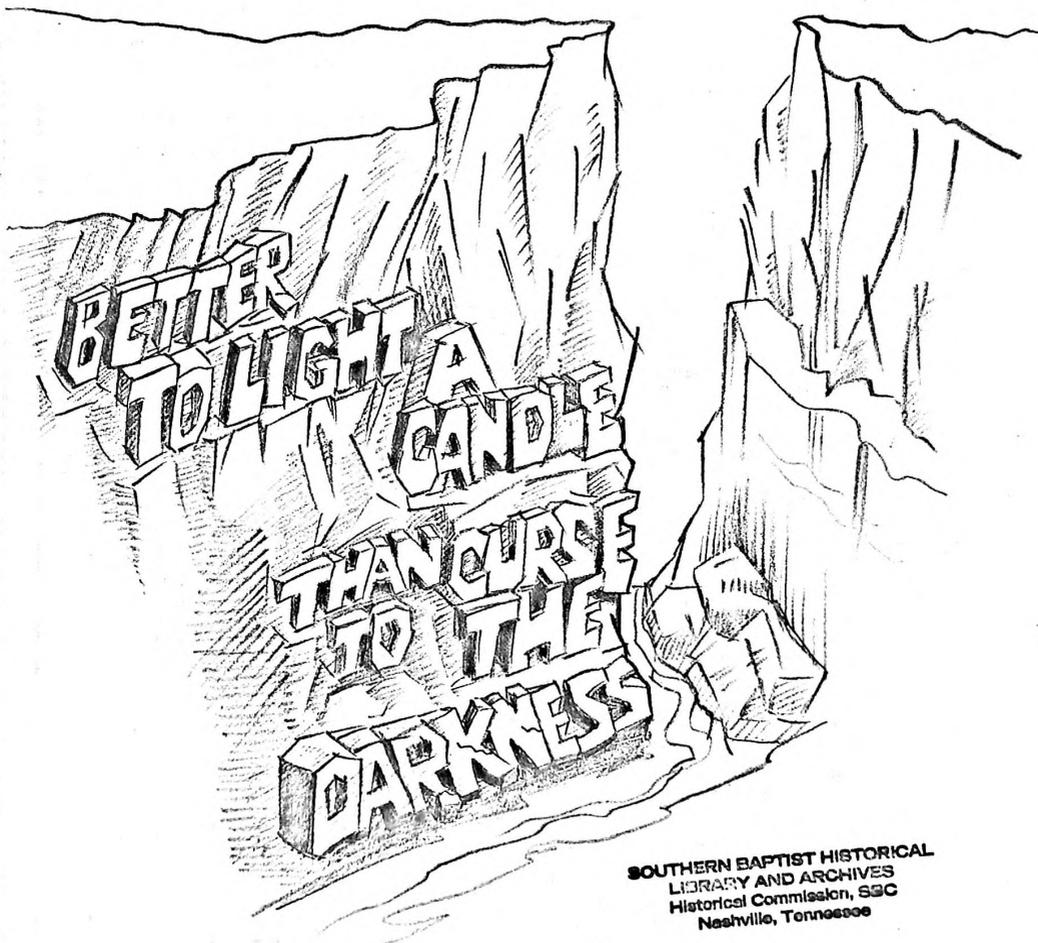


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REPORT from the CAPITAL



SOUTHERN BAPTIST HISTORICAL
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Nashville, Tennessee

REPORT from the CAPITAL

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

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Cover: The New Year means new beginnings. U.S. President Ronald Reagan and his Soviet counterpart, Mikhail Gorbachev in their summit meeting symbolically lit a candle of peace. We can see it as a call to all women and men of peace through words and acts to reflect that light broadly throughout the world. [Art by Sarah Helen Shira]

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Down to our Roots

It's a mystery why in today's heightened conservative consciousness and activity (supposedly to recapture traditional "made America great" values) we see evidence of a capricious liberal mindset which denies the root experiences and experiments that make democracy work. It functions as a revisionism, active in public education as it is in religion, the law, economics, and government.

John Newport encounters it in the public schools, which he places at the heart of the American Dream. Behind charges of the critics—that poor teachers no longer challenge disinterested and troublesome pupils—lies the struggle to obtain tax credits, tax vouchers or tax deductions: goodies to underwrite the introduction of competition with public education. (Doesn't competition always give us winners and losers?)

Newport, in his address to Missouri educators, asserts that free and nonsectarian education is the "school for democracy." He sees it as a stabilizing structure enabling people with differing beliefs and values to live in harmony. Newport wants churches involved in a positive way; raising the pertinent educational, ethical, and moral questions and thus preserving the multi-dimensional nature of public education at its best.

There's a faulty assumption that the Founders in writing the American Constitution were in complete agreement over the final document. But it's not clear that any among them thought it so perfect that it said precisely what they meant. Supreme Court Justice William Brennan, Jr., in vigorous words takes issue with the "intentions of the framers' school of interpretation. His words ("We current justices read the Constitution in the only way we can: as Twentieth Century Americans") allude to the dynamic character of that document, enriched by succeeding generations of legal wisdom and interpretation.

State support for religion when examined against the background of various tax exemptions poses a conundrum which puzzles Baptists from time to time. There is general agreement that federal funds must not be used to support religious institutions, but that churches, as one among many non-profit institutions, should remain untaxed. Does that amount to state subsidy of religion? In **VIEWS**, Oliver Thomas explores what may appear to be the inconsistency here. He rules out subsidy and inconsistency and further states that the "most compelling reason for exempting churches from taxation lies in the potential for state regulation or control of religion."

Michael Litaker reviews two provocative books on the relationship between Christian faith and participation in the political process. The primary differences lie between two prevailing perspectives: one holds to a dogmatic insistence upon "a sure-fire method of determining right and wrong" while the other places the Christian in the center of ethical responsibility and political realism. □

Victor Tupitza

The House of Representatives has passed a proposed tax reform plan that would reinstate clergy housing benefits but also strip church pension groups of their federal tax-exempt status.

In passing the Tax Reform Act of 1985, House members ended a week-long struggle between Republican congressmen and President Reagan. Republican members led an effort that kept the tax reform measure from reaching the House floor on the originally scheduled date. Reagan's lobbying efforts, however, convinced many of his maverick party members to bring the measure to the floor for debate and eventual passage.

Should the bill, in its present form, become law, ministers would regain the ability to claim mortgage interest and real estate tax deductions as well as tax-exempt housing allowances. Under current tax law, only ministers who occupied their residence or had a contract to purchase one by Jan. 1, 1983, are eligible to declare mortgage interest and property tax deductions in addition to tax-exempt housing allowances. That eligibility is scheduled to extend only through tax year 1986.

The new measure would make revocation of current law retroactive, meaning that ministers unable to claim mortgage interest and property tax deductions for tax years 1983 and 1984 would be able to file amended returns.

Another section of the Tax Reform Act would repeal tax exemption for any non-profit organization if a "substantial part of its activities consists of providing commercial-type insurance," explaining that such insurance "shall be treated as an unrelated trade or business."

Specifically exempted from the definition of "commercial-type insurance" is property or casualty insurance provided by churches or conventions or associations of churches. But the measure specifies further that "annuity contracts shall be treated as providing insurance."

Although the legislation technically would take effect Jan. 1, 1986, the House passed a non-binding resolution that would delay many of the changes for a year.

Informed Senate sources predicate the measure will not reach the Senate Finance Committee until late January and will not receive action by the full Senate before mid-1986. ●

A three-year study by a leading liberal think-tank here has concluded that the future of American democracy depends on the strength of the nation's religious institutions and calls for changes in public policies to accommodate religion in public life.

The study by the Brookings Institution also states that secularism—defined as the idea of a society based on non-religious principles—provides no adequate foundation for democracy in America.

Democratic government "depends for its health on values that over the not-so-long run must come from religion," according to the study.

Through religion, the study says, "human rights are rooted in the moral worth with which a loving Creator has endowed each human soul, and social authority is legitimized by making it answerable to transcendent moral law."

The report endorses social initiatives supported by the Reagan administration but opposed by proponents of church-state separation. It calls for authorization of a "moment of silence" that can be used for voluntary prayer in public schools, use of school facilities for student religious meetings and tax allowances for tuition paid by parents of parochial-school students. Without endangering separation of church and state, such initiatives could facilitate free exercise of religion by individuals and demonstrate the government's acknowledgement of the value of religion, the study argues. ●

UPDATING THE AMERICAN DREAM

The American Dream, as it relates to religion, religious liberty and the public schools, is high on the list for discussion. Society must be concerned with the broad perspective on life and that which ennobles and enhances life. Although the idea of the American Dream is an illusive concept, we all know in general what it means. America is a unique and destined nation with a moral purpose which offers freedom and equal opportunity to all.¹

From a religious perspective, the American Dream has two historical roots. One is the Puritan emphasis that America is God's New Israel and a nation of destiny. This emphasis had its immediate origin in the Puritan adaptation of certain emphases of the right wing of the Protestant Reformation. The other emphasis is related to religious freedom and religious and cultural pluralism. This aspect of the American Dream came from the Roger Williams tradition and was influenced by the left wing of the Protestant Reformation.

The Puritans began their life in New England with a vision of the church, state and the school as partners, dominated by Christian saints. From 1740 to 1775, there was another development of

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**the American Dream
... when it is understood
and properly presented,
will once again
have wide acceptance.**

the country and had the support of religious leaders because it had religious and biblical undertones.³

Religious liberty prepared the way for cultural pluralism. In addition to the flow of diverse types of immigrants, there were other secularizing forces associated with Darwin, urbanization, industrialization, and philosophers such as John Dewey.⁴

How has America responded to these new developments which must be incorporated into the American Dream? Some writers have called for a new civil religion. This development was seen clearly during the presidency of Eisenhower and was as amiable and ambiguous as Ike himself. The new civil religion was symbolized by national days of prayer, and by the addition of "Under God" to the pledge of allegiance to the flag. There was also the authorization to place "In God We Trust" on all currency and coins.

Against the background of these diverse developments, the New Religious Right, resembling the old Puritanism, emerged in the 1970s. In his acceptance speech at the Republican Convention in 1980, Ronald Reagan reiterated the concept that the United States is God's new Israel and a chosen nation.⁵ In a 1982 speech he stated that we should be proud of the red, white and blue and believe in her mission.⁶ The New Religious Right leaders embraced the American civil religion, but many of them seemed to forget the other facet of the American Dream, which is the important tradition of religious liberty and separation of church and state.

Theocracy

Many of us have a deep conviction that America has been providentially prepared for world leadership in the areas of moral influence and religious liberty. We must remember, however, that the American Dream, as it has developed historically, does not call for the way of *theocracy*. We can never return to

interest. The Puritan descendants subordinated their drive for conversion to their commitment to America as the new seat of liberty as well as moral enlightenment. In the 19th century this millennial ideal was translated into what became known as "Manifest Destiny." This concept was seen as justification for America to spread over all of North America and other parts of the world with their uplifting and ennobling political and religious institutions.²

Modifying the Puritan exclusive religious covenant concept, Williams called for religious liberty. Civil power was necessary but it should only exert influence in civil matters. The religious communities were important but were restricted from directly controlling civil powers. Furthermore, civil powers should not seek to control religious groups.

The next phase in the history of the American Dream was the development of American civil religion. This approach was created by Thomas Jefferson and his fellow Enlightenment leaders. Their proposal reached out to both religious and moral destiny exponents and the religious liberty champions. The American Dream thus took the form of civil or public religion. It saw the state using consensus religious sentiments, concepts and symbols for its own purposes. Jefferson and Madison supported this approach because it was general enough to include the great majority of Americans. It also provided the moral glue for

the coerced unity of some eras of European history and our own Puritan period. The American Dream calls for an approach which can allow the various religious, racial, and economic groups to live together in a way which maintains harmony and preserves the richness of our society. We can see what is at stake as we read of the situation in the Middle East, India, and Ireland. Richard Pierard of Indiana State University contends that there has already been a back-lash against some of the theocratic emphases of the New Religious Right.⁷

Secularism

The approach of secularism is not the answer. This approach could result in the gradual shift or collapse into a secular, centerless pluralism composed of organized power groups. Advocates of the strictly secular approach contend that religion is outmoded and will gradually disappear. Brooks Alexander disagrees. In the long run, this approach is too shallow to be realistic or to serve as a lasting basis for any type of social cohesion. All previous cultures which have sustained themselves for significant periods of time have had a religion or a quasi-religion or a substitute god as an organizing principle and point of reference. According to Alexander, the religious impulse is too deeply true to our nature to be permanently displaced by the more abstract and speculative oracles of secular humanism or scientific materialism.⁸

Peter Berger points out that religion is not dying out in the world. We see this in the Islamic world, in the new religious groups in Japan, and in the religious resurgence in China as well as in North America.⁹

It is ironic that since the Communist takeover in 1949 religion has not died out in China but has grown by leaps and bounds. Chinese leaders have had to come to grips with this development. They are now modifying the Marxist line that religion is an opiate. Rather, they are pointing out that in many cases Christianity has helped the people to be better workers and fulfill the Socialist vision. Chinese leaders are allowing more religious expression, and even allowing religious groups from the United States to come back into China for public services purposes through what is called the Amity Foundation. They are also allowing the Norwegian Covenant Church to build a church-related university in southeastern China.¹⁰

Observers point out that pure secularism is always on the border of moral nihilism. It threatens the whole of life with a sense of meaninglessness. Thus, it creates a spiritual vacuum into which demonic religions or ideologies can easily rush.

Religious Freedom

A third way is in reality an up-dating of the American Dream. This unique American approach seeks to maintain freedom of religious worship, propagation and zeal, yet without government persecution or direct government help.

Each religion, or version of a single faith, can proclaim and share its highest insights with freedom. At the same time, however, each faith must preserve an humble and contrite recognition that all actual expressions and formulations of religious faith are subject to historical contingency and finiteness. In other words, we are to hold and witness to ultimate religious convictions with a sufficient degree of humility to allow us to live peacefully with those who have other convictions. Such an attitude creates a proper spirit of tolerance. Furthermore, it does not allow any religious (or philosophical) group to claim official validity for its form of religion, demand an official monopoly, or use the public schools to teach its particular approach.

This American approach is actually in keeping with the Judeo-Christian interpretation of sin. According to this tradition, pride and self-centeredness constitute the essence of sin. An authentic biblical faith, therefore, should encourage humility and moderate our pride. As history should teach us, unless we can develop this humility and charity, dire consequences follow. Religious fanaticism could drive many to pure secularism or authoritarianism or dictatorship to save our national unity.

The Public Schools

Those who treasure the American Dream are grateful that in 1985 the Supreme Court patched up the leaky wall separating the church and state. The Court has struck down a variety of government aids to religion, with specific reference to practices in Grand Rapids, Michigan, and New York City. Many of us wonder about the reasons why William Bennett, secretary of the Department of Education, would state that these decisions show that the Supreme Court has a fastidious disdain for religion.

This unique American approach of freedom and religious humility necessitates patience and appropriate democratic structures. Those structures will provide procedures which enable people with different ideas, ideals, values, principles and beliefs to live together in the flux of on-going negotiation of differences. If we were bound to one particular religion or one particular ideology, we would freeze what must remain fluid for a pluralistic community to be free and survive.¹¹

For those who cherish the American

Dream and have the perspective not only of American history but of the history of the world, the importance of the public school is crucial. Some say that the concept of a free, universal, non-sectarian public school is one of the noblest contributions of the United States to the world. As an agent for maintaining our American community, the public school magnifies the aspects of our life which we hold in common. It is the school for democracy.

It is true that in the early years Protestants sometimes used pressure in the public schools against the Roman Catholics and the Jews. That situation has greatly improved. It is also true that in many areas public schools were used to evade facing our racial diversity. But it is in the public schools that we learn to live with people of different faiths and backgrounds. In the light of such a diversity of backgrounds, public school leaders are faced with a great challenge in terms of developing various levels of instruction.

In order to maintain the moral dimension of the American Dream, the Christian churches and other religious groups must develop policies for coexistence with all non-magisterial humanisms. This will involve the acceptance of a broad set of humanist values as a common ground for life together in a pluralistic and increasingly secular world.¹²

Despite the radical attacks by the New Religious Right on secular humanism, some of which are justified, there is a large range of humanist values which Christian and religious people share in common with all humanisms. Christian people are obviously opposed to a humanism which is strictly earth-bound. However, we do affirm human uniqueness and surpassing dignity. We believe that Christianity, properly understood and interpreted, should be seen as a transcendent or universal humanism. We contend for a doctrine of creation and common grace which flows from God to all men.

In fact, devout Christian scholars have long taught that the world is the concrete, historical context for the expression of Christian devotion and stewardship. Science and reason, properly utilized, are not enemies but should be seen as means by which humankind assumes responsibility before God and serves God. We contend that Christians should be receptive to all forms of truth in the schools as long as there is an appropriate restraint on the part of teachers in terms of any secular reductionism.

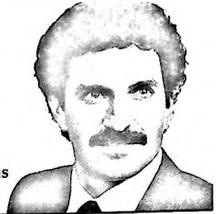
Obviously a part of the American democratic way is for each group to express its convictions about the purposes

Continued on page 7.

The First Amendment built "a wall of separation between Church and State."—Thomas Jefferson

VIEWS OF THE WALL

Oliver S. Thomas
General Counsel



One of the hallmarks of Baptist thought in America has been the consistent denouncement of state support or sponsorship of religion as a violation of the establishment clause of the First Amendment to the United States Constitution. At the same time Baptists have insisted that churches should be exempt from taxation. Are we trying to have our cake and eat it too? Or even worse, are we practicing constitutional hypocrisy in an effort to promote our own self interest? If so, we have degenerated to the point of being just another special interest group, mouthing legal and theological arguments concerning the separation of church and state only when it is expedient!

The basis for our system of income taxation is, as the name implies, the production of net income. Put another way, only those individuals or organizations that produce wealth are proper objects for taxation. A fundamental distinction lies between organizations that exist in order to produce a profit and "non-profit" organizations that exist for religious or charitable purposes. As a non-profit organization, the church generates no wealth and should therefore be exempt from taxation even under the most rudimentary legal analysis. In other words, there is simply no legitimate basis for imposing a tax on churches in light of their non-profit status.

The church is awarded no special privilege by virtue of its tax-exempt status but simply assumes its position in the larger context of non-profit organizations, none of which are subject to taxation. Cordell Hull, author of the Revenue Act of 1913 which served as the basis for our present system of taxation, recognized this fundamental distinction between profit and non-profit organizations and made the following explanation regarding the proposed federal tax:

Of course any kind of society or corporation that is not doing business for profit and not acquiring profit would not come within the meaning of the taxing clause.... 50 Cong.Rec. 1306 (1913).

Having demonstrated that there is no proper legal basis on which to tax church income, we must now address the question of whether tax exemption of churches amounts to a state subsidy of religion and, therefore, violates the establishment clause. In 1970, the U.S. Su-

preme Court answered this question with a resounding "No." According to the Court, "[t]here is no genuine nexus between tax exemption and establishment of religion."¹ The Court's conclusion is based upon two sound principles. First, there is a clear distinction between tax exemption and government subsidy. Tax exemption, unlike a subsidy, involves no transfer or expenditure of government funds. Rather, the government simply refrains from demanding that the church support the state. Failure to impose the tax no more violates the establishment clause than the exemption of private hospitals, libraries, or universities converts them into arms of the state.² Even with the exemption, churches remain totally dependent upon the voluntary donations of their members for support, and no one is forced to contribute to a church as in the case of a subsidy.

Although the Supreme Court has recently evinced a willingness to describe tax exemption as a form of subsidy, at the same time the Court has been careful to point out that tax exemption is *not* like a subsidy in all respects, citing favorably the *Walz* decision.³ Presumably, the Court is saying that while tax exemption may be like a subsidy *in some respects*, it is not sufficiently similar to constitute a violation of the establishment clause.

The second major reason why tax exemption of churches does not violate the establishment clause lies in the fact that churches are not being singled out for preferential treatment. As noted above, the church is one of a larger group of non-profit entities on which the benefit of tax exemption is conferred. Schools, art galleries, hospitals, libraries, garden clubs, historical societies, halfway houses and countless other institutions from the Boy Scouts to the Teamsters' Union have been declared tax-exempt by virtue of their non-profit status. Any benefit conferred on a religious organization as a result of this exemption is incidental to its recognized status as a non-profit entity.

Not only is tax exemption of churches permissible under the First Amendment, it may in fact be constitutionally mandated as intimated by Chief Justice Warren Burger in the *Walz* decision. Taxing churches would seem to give rise to the very sorts of church-state entanglement that the First Amendment was

passed to prevent. Tax appraisals, investigations, audits, and foreclosures would inevitably lead to conflict between church and state. Although *Walz* does not hold that taxation of churches would violate the First Amendment, it does suggest this possibility by alluding to the "expanded involvement" of government in the affairs of the church which taxation would produce. In light of this potential for excessive entanglement, the tax exemption of churches fits squarely in the traditional Baptist framework of separation of church and state.

Perhaps the most compelling reason for exempting churches from taxation lies in the potential for state regulation or control of religion. In the words of Mr. Justice Douglas:

The power to tax the exercise of a privilege is the power to control or suppress its enjoyment.... Those who can tax the exercise of [a] religious practice can make its exercise so costly as to deprive it of the resources necessary for its maintenance.⁴

Put more simply, "The power to tax is the power to destroy."⁵

The taxing power of the state is an awesome thing indeed. The threat of unfair or punitive taxation could mute the church's prophetic voice and chill the free exercise of religion. The free exercise clause of the First Amendment guards against this possibility.

History demonstrates that both church and state are healthiest when the two are allowed to function separately from each other. Although there can never be absolute or total separation, there should be an attitude of *neutrality* on the part of the state with regard to religion. Tax exemption of churches serves to maintain this neutrality. In the words of Mr. Justice Brennan:

... the symbolism of tax exemption is significant as a manifestation that organized religion is not expected to support the state; by the same token the state is not expected to support the church.⁶

In addition to the arguments above set forth, several less persuasive arguments are often cited by proponents of tax exemption of churches. First, it is argued that churches and other charitable organizations provide desirable services for society that government would otherwise have to provide for its citizens, and, therefore, they should not be taxed. This

VIEWS OF THE WALL

"quid pro quo" argument was addressed and rejected by the U.S. Supreme Court in *Walz*. The argument's fallacy lies in the fact that the church's primary purpose is religious in nature, and the government is strictly forbidden from providing religious services by virtue of the establishment clause.

A somewhat more appealing argument is that churches serve a secular purpose by inculcating positive values and promoting social stability, thereby strengthening the fabric of society. Churches benefit society by providing their members with a sense of "ultimate meaning" or purpose in life. The obvious fallacy of this argument lies in the simple question "What if they don't?" What if churches don't provide their members with a sense of purpose? Should they then be denied their exemption? Scores of churches fail miserably in their task of teaching Christian values, but few would argue that they cease to be churches by virtue of their failure. In fact, I know of no one who advocates exempting only those churches which "deserve" their exemption by virtue of having discharged some secular function.⁷

One further matter merits our consideration. What about the church's unrelated business income? I am speaking here of that income which arises from enterprises that are unrelated to the mission and ministry of the church.

Whether the church is renting out its parking lot during the week or leasing property to an adult movie theatre as did one particular church in Tennessee, churches that engage in unrelated commercial enterprises should be taxed in

the same manner as any other business. Happily, this is the current status of the law thanks to 512 and 513 of the Internal Revenue Code. Not surprisingly, this has not always been the case. Prior to 1969, all church income including unrelated business income was exempt from taxation. The churches were uncomfortable with such preferential treatment by the Congress (quite properly, I might add), and in an unprecedented move they asked Congress to repeal their exemption as it pertained to unrelated business income. Congress responded by passing the Tax Reform Act of 1969, which gave us our current law.

In the final analysis, tax exemption of churches is really not an "exception" to the principle of separation of church and state, nor is it a hypocritical ploy by Baptists to "have their cake and eat it too." Rather, it is a legal safeguard to insure a time-honored principle. The state shouldn't support the church, and the church shouldn't support the state. It not only makes good sense — it makes good law.

[For a more detailed analysis of this issue see Dean M. Kelley's *Why Churches Should Not Pay Taxes*, (New York: Harper & Row, 1977)]

Footnotes

¹*Walz v. Tax Commission*, 397 U.S. 664, 675 (1970). ²*Id.* ³*See Regan v. TWR*, 103 S.Ct. 1997, 2000 n.5. — U.S. — (1983). ⁴*Murdock v. Pennsylvania*, 319 U.S. 105, 112 (1943). ⁵*See McCulloch v. Maryland*, 17 U.S. 316 (1819). ⁶*Walz, supra*, at 691. ⁷The Supreme Court has come dangerously close to such a result in *Bab Jones University v. U.S.*, 103 S.Ct. 2017, — U.S. — (1983).

If the American Dream is to survive and prosper, Christian people must re-study the implications of their flight from the public schools. In fact, they must ask if the Christian private school program is a proper stewardship of their funds and energy. There are even more serious questions which should be asked about the home-study programs. Instead of turning from the public schools, many thoughtful Christians are becoming involved as teachers and administrators in the public schools as a part of their Christian stewardship.

Conclusion

It has often been said that eternal vigilance is the price of liberty. This certainly applies to our unique American Dream involving the proper wall between the church and state as it relates to the public schools. Those who see the fullness of the Dream are conscious of the impor-

ance of a balance of power in our democratic structure. For example, if the federal courts are stripped by Congress, the balance of power which has safeguarded our democracy and our public school system for over 200 years could be destroyed. It is inconceivable that some of the leaders of the New Religious Right are calling for a constitutional amendment which would repeal the Bill of Rights in part or in whole. The American Dream always stands in danger because of a general ignorance of our heritage and even contempt of this heritage on the part of some.

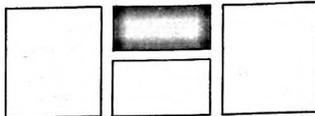
All Baptists should be glad to be part of a religious group which helped to send James Madison to the Congress to pass the Bill of Rights. There is excitement and spiritual challenge in a free and diverse society which affords us the opportunity to share our spiritual heritage and convictions without government restriction. All viewpoints can be discussed because there is no fear of truth. Any world view, or philosophy or religion, which is based on truth and reality and not just on inheritance or establishment, should prosper in such a context of openness and testing.

Many of us believe that the American Dream, incorporating religion, religious liberty, and the unique institution of the public school, still offers great promise for this troubled planet. Stewards of the American Dream, "Godspeed." □

End Notes

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News in Brief



Reagan administration offers voucher proposal

WASHINGTON

After holding it in the wings for a number of months, the Reagan administration finally ushered its proposed educational voucher program into the spotlight during a November news conference.

The program, dubbed The Equity and Choice Act of 1985 (TEACH), would allow parents of educationally disadvantaged children to obtain vouchers that in turn could be "spent" at the school—public or private—of the parents' choosing.

Since last summer, U.S. Secretary of Education William J. Bennett repeatedly has vowed to find a way around a Supreme Court decision that held unconstitutional New York City's program of sending public school employees into private schools to provide specialized services under Chapter I (formerly Title 1) of the Elementary and Secondary Education Act of 1965.

A written explanation provided by the Department of Education explained the proposed voucher program "would be clearly distinguishable, for it minimizes the 'entanglement' of church and state that concerned the court" in its earlier decision.

Currently, federal funds provided through Chapter 1 go to public schools that provide education services for children who are economically and educationally disadvantaged.

Under the administration's proposal, the parent of a student eligible for Chapter 1 services could choose to allow his child to remain in the school the child currently attends, where the child would continue to receive compensatory services. The parent, however, could opt to obtain a voucher for use in another public school in the same district, a public school outside the local school district or an eligible private school.

The voucher could be used for compensatory services provided by the school, for tuition, or for a combination of compensatory services and tuition, at the parent's option.

Sen. Orrin G. Hatch, R-Utah, and Rep. Pat Swindall, R-Ga, introduced the bill in Congress. □



High Court to hear school sex discrimination suit

WASHINGTON

The U.S. Supreme Court has agreed to decide if an Ohio law barring sex discrimination may be applied to a Dayton Christian school system that fired a teacher for mounting a legal challenge protesting school policy against allowing women with young children to continue teaching.

Linda Hoskinson, who taught at the elementary level in Dayton Christian Schools from 1974 to 1979, lost her job after she sought legal advice upon being notified by school officials her contract would not be renewed because she was pregnant. School officials announced then a policy that women teachers with young children should remain at home with them. Such a policy was based on biblical principles, the officials claimed.

School system stops Bible-story classes

PIKEVILLE

More than a year after 5-year-old Seger Leanne Lucas told her mother about learning Bible stories at Pikeville (Ky) Elementary School, the school system and the family's attorneys have agreed to a court order permanently barring Bible-story classes in Pikeville schools.

The order makes permanent a temporary injunction issued July 1984 and requires the Pikeville Independent School District to pay \$5,000 in fees to the two Kentucky Civil Liberties Union attorneys who represented the child and her

While U.S. and Soviet political leaders met in Geneva, church leaders from the two nations also met there for prayer and dialogue. Among the 11-member U.S. delegation, sponsored by the National Council of Churches, was C.J. Malloy Jr., Progressive National Baptist Convention general secretary and Baptist Joint Committee on Public Affairs board member. Avoiding any political discussion, the church leaders spent their days "praying together for the same purpose—world peace," Malloy said. Pictured with Malloy, right, are Aleksey Stoyan, left, of the All-Union Council of Evangelical Christians-Baptists, and Metropolitan Filaret of the Russian Orthodox Church.

mother, Deborah L. Lucas. It also dismissed the Lucases' demand for \$80,000 in punitive damages. □

Blind ministerial student has day at Supreme Court

WASHINGTON

A blind man seeking state and federal vocational rehabilitation funds to further his studies for the ministry had his day before the U.S. Supreme Court, arguing through his attorney that the state of Washington's denial of assistance violated his free exercise of religion.

The state, on the other hand, presented arguments that granting the aid would do violence to the First Amendment's ban on an establishment of religion.

Larry Witters, a student at the nondenominational Inland Empire School of the Bible in Seattle, Wash., lost an earlier appeal to the Washington Supreme Court, which ruled last year that granting the funds would have the primary effect of advancing religion. □

Appeals court dismisses seminary student's suit

WASHINGTON

The First Amendment does not grant an "enforceable right" to be considered for the ministry of a church, a federal appeals court ruled here.

The court upheld the February 1984 ruling of a district court in Baltimore that dismissed a suit brought against the Seventh-day Adventist Church by Carole Rayburn, an Adventist seminary graduate who has been refused employ-

ment as a pastoral assistant at two congregations. She charged sex discrimination despite the fact that one of the congregations hired another woman for the job. She also said racism was a factor because although she is white, she joined a black student group when she was a student at the church's Andrews University at Berrien Springs, Mich. □

SBC agency head calls IRS ruling 'discriminatory'

DALLAS

The Internal Revenue Service has announced a new ruling that will prohibit some clergy from deducting mortgage interest and property taxes while allowing members of the armed forces to continue taking these deductions, said the head of the Southern Baptist Convention's Annuity Board.

A minister who owned and occupied a home or had a contract to purchase a home for which he was receiving a minister's housing allowance before Jan. 3, 1983, will be allowed to continue deducting his mortgage interest and property taxes until Jan. 1, 1987. The IRS, however, said ministers who do not fulfill these requirements will not be allowed these deductions.

Darold H. Morgan, president of the SBC Annuity Board, said the ruling is

"discriminatory because it allows members of the armed forces with tax-free housing allowances to deduct their mortgage interest and property taxes, while disallowing the deduction for ministers." □

World group calls for 'Religious Liberty Day'

NEW YORK

A group of scholars from the major world religions has called for an international movement aimed at promoting religious liberty and respect for different faiths.

Buddhist, Christian, Hindu, Islamic and Jewish scholars from 14 countries and five continents joined in a call on the United Nations to declare Nov. 25 "Religious Liberty Day" to help draw attention to attacks on religious freedom around the world. The date marks a 1981 U.N. declaration calling for an end to all discrimination based on religious belief. □

Court rules to reinstate teacher wearing Sikh garb

EUGENE

The Oregon Court of Appeals has ruled that the state should reinstate the teaching certificate of a woman who in-

sisted on wearing Sikh religious garb in the classroom.

The court said revocation of her teaching certificate was so harsh that it was unconstitutional.

"If the sanction is more severe than necessary to preserve the state's religious neutrality, it is an excessive restriction of rights and is therefore impermissible," the court ruled. □

Faith Assembly member convicted of homicide

WARSAW

A former member of the Faith Assembly sect has been convicted of reckless homicide and criminal recklessness in the death of her 5-week-old son. The child died of untreated pneumonia Nov. 21, 1984.

Barbara Ann Irwin, 34, of Warsaw, became the ninth person in Indiana to be convicted of following Faith Assembly practices that led to the death of a child. □

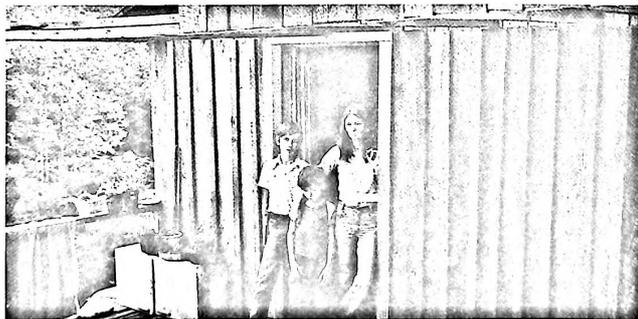
Group develops domestic hunger study guide

WASHINGTON

"Study and action" have been prescribed by a new domestic hunger study guide to help Christians understand and cure the root causes of hunger in the United States.

"Hunger in a Land of Plenty" is designed to help groups discover the extent and causes of hunger in the United States. The study and action guide was published by the Bread for the World Educational Fund, a Christian educational service on hunger and related issues.

Orders for the guide, as well as a leader's manual, may be placed by writing or calling Bread for the World, 802 Rhode Island Ave., N.E., Washington, D.C. 20018/(202)269-0200. □



Hunger in Appalachia was the subject of a House hearing Oct. 22. Among the witnesses was Letta Casey, pictured with her sons in front of their Roses Creek Hollow, Tenn., home. Casey vividly described life in Appalachia, where hunger afflicts many due to scarcity of jobs, high food prices, and climbing rent and utility expenses. Following the hearing, a special project took representatives, including several Baptists, into Appalachian hollows for a first-hand look at the area's hunger problem. (Photo by Bob Kollar, courtesy TVA)

Interpreting the Constitution

INTENTION OF THE FRAMERS

SOCIAL/HISTORICAL CONTEXT

It will perhaps not surprise you that the text I have chosen for exploration is the amended Constitution of the United States, which, of course, entrenches the Bill of Rights and the Civil War amendments, and draws sustenance from the bedrock principles of another great text, the Magna Carta. So fashioned, the Constitution embodies the aspiration to social justice, brotherhood, and human dignity that brought this nation into being. The Declaration of Independence, the Constitution and the Bill of Rights solemnly committed the United States to be a country where the dignity and rights of all persons were equal before all authority.

In all candor we must concede that part of this egalitarianism in America has been more pretension than realized fact. But we are an aspiring people, a people with faith in progress. Our amended Constitution is the lodestar for our aspirations. Like every text worth reading, it is not crystalline. The phrasing is broad and the limitations of its provisions are not clearly marked. Its majestic generalities and ennobling pronouncements are both luminous and obscure. This ambiguity of course calls forth interpretation, the interaction of reader and text. The encounter with the Constitutional text has been, in many senses, my life's work.

There are those who find legitimacy in fidelity to what they call "the intentions of the Framers." In its most doctrinaire incarnation, this view demands that Justices discern exactly what the Framers thought about the question under consideration and simply follow that inten-

tion in resolving the case before them. It is a view that feigns self-effacing deference to the specific judgments of those who forged our original social compact. But in truth it is little more than arrogance cloaked as humility. It is arrogant to pretend that from our vantage we can gauge accurately the intent of the Framers on applications of principle to specific, contemporary questions. All too often, sources of potential enlightenment such as records of the ratification debates provide sparse or ambiguous evidence of the original intention. Typically, all that can be gleaned is that the Framers themselves did not agree about the application or meaning of particular constitutional provisions, and hid their differences in cloaks of generality. Indeed, it is far from clear whose intention is relevant—that of the drafters, the congressional disputants, or the ratifiers in the states?—or even whether the idea of an original intention is a coherent way of thinking about a jointly drafted document drawing its authority from a general assent of the states. And apart from the problematic nature of the sources, our distance of two centuries cannot but work as a prism refracting all we perceive. One cannot help but speculate that the chorus of lamentations calling for interpretation faithful to "original intention"—and proposing nullification of interpretations that fail this quick litmus test—must inevitably come from persons who have no familiarity with the historical record.

Perhaps most importantly, while proponents of this facile historicism justify it as a depoliticization of the judiciary, the political underpinnings of such a choice should not escape notice. A position that upholds constitutional claims only if they were within the specific contemplation of the Framers in effect establishes a presumption of resolving textual

ambiguities against the claim of constitutional right. It is far from clear what justifies such a presumption against claims of right. Nothing intrinsic in the nature of interpretation—if there is such a thing as the "nature" of interpretation—commands such a passive approach to ambiguity. This is a choice no less political than any other; it expresses antipathy to claims of the minority to rights against the majority. Those who would restrict claims of right to the values of 1789 specifically articulated in the Constitution turn a blind eye to social progress and eschew adaptation of overarching principles to changes of social circumstance.

The view that all matters of substantive policy should be resolved through the majoritarian process has appeal under some circumstances, but I think it ultimately will not do. Unabashed enshrinement of majority will permit the imposition of a social caste system or wholesale confiscation of property so long as a majority of the authorized legislative body, fairly elected, approved. Our Constitution could not abide such a situation. It is the very purpose of a Constitution—and particularly of the Bill of Rights—to declare certain values transcendent, beyond the reach of temporary political majorities. The majoritarian process cannot be expected to rectify claims of minority right that arise as a response to the outcomes of that very majoritarian process.

Faith in democracy is one thing, blind faith quite another. Those who drafted our Constitution understood the difference. One cannot read the text without admitting that it embodies substantive value choices; it places certain values beyond the power of any legislature. Obvious are the separation of powers; the privilege of the Writ of *Habeas Corpus*; prohibition of Bills of Attainder and ex

The Honorable William J. Brennan, Jr., Associate Justice, of the U.S. Supreme Court, delivered this address at a "Text and Teaching" Symposium at Georgetown University in Washington, D. C.

Those who would restrict claims of right to the values of 1789 specifically articulated in the Constitution turn a blind eye to social progress and eschew adaptation of overarching principles to changes of social circumstance.

post facto laws; prohibition of cruel and unusual punishments; the requirement of just compensation for official taking of property; the prohibition of laws tending to establish religion or enjoining the free exercise of religion; and, since the Civil War, the banishment of slavery and official race discrimination. With respect to at least such principles, we simply have not constituted ourselves as strict utilitarians. While the Constitution may be amended, such amendments require an immense effort by the People as a whole.

To remain faithful to the content of the Constitution, therefore, an approach to interpreting the text must account for the existence of these substantive value choices, and must accept the ambiguity inherent in the effort to apply them to modern circumstances. The Framers discerned fundamental principles through struggles against particular malefactions of the Crown; the struggle shapes the particular contours of the articulated principles. But our acceptance of the fundamental principles has not and should not blind us to those precise, at times anachronistic, contours. Successive generations of Americans have continued to respect these fundamental choices and adopt them as their own guide to evaluating quite different historical practices. Each generation has the choice to overrule or add to the fundamental principles enunciated by the Framers; the Constitution can be amended or it can be ignored. Yet with respect to its fundamental principles, the text has suffered neither fate. Thus, if I may borrow the words of an esteemed predecessor, Justice Robert Jackson, the burden of judicial interpretation is to translate "the majestic generalities of the Bill of Rights, conceived as part of the pattern of liberal government, in the eighteenth century, into concrete restraints on officials dealing with the problems of the twentieth century."

We current Justices read the Constitution in the only way we can: as Twentieth Century Americans. We look to the history of the time of framing and to the intervening history of interpretation. But the ultimate question must be, what do the words of the text mean in our time. For the genius of the Constitution rests not in any static meaning it might have had in a world that is dead and gone, but in the adaptability of its great principles to cope with current problems and current needs. What the constitutional fundamentals meant to the wisdom of other times cannot be their measure to the vision of our time. This realization is not, I assure you, a novel one of my own creation. Permit me to quote from one of the opinions of our Court, *Weems v. United States*, 217 U.S. 349, written nearly a century ago:

"Time works changes, brings into existence new conditions and purposes. Therefore, a principle to be vital must be capable of wider application than the mischief which gave it birth. This is peculiarly true of constitutions. They are not ephemeral enactments, designed to meet passing occasions. They are, to use the words of Chief Justice John Marshall, 'designed to approach immortality as nearly as human institutions can approach it.' The future is their care and provision for events of good and bad tendencies of which no prophesy can be made. In the application of a constitution, therefore, our contemplation cannot be only of what has been, but of what may be."

Interpretation must account for the transformative purpose of the text. Our Constitution was not intended to preserve a pre-existing society but to make a new one, to put in place new principles that the prior political community had not sufficiently recognized. Thus, for example, when we interpret the Civil War Amendments to the charter—abolishing slavery, guaranteeing blacks equality under law, and guaranteeing blacks the right to vote—we must remember that those who put them in place had no desire to enshrine the status quo. Their goal was to make over their world, to eliminate all vestige of slave caste.

For the Constitution is a sublime oration on the dignity of man, a bold commitment by a people to the ideal of libertarian dignity protected through law. The Constitution on its face is, in large measure, a structuring text, a blueprint for government. And when the text is

not prescribing the form of government it is limiting the powers of that government. The original document, before addition of any of the amendments, does not speak primarily of the rights of man, but of the abilities and disabilities of government. When one reflects upon the text's preoccupation with the scope of government as well as its shape, however, one comes to understand that what this text is about is the relationship of the individual to the state.

If we are to be a shining city upon a hill, it will be because of our ceaseless pursuit of the constitutional ideal of human dignity. . . . As we adapt our institutions to the ever-changing conditions of national and international life, those ideals of human dignity—liberty and justice for all individuals—will continue to inspire and guide us because they are entrenched in our Constitution. The Constitution with its Bill of Rights thus has a bright future, as well as a glorious past, for its spirit is inherent in the aspirations of our people. □

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INTERNATIONAL DATELINE



South Africa Baptists urge end of apartheid

GEORGE

The Baptist Union of South Africa took historic action at its annual assembly in October to urge South African President Pieter W. Botha to lead in abolishing "evil" apartheid "as a matter of extreme urgency."

The secret ballot total showed 156 for the motion, 51 against and 13 abstentions out of 250 delegates. About 600 people attended the assembly.

Delegates also affirmed an August 24 letter from union officers to Botha on the same subject. Botha granted their request for union representatives to meet with him to discuss the crisis at a future date. Informing Botha of its action, the assembly said it would pray for God's guidance for him and other leaders and emphasized it does not have the expertise to dictate the exact route the government should take.

But the assembly document, in stronger language, labeled apartheid "an evil which needs to be repented of." It called it a non-Christian, unbiblical stance for a nation which "claims to be committed to . . . Christian principles as found in Scripture." □

Arab Christian says press picture of Mideast biased

CHICAGO

"When I tell people that I am an Arab Christian, the first question they ask me is when I converted," said the Rev. Riah Abu El-Assal, vicar of Christ Evangelical Episcopal Church of Nazareth, Israel. His remarks came at a forum on peace prospects in the Middle East held at Northwestern University in Evanston, Ill. a Chicago suburb.

El-Assal had some harsh words for the U.S. media, accusing them of "giving the Palestinian people a bad reputation through biased coverage." He referred to the Palestinian Liberation Organization (PLO) as "the sole and legitimate representative of the Palestinian people in their peace efforts with Israel." El-Assal also focused on what he termed "the continuing violation of the human rights of the Palestinian people living in Israel." He said such violations occur in every aspect of Palestinian life, including housing and education. There are

740,000 Arabs living in the state of Israel. El-Assal declared that the belief of some fundamentalist U.S. preachers such as Jerry Falwell that the re-establishment of a Jewish state in Israel is a fulfillment of biblical prophecy has hindered the Palestinians' quest for human rights. □

Canada denies tax benefit for church school gifts

OTTAWA

"Gifts" made to Christian schools in lieu of fixed tuition costs are not tax-deductible in Canada, according to a federal appeals court.

The court overturned a district court ruling that said portions of payments made to Christian schools by Lyle McBurney in 1976 and 1977 could be considered tax-deductible gifts rather than tuition costs.

Justice Francis Muldoon had found in August 1984 that the schools are charitable institutions that do not require tuition. The three schools involved—two in Ottawa and one near Toronto—do not charge fixed tuition costs but suggest that parents offer "gifts" based on their income. They have admitted children from families who were unable to make any payments.

But the Court of Appeals found that Mr. McBurney's payments to the schools went "hand in hand" with his children's education. It said he could not claim tax deductions for them. □

Ex-premier warns of threat from Christians in India

NEW DELHI

A ranking Indian leader and former premier has asked the government of Prime Minister Rajiv Gandhi to "stamp out" Christian missionaries in the country. Charan Singh, president of the opposition Lok Dal Party, said the aim of missionaries is "to rob Indians of their faith by taking advantage of their poverty and illiteracy."

Singh, who served briefly as prime minister and deputy prime minister in 1979, said the missionaries have had "a free run" in the strategic northeastern regions. He warned that Christian converts might well ask for "complete independence" of those areas from the Indian nation. He said he would not be surprised if some missionaries there were detected already carrying out "po-

litical subversion" with that objective.

The Rev. Lal Chhuanliana of the faculty of Aizawl Theological College in Mizoram, said 80 percent of Mizo tribesmen became Christians by 1954, converted by Baptist, Presbyterian and Roman Catholic missionaries. He made that statement at a meeting of the Church History Association of India, which coincided with the statement of Charan Singh.

Mr. Chhuanliana said that by 1954 it was an "embarrassment" for any Mizo to remain a non-Christian. He pointed out that under the influence of Christianity, Mizos had given up head-hunting by that time and skulls of animals and human beings on doorposts and village entrances gradually disappeared.

Christianity has existed in North India from the fifth century. □

WCC tries to do right, rather than do nothing

BOSTON

The Rev. Emilio Castro, general secretary of the World Council of Churches (WCC), meeting here with New England pastors, emphasized that "liberation theology is not the theology of the World Council of Churches."

He said "It is one theology among many, and there are others that interplay and have a right to exist." He urged his listeners not to "sacralize a particular theology," saying that theology is "an attempt to interpret the faithfulness of the church at a given moment, but the moment changes, the kairos changes."

He expressed sympathy for the struggle some women have with patriarchal language in liturgy and scripture and assured his audience that the issue of inclusive language is "on the permanent agenda" of the council. But when a Presbyterian woman minister from Massachusetts said the male language in a WCC liturgy did not express her personal experience of God, Dr. Castro replied that the Bible must serve as "an objective rule to protect against arbitrariness."

"You put yourself and your experience as the final authority," he told his questioner, cautioning that when it comes to questions of language, "do not touch the Bible text."

Asked whether the WCC applied a double standard to human rights questions, Dr. Castro replied that this is so



because the council must "be helpful to people where they are, and not respond in a general way." He maintained that the WCC must be sensitive to every situation involving human rights violations. Each involving different risks and requires different responses, he said, and it is the council's job to "strengthen the witnessing capacity of the churches."

Although the decisions of the WCC sometimes "make no one happy," he said it is better for the organization "to attempt to do something and be right by God's grace than to do nothing." □

Baptists view rebuilding in religious liberty terms

JERUSALEM

A Southern Baptist congregation in Jerusalem whose building was destroyed in an arson fire three years ago is organizing an international letter-writing campaign to persuade the Israeli government to allow it to rebuild with enlarged facilities.

The Narkis Street Baptist Church was damaged by a grenade explosion in 1977 and burned down five years later. Extreme Orthodox groups have protested its attempts to rebuild since that time.

In October, the Jerusalem district planning commission turned down plans for a new facility encompassing a 400-seat auditorium, several Sunday school rooms and office space. It offered to let the congregation build about half those facilities, but said it would have to develop and submit new plans.

The Rev. Robert Lindsey, the Southern Baptist missionary who is pastor of the church, said it is "almost certain" that pressure from extremist Orthodox groups prompted six of the commission's nine members to vote against the rebuilding plans.

Lindsey charged that the congregation is suffering "a limitation on our religious freedom." He said letters to Prime Minister Shimon Peres may prompt concern that the government's failure to protect religious liberty is "making a bad name for Israel." □

Political leaders asked to defend public schools

TORONTO

Anglican Archbishop of Toronto, Lewis Garnsworthy, challenged Ontario political leaders to defend the province's

public school system, saying he wants "one political leader to say 'I'm proud of public education... and the teachers who have helped to build this province.'"

The rally organized by opponents of extending funding for Roman Catholic secondary schools, included several religious denominations that have formed the Coalition for Public Education, women's organizations, and the Canadian Civil Liberties Association.

The coalition wants an end to all extended funding until constitutional challenges are decided by the Supreme Court of Canada, as well as a disclosure of the cost of the funding policy. □

Conflicting charges clash in station's destruction

METULLA, ISRAEL

The American evangelical radio station, The Voice of Hope, sponsored by the Christian broadcast service known as High Adventure, was attacked and blown up by Lebanese guerrillas over the Lebanese border near here.

The station had come under heavy criticism from Israelis who charged that the gospel broadcasts were mostly aimed at Jews. Earlier this year Israeli sources suggested the government might withdraw army protection of the station.

Shiite and Sunni Moslems in Southern Lebanon have viewed the station as serving Israel interests. For the last several months it reportedly became a target of Lebanese attacks. Station employees insist that their main function is religious. □

Vatican 'Notes' criticized

VATICAN CITY

An international group of Jewish leaders who met with Pope John Paul II are still concerned about the Vatican's most recently published document on Judaism, judged less than positive.

Jewish experts criticized "Notes on the Correct Way to Present Jews and Judaism in Preaching and Catechesis in the Roman Catholic Church" for its attitude toward God's covenant with the Jews, toward the Holocaust and toward the state of Israel. □

The reduction of 3,000 in the U.S. refugee admissions ceiling for 1986, disappointing as it is to religious leaders, comes, ironically, at the time when this nation relights the torch of the Statue of Liberty. Matthew Giuffrida, who handles responsibilities for immigration and refugee services for the American Baptist Churches, noted that the refugee population worldwide numbers about 10-million.... Relief workers voiced concern that the West is losing interest in the famine crisis in Ethiopia just at the time when help is most needed to prevent a recurrence. Scheduled for January and February, a government conference will bring together the UN Food and Agriculture Organization, relief agencies, churches and experts to tackle root causes of the draught and famine.... The leader of the "Siberian Seven" who found sanctuary for five years in the U.S. Embassy in Moscow, died recently of cancer. Peter Vashchenko, accompanied by his wife, and three daughters, and Maria Chmykhalov with her son, ran past guards into the Embassy after years of trying to obtain emigration visas.... Roman Catholic primate, Cardinal Adrianus Simonis rejected a proposal that the Dutch Roman Catholic Church apply for direct membership in the World Council of Churches. "The proposal," he said, "creates the impression that the Roman Catholic Church is formed by a group of independent local churches." Professor Herman Fiolet, a Franciscan priest and retiring secretary of the Dutch Council of Churches, believes a positive answer would have been "a breakthrough in the standstill between Rome and the ecumenical movement".... Religious News Service reports that at least three-quarters of the young people of Soweto, a city of 1.5 million blacks just outside Johannesburg, South Africa, will never finish high school. The inferior education system, poverty, crime, unemployment, political repression, and dehumanizing racial laws have been intensified by students rebelling, boycotting classes and rioting.... The human rights organization, Amnesty International has launched a campaign in behalf of Baptist Anna Chertkova, whom it says is among the Soviet "prisoners of conscience." AI has "adopted" her cause. □



The past is prophetic in that it asserts loudly that wars are poor chisels for carving out peaceful tomorrows. One day we must come to see that peace is not merely a distant goal that we seek, but a means by which we arrive at that goal. We must pursue peaceful ends through peaceful means. How much longer must we play at deadly war games before we heed the plaintive pleas of the unnumbered dead and maimed of past wars?

MARTIN LUTHER KING, JR.—1967



- John Newport shows the history of the American Dream as a balancing act on a tight rope of religious liberty strung between secularism and theocracy. What danger awaits those who gravitate toward either one of these poles? Can a state be *too* neutral toward religion, or the church ever too independent of the state? What is the unique contribution of a free church?
- James Dunn (REFLECTIONS) takes up Newport's theme and says that church-state separation is not obsolete, and neither is it absolute, yet it is essential. As a Christian, where will you draw the line (or zone) when too much involvement is too much involvement? What values would you advocate to make this decision?
- Buzz Thomas (VIEWS) says that tax

exemption is not something gained or lost by a church's behavior, but is a safeguard for church-state separation. How does the state benefit from churches being tax exempt? How is the state's tax loss a gain for the free exercise of religion? Finally, what should happen when a church excludes or discriminates against a group while tax exempt?

- Justice Brennan says (and good biblical exegetes agree) that an interpreter of a text must interact with and encounter the text. One not only addresses the writer's intent but also how a text applies to the modern world. What dangers await those who insist only on addressing the history of Constitutional analysis, or on the intention of the Framers? Should good "exegesis" also include self-encounter?

- Michael Litaker speaks to morality and moralism and the different dilemmas each poses. Which—morality or moralism—affords an opportunity truly to make a choice? Why should this be a concern? In an increasingly complex world, is it better to subscribe to *a priori* answers, or is it more advantageous to wrestle with options?

REVIEWS, from page 16.

realism in the face of a political need. To concentrate solely on ethical responsibility is to run the risk of becoming so bound to absolute principles and idealistic visions that nothing of significance can be accomplished. To give primary loyalty to political realism is to sacrifice ethical responsibility on the altar of utilitarianism, opening the political system to engage in the most dangerous of abuses on pragmatic grounds. The solution to this dilemma is to be found in a careful blending of ethical responsibility and political realism.

Christian Ethics and Political Action does not provide one with the kind of simplistic direction that guides the New Christian Right; the process of decision-making is complex and the choices are difficult. Yet the guidelines provided by Messer show that he takes seriously the call for Christian involvement in the political process in ways whereby Christian faith and pluralistic political process can enhance each other. It seems to me that that is what Christian participation in political action is all about. □

W. Michael Litaker

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We can never stop mixing politics and religion but we must never be caught merging church and state.

REFLECTIONS

James M. Dunn
Executive Director



"If you're so set on separating church and state, what are you doing in Washington lobbying, mixing politics and religion?" Good question.

Preoccupation with personal morality alone can be a cheap cop-out. Attempts to stay out of "dirty politics" often reveal an insufferable arrogance that exposes a distorted, other-worldly brand of religion. We should take care not to appear to think ourselves better than our Lord who took upon himself the form of a servant and in the Incarnation modeled ultimate involvement.

Not to take a stand is to support the *status quo*. Not to alarm anyone morally assures that one will remain morally asleep. Neutrality isn't.

Because we are social beings, because we are citizens, we cannot escape social responsibility or political duty. One must agonize with soul brothers and sisters in the Soviet Union, for instance, who are strictly forbidden to engage in political expression of their religious convictions. We hear with great empathy the pleas of some Russian religionists for prayer as *the* agent of social change. Yet, Americans tend to buy the Wesleyan motto: "Pray as if everything depends on God and work as if everything depends on you."

Christian citizenship also requires more engagement than that timid process by which the church is one step removed from relevance, relegated to the role of inspirer and idealizer. Even today some would lock the Church in a stained-glass jail and allow the IRS or the INS to define Her sacerdotal duties.

One tires of surface babble touting "traditional values." Churches cannot possibly be true to their own nature, history, message, however, without affirming peace, justice, honesty, integrity in the government, compassion for those in need and freedom to espouse those values. These commitments keep believers meddling in politics. Hot pursuit of these values inevitably intersects with the always fragile fence protecting religious freedom.

"Where's the wall," it is asked, "that separates church and state?"

The answer is not neat or simple. Martin Marty says it's more a zone than a wall these days. The wall is one we're walking, trying not to fall off. Living with tension and balance, we try to make it creative tension rather than destructive tension. The wall is one that is perceived only with eyes that see religious liberty's great worth.

The quick, certain answers of a Religious Right politician or a hair-triggered civil libertarian are usually wrong, precisely because they are so glib, because they are so often in error but never in doubt.

Most of us mortals muddle through the middle ground, humbly admitting that application of the "wall of separation" principle is not easy. Honest, sincere people of good will differ over zoning regulations, church school licensing, taxation questions and the location of limits on free exercise. A complex tangle of laws exists at all levels.

As Ecclesiastes 1:18 reminds us, "The more you know, the more you suffer: The more you understand, the more you ache." (Moffatt)

No, the answer to the "wall" question is not neat.

The separation between church and state is not complete, not a realized accomplishment, more a goal, a guideline for relationships. We all encounter those who are genuinely perplexed by "In God We Trust" on the money and chaplains in the military and prayers in the Congress and "One Nation Under God" in the pledge. Separation of Church and State, like wheat and tares mixed together, for reasons good and bad and uncontrollable, is at times born of political expediency or pious hypocrisy, or genuine reflections of our heritage and begin (maybe malignant) civil religion.

In fact, far from competing with the emphasis upon the social witness of the churches, the separation of church and state enables the Church to extend the freedom of the pulpit to the policy-making arena. Those most dedicated to faithfulness in public mission should be the very same persons most eager to maintain a healthy distance between the institutions. We can never stop mixing politics and religion but we must never be caught merging church and state. Niebuhr said "Man's capacity for justice makes democracy possible . . . His inclination to injustice makes democracy necessary." That theological realism applies to church-state separation and the involvement of Christian disciples in political decisions.

While separation of church and state has been a Baptist watchword, the principle is not absolute. It is not the absolute *value* we seek. We know that it is a hedge, a fence, safeguarding religious liberty. The slogan speaks of a device, an instrument to protect a greater good: freedom. We know, however, that the device, the tool itself, is the essence of Roger Williams' "lively experiment." Separation of church and state is essential, not optional, given a biblical view of human weakness, a theological understanding of the state and a realistic appreciation of the nature of democracy.

Finally, no matter what the raging revisionists may say, separation of church and state is not obsolete.

The structures of church and state have different constituencies, different leaders, different goals, different sources of funding and, when we behave as we should, different methods. The state properly has the power of coercion. The church *never* has been entitled to use force and when it does, the church is out of bounds.

The National Religious Liberty Conference of the Baptist Joint Committee on Public Affairs is dedicated to examining the theme, "Intersecting Values: Church-State Separation and Christian Citizenship." That is the focus of our 50th anniversary celebration on October 6-8 because we know that the separation of church and state is not a realized accomplishment and we know that it is not now and never was intended to be total.

We Baptists have made a distinct and important contribution to the American way at this point. We must continue to proclaim the twin truths of faith and liberty simultaneously. We must affirm openness and strong convictions at the same time. We must reclaim the theological base for religious freedom without sacrificing a passionate prophetic witness. Baptists who are Baptists still believe in the separation of church and state. □

REVIEWS



THE POLITICS OF MORALISM:

The New Christian Right in American life

by Erling Jorstad. Minneapolis: Augsburg Publishing House, 128pp.

CHRISTIAN ETHICS AND POLITICAL ACTION

Donald E. Messer: Valley Forge, Pa.: Judson Books, 160 pp.

Currently generating a great amount of interest and controversy is the topic of the proper relationship between Christian faith, with its imperatives of discipleship and witness, and political action, with its emphasis upon hard-nosed realism and a pragmatic approach to the issues of the day. These two books deal with that relationship, each from a different perspective. Erling Jorstad's volume recounts the advent, growth, and possible implications of the approach of the radical Christian right wing to political action. Donald Messer opines for a more generalized, systematic suggestion as to how the desperately needed participation of Christians in the political process might be appropriately achieved without doing violence to either the ethical imperatives of the Christian faith or the legitimate needs and rights of a pluralistic society.

In *The Politics of Moralism*, Jorstad delineates the difference between morality and moralism as it pertains to the involvement in the political process of what he calls the New Christian Right. "Morality can be defined as the rightness or wrongness of human actions," says Jorstad, and, as such, is an area of appropriate concern for all Christians, including those who choose to become involved in political action. The dilemma posed for the Christian comes with the question of whose view of morality is to be accepted as normative. Throughout history Christians with equal amounts of devotion, commitment, faith in scripture, and desire to follow the will of God have arrived at totally different conclusions with regard to the morality of a particular action or political stance. "Morality," Jorstad states, "allows us to choose between right and wrong, but our finite creatureliness gives us at best the chance to do so 'through a glass darkly.'"

Those in the New Christian Right do not have to labor under such difficulties but find a sure-fire method of determin-

ing right and wrong, regardless of the situation, through the simple expedient of moralism. *Moralism*, as defined in the 1980s, differs from morality primarily in three ways. In the first place, moralism maintains that there is only one moral or ethical position possible in any situation. The reason, in the second case, is because all ethical views are based upon the authority of holy scripture, which (the New Christian Right maintains) is inerrant, infallible, and yields only one answer to each and every moral question.

Those who are qualified to interpret scripture and provide such answers are, of course, persons who subscribe to the interpretation of scripture given above. Such a neat circular argument might be of only passing consequence to the question of the involvement of Christians in politics were it not for the third way in which moralism differs from morality. Since, through the use of voting "report cards" and other similar devices, the New Christian Right can quantifiably measure the record of a particular legislator, and since those who do the measuring are possessed of an inerrant and infallible way to establish what is "right," those who use moralism as their yardstick are able to determine who is "moral" and who is not. Moreover, since those in the New Christian Right are possessed with the "full, complete, and binding" revelation of God, it is their duty to approach the political system as part of a crusade, a holy war in which all who oppose them are seen as the enemies of God, to be brought either to capitulation and conversion or destruction.

Jorstad traces the growth of this view of moralism from its inception during the early 1960s through the development of the mass media evangelists to the maturation of moralism into political action in the election of 1980. All the household names are here, from the conspiracy warnings of Billy James Hargis, Carl McIntire, and Bob Jones to the slick siren call of the electronic mega-

Reviewer

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preachers: Falwell, Bakker, Robertson, LaHaye, et al. Through it all, there emerges an overriding desire to control, to provide "pat" answers, to simplify all of life's decisions into a "yes-or-no" format.

This is a disturbing book; one cannot read it without a sense of *deja vu*; we've seen all of this before in Germany during the 1930s. Easy answers and a simplistic approach to complex problems have enhanced the popularity of the politics of moralism. Jorstad emphasizes that it is still too early to tell what the final outcome of this movement will be or how significantly it will affect the American political system and structure. The question, remaining to be answered, is: Can the American political system survive an assault led against it by people who, in God's name, threaten to destroy the very freedoms they claim to protect?

Much more encouraging is Donald Messer's systematic approach to responsible involvement in the political process by Christians of a less dogmatic disposition. Messer notes the cynicism with which politics and politicians are viewed in this society and puts forward the suggestion that Christians need to take seriously the possibility of engaging in ministry through public service.

The primary obstacle to participation in the political process seems to be a perception that it is difficult for one to be both a committed Christian and a politician. On a more pragmatic level, the problem is one of trying to remain true to the ethical imperatives of the Christian faith while dealing realistically with political situations which are often morally ambiguous.

Each decision we make, Messer believes, is made in the context of the tension between a desire to show faithful allegiance to certain basic principles which manifest themselves in our individual conscience and character and a desire to engage in individual political action which provides a fitting response to a given situation. In this context, two forces are at work in the decision: one force drives toward ethical responsibility while the other emphasizes the need for

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