. Ting, president of the China Christian Council, were published here by the World Council of Churches.

"We do not know very much about liberation theology," Bishop Ting wrote. "We know we are for liberation and we are for theology and we are also for liberating theology from its bondage to Western history, to colonialism, and so on."

Bishop Ting expressed sympathy with liberation theology's emphasis on the need to change social systems and its stand for liberation and revolution.

But he added that "many of my Christian colleagues would hesitate to say that they themselves are liberation theologians because we somehow feel that we must not relativize the absolute or absolutize the relative."

Bishop Ting stressed that "Christian theology must deal first of all with the relationship between human beings and God. That is a much more ultimate question which theology must not shy away from." (EPS)



Faked Letter Denounces BWA Peace Resolution

RUSCHLIKON—Two European Baptist leaders have repudiated a letter saying their institutions support an arms buildup in Western Europe.

Dr. Gunter Wagner, acting president of the European Baptist Seminary, Ruschlikon, and John Wilkes, director of the European Baptist Press Service, disclaimed any involvement of their institutions with the anonymous Sept. 7 letter, printed on a faked letterhead of the news service.

The letter, sent to periodicals, individuals and groups in Western Europe, denounced a resolution on disarmament adopted by the Baptist World Alliance and asserted that an arms buildup by Western countries is necessary for peace.

In closing, the fake letter said that "members of the Baptist Theological Seminary of Ruschlikon and the European Baptist Press Service, therefore, ask you to pray and work taking the above into consideration and to use your high prestige and authority to make this argument clear to your flock." (EBPS)

New Belfast Bishop wins Praise of Protestants

BELFAST—The major aim of the Most Rev. Cahal Daly, the new Roman Catholic bishop here, is to promote ecumenism. This, he said, meant a mutual respect that required Catholics and Protestants to value each other, not for the things each would like to see in the other but what each valued in itself.

Bishop Daly is outspoken and has repeatedly attacked violence and the Provisional Irish Republican Army. He said in 1980, "The IRA is a radically new phenomenon in Irish history—and it is a sinister one. It is now taking shape as a movement alien to Irish traditions and Irish values."

Bishop Daly has been remarkably outgoing in his attitude toward Protestants, particularly in the North. In an open letter to Protestants in 1981 he wrote, "As a Catholic, I have felt enriched by my contact with your tradition." And he stressed that he shared the views of the late Cardinal William Conway, who once said, "Who in their sober senses would want to bomb a million Protestants into a united Ireland?"

Pro-apartheid Bloc Vote Defeats Activist Cleric

CAPETOWN—Dr. Alan Boesak, new president of the World Alliance of Reformed Churches, narrowly missed election as moderator of his own church, South Africa's Reformed Church for Colored, when a bloc of pro-apartheid white missionaries voted against him.

Dr. Boesak lost his bid for the top position in the NG Sendingkerk, the mixed-race missionary branch of the church, to a conservative candidate, Dr. Sakkie Mentor.

The 36-year-old-mixed-race theologian had been elected leader of the World Alliance at its Ottawa assembly in August when it also voted to declare apartheid a heresy and to suspend the membership of South Africa's dominant white Nederduitse Gereformeerde Kerk. [Dr. Gideon Zimmerman, former general secretary of the North American Baptist Conference, participated in these meetings.]

Lutherans Urged to Rid Theology of Anti-Semitism

GENEVA—Lutherans must rid their theology of any remaining vestige of Martin Luther's "vitriolic" denunciations of Jews, leaders of the Lutheran World Federation declared here.

"We Christians today must purge ourselves of any hatred of the Jews and any sort of teaching of contempt for Judaism," said the LWF at its Fourth Consultation on the Church and the Jewish People.

The statement pointed out that the celebration of the 500th anniversary of Luther's birth next year would pose a special problem for Lutherans.

"In his later years (Luther) made certain vitriolic statements about the Jews that Lutheran churches today universally reject. We regret the way in which what Luther wrote has been used to further anti-Semitism," the statement continued. It added that the question would "be the subject of considerable attention" during the birthday celebrations.

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CORRESPONDENCE

To the Editors: [Re: Seeking] ... tax support of religious institutions or agencies, ... under any guise ... directly or indirectly. For Southern Baptist College to take tax aid through federal funds to preserve it as a religious institution or enlarge its ministry, is to sacrifice its very reason for existence.

Religious institutions are entitled to protection of the law but not the use of the law to compel support. Such support violates the religious liberty of all persons contributing thereto without consent. ...

I do not expect the wall between church and state to fall from direct attack. It is impregnable from such onslaught. If it ever crumbles it will disintegrate, in the words of the late Justice Cardozo, with the "disintegrating erosion of particular exceptions."

If my fellow Baptists and others continue to persist with this erosion, what will the effect and final consequence be? Someday an aroused and informed citizenry will demand a complete evaluation and analysis of the church-tax relationship. A severe curtailment or complete withdrawal of tax-exempt privileges may result. Who then will plead their cause? Who then will have the right to complain if Baptist churches institute a procedure designed to protect the integrity of this uncompromising Baptist principle?

Raymond B. Higgins
El Dorado, AR

To the Editors: I was impressed with your enthusiastic dedication to the Baptist position in church-state relationships. I agree wholeheartedly with that position ... I have found this issue to be immensely helpful in understanding the current humanist issue and am intrigued by John Baker's quest to explore roots and liberty in the Roger Williams heritage.

Merle E. Brenner
Elk Grove, CA

To the Editors: The President's statement regarding the failure of the Senate to pass a 'school prayer amendment'—'to prevent those who believe in God from expressing their belief is an outrage'—is more absurd than the amendment itself.

Because the Court's decision did not nor does not prohibit voluntary prayer anywhere, it does not keep anyone from praying when and where desired.

Let the school children try prayer at home—perhaps the parents would join.

Keep the fight against the President's illegal stance and improper statements. Keep it up.

K. P. Walker
Midland, TX

To the Editors: Thank you for "Report from the Capital." You have reminded me that freedom is a precious thing. Those of us who are Christian would do well to remember that.

James Dunn is doing a fantastic job of keeping Baptists informed on the church/state issues! May we all continue to *speak* and *do* the truth in the way the Prince of Peace did.

Ralph Starling
San Rafael, CA

✓ Your

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So essential is it to democracy that without a national system of public schools America could not for a single generation continue free . . .

REFLECTIONS

James M. Dunn
Executive Director



It happened in Virginia. Thomas Jefferson said, "If a nation expects to be ignorant and free, it expects what never was and never will be."

Then 200 years later, again in Virginia, Governor Robb was severely criticized editorially for sending his children to public schools.

It's shocking that there are still those who shamelessly stand for a dual system with private schools and pauper schools. The common school struggles to survive.

In the early part of the nineteenth century approximately 12% of the population had attended an academy at some time. "Freedom of choice" was available to the rich alone.

In most of the colonies education was in the hands of established churches. Baptists were not happy with that scheme. It denied their religious liberty and church-state separation beliefs. Public education was not accepted easily. Elitists have always been cool to the idea that poor children should have the same teaching as children of privilege. One Rhode Island farmer physically threatened Henry Barnard, the state's chief spokesman for common schools, for "preaching such a horrible heresy as the partial confiscation of one man's property to educate another man's children."¹

Gradually the common school concept prevailed. Thousands of dedicated Americans have paid the price to give us the public schools of today. "They believed that public education conducted in the context of the community as a whole rather than in a sanitized and separated part of it was an essential ingredient in teaching the give-and-take of democracy."²

The public school has come to be America's most powerful civilizing force, sociologically sound, democratically fair and consistent with the best in the Christian tradition.

The common school is uniquely American. It is not simply a school for common people. It is common in the sense of being open to all. It is the common foundation, the common ground for society, the common experience of 90% of our society's children.

The great evangelical saint and articulate champion of church schools, Frank Gaebelein says: "The place of public education in America is secure. So essential is it to our democracy that without a national system of public schools America could not for a single generation continue free."³

Private schools remove from the common schools "the interest of the most influential segment of the community." "The common school ceases to be visited by those whose children are in private schools. Such parents decline to serve on committees. They have no personal motive to vote for or advocate any increase of the town's annual appropriation for schools; to say nothing of the temptation to discourage such increase in indirect ways, or even to vote directly against it." This is a self-aggravating process. As public interest declines so will school quality, and more children will be withdrawn by parents who can purchase better education elsewhere. "Thus would the cycle continue until the public schools were pauper schools." Horace Mann (1796-1859) of Massachusetts wrote these words in 1857; they could have been written in 1982.⁴

Identifiable enemies of public education, alas, are also victims. They are caught in fear and immoral nostalgia, trying to escape impersonal powers that have changed their world and threaten to destroy it. They are also captured by the cynical Elmer Gantry who are joined in unholy union with Dr. Strangeloves, and preyed upon instead of prayed for.

Let's not hate the victims/villians. With compassion and courage harnessed together let's confront the foes of public schools. Let's expose the greed, elitism, racism, and arrogant ignorance that fuel and feed the coffers of public school haters both religious and political. If we don't, future generations will wonder where we were when the public schools were destroyed.

There is a perverse tribute to evil in the extremists' willingness to abandon the public schools. The folks who have given up on the public schools represent not deep dedication but a certain faithlessness in the power of the gospel, faithlessness in the capacity of changed persons to change the world, faithlessness in the effectiveness of the Christian home.

Busnell's *Christian Nurture* espoused a theory of Christian education in which a child would be so carefully taught that there would never be a time when he/she was not a Christian. Evangelicals denounced the approach as heresy. Fundamentalists saw it as a weakness of the social gospel. Baptists have held to the necessity of conversion.

What's happened? Are these latter-day pseudo-evangelicals using the Christian schools as a sort of neo-monasticism? Do they believe that they can train children into Christians in the hot house environments of their junior convents? Have safe havens replaced school houses? Do Christians have any right to withdraw from the public school mission field?

The Religious Right loves to point to polls that indicate that 94% of Americans believe in God. Yet, they condemn the public schools as dens of godless secularism. Where do they think the teachers come from if not from the 94%.

The critics of public education are among the same folks who want government off their backs, government meddling minimized and government intrusion into religion absolutely abolished. That's fine. Yet, they are the same fundamentalists who are begging for tuition tax credits.

Some who have recently come alive to their political responsibility oppose sex education in the public schools yet would like to give that same public school teacher the responsibility of leading worship, directing the mandated "voluntary" prayer.

Christian theology should at least affirm all persons, call for justice, teach stewardship, act on faith and pursue the heavenly vision. We must apply that sort of policy to public education. God help us! □

¹Vivian T. Thayer, *The Role of the School in American Society* (New York: Dodd, Mead, 1969), p. 10. ²Penrose St. Amant, "The Christian and Public Education," *Therefore . . .*, Christian Life Commission of Baptist General Convention of Texas, Spring 1982, p. 2. ³Frank G. Gaebelein, *Christian Education in a Democracy* (New York: Oxford University Press, 1951), p. 99. ⁴Quoted by St. Amant, *Op.cit.*, p. 3.

REVIEWS



FOR THE FACING OF THIS HOUR

By J. Alfred Smith, Jr., Elgin:
Progressive Baptist Publishing House,
1981, 140 pp. \$5.00

Of all the Protestant bodies in Christendom, Baptists more times than can be counted, have led the movement for religious freedom or the separation of church and state. Baptists, influenced by Roger Williams and others, led Thomas Jefferson and James Madison to build religious freedom and the separation of church and state into the U.S. Constitution. The First Amendment to the Constitution declares that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people to assemble, and to petition the Government for a redress of grievances."

Why do we as Baptists believe in the separation of church and state? The church . . . is an inclusive term for all denominations that confess Jesus Christ as Saviour and Lord. Church, therefore, is capitalized; and churches, spelled with a small "c," make up the Church. State refers to any national government or to any recognized nation that has its own government. Now, back to our question: Why do we as Baptists believe in the separation of church and state?

1. First of all, Jesus in our text commands us to "Render therefore unto Caesar the things which are Caesar's; and unto God the things that are God's"
2. Separation means that the Church has a unique reason for being.
3. Separation means that the Church has a head separate and apart from the head of the State. The State's head is impeachable but the head of the Church is unimpeachable.
4. The Church has its own public. The State includes everyone that is born into its territory. The Church is for the second born or the regenerated. The second birth differs from the first birth. Under the second birth, you can choose whether you want to have spiritual regeneration. In the first birth you had no say.
5. The methods are different: the State legitimizes violence. The Church lis-

tens to God who says: "not by might, nor by power, but by my spirit saith the Lord."

6. *Separate Administration Required* The State, if it is a democracy, is ruled by the political party given the power by the masses. If it is totalitarian, it is ruled by those dictators in power. If it is an oligarchy, it is ruled by the wealthy. If it is a monarchy, it is ruled by kings and their heirs. The Holy Spirit is God's invisible, ruling presence in His Church. His churches are cared for by ordained, called ministers of God.

7. *Separate Sources of Support:*

a. The State takes from her constituents tax money.

b. God's Church depends upon the free-will tithes and offerings of the Christians.

8. *Separate Educational Programs.* The church cannot delegate to Caesar the educating of her members. Did not Jesus say: "Go ye therefore, and teach . . ." Yes, we believe in the separation of church and state.

We believe that God wants the Church in the world, but that He does not want the world in the Church. We believe that when God and Caesar have a conflict in law or morality, we must always obey God. We believe that Christians must be citizens of two worlds. □ (Except)

THE LAST EPIDEMIC

Available from Physicians for Social Responsibility, Washington Metropolitan Area Chapter, 236 Massachusetts Ave., NE, Washington, D.C. 20002. Rental 16mm \$25, 3/4" videotape \$10.00.

If your agenda of concerns is already too full to add another issue, this film will change your mind. REPORT readers will recall the very powerful series by Dr. Helen Caldicott in our March and April issues. This film from a conference of Physicians for Social Responsibility contains statements by some of the country's leading scientists and physicians and footage from

the aftermath of Hiroshima and Nagasaki which show the consequences of a single nuclear bomb exploding on San Francisco—and the imminent danger of accidentally starting a nuclear war. (G.F.)

Study Guide

Nuclear War: What's In It For You?

Ground Zero, is a non-political, community-based educational effort to respond to questions, fears, frustrations of people regarding nuclear war. The Washington Interreligious Staff Council has prepared a study guide to Ground Zero's nuclear war primer. This study guide assists group discussion on four issues: How might a nuclear war start? What would be the consequences of a nuclear war? How can nuclear war be prevented? And religious and moral perspectives.

The study guide is available from denominational offices or the National Council of Churches of Christ, 110 Maryland Ave., NE, Washington, DC 20002. 50 each, 10 for \$4.00. (The pocketbook is available in local bookstores for \$2.95.)

Shopping Bag Ladies

By Ann Marie Rousseau, New York:
Pilgrim Press, 1982, \$9.95, paper.

Photojournalist Ann Marie Rousseau does a masterful job of telling the story of the growing number of women who are homeless. Through pictures and interviews she gives you a very personal look at individuals—what their life is really like, the kinds of problems that made it necessary for them to turn to the streets, the kinds of survival techniques that are developed to find such basic necessities as food and a place to wash or go to the bathroom.

Her search for understanding has led to concern for the "prospects for all women in a society that does not adequately provide for the weak and the powerless." (G.F.)

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