

REPORT from the CAPITAL



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**"The United States Congress is the greatest
governmental institution in all of history"**

Fred Schwengel

REPORT from the CAPITAL

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

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July-August, 1986

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Cover: Fred Schwengel, president of the United States Capital Historical Society and former member of the U.S. Congress (eight terms) representing Iowa, was honored on his 80th birthday. Friends from government, the Historical Society, and his local church, Calvary Baptist in Washington, D.C., gathered to celebrate the occasion. He is pictured with House Majority Leader "Tip" O'Neill.

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BAPTIST JOINT COMMITTEE ON PUBLIC AFFAIRS
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On Balance ...

"I"magine", muses Oliver Thomas, "world history without a Reformation or American history without the Great Awakening." As this office's legal counsel, Thomas writes to underscore the role and constitutionality of teaching *about* religion but not of religion in the public school classroom. He agrees that religion has received "short shrift" in the textbooks of the nation's schools. But holding that education is important to democracy and that to omit the dimension brought by religion leaves education incomplete, Thomas calls for constructive efforts from among parents, school administrators, and book publishers to correct that serious deficiency. "We can solve the textbook problem without a full scale revolution," he cautions. That the Supreme Court has not banned study of the Bible from the classroom (nor prohibited a student from praying) has been repeated over and again in this newsmagazine.

In terms of ultimate commitment there can be no balance — fidelity to God surmounts all other loyalties. Yet in terms of the guarantees Americans have granted themselves, the flexible line between the free exercise of religion and the protections of the Constitution lies at the heart of the continuing debate over the distribution of powers in church-state relations. Eric Gritsch sees as the "life-blood of the American body politic: the constitutional freedom to debate the proper balance of power. . . ." He draws an interesting analogy between the constitutional "trinitarian power" (judicial, legislative, executive) and its "affinity of sorts" to the Christian doctrine of the Trinitarian creed and its separation of human and divine powers.

Humanitarian aid for the contra rebels at this point pits politician against politician, generally along party lines but argumentatively cloaked in language both ethical and moral. Congressman Joe Moakley opposes direct U.S. assistance to the contras, believing such aid will fall short of humanitarian goals and would be sent at the peril of innocent civilians. He buttresses his argument citing the experiences of relief agencies who deal with the increased number of victims of violence because of contra attacks. Assistance, he believes, should be given through the Red Cross and the UN High Commissioner for Refugees.

James Dunn provides new subscribers to REPORT with an introduction to some recent work of the Baptist Joint Committee and a welcome to the 1986 National Religious Liberty Conference. Using the image of "Caesar," he discriminates between the things that are the business of the state (and it is not to bless religion) and the things solely of the Church. The Conference theme, citizenship and discipleship, already so prominent nationwide, will take on an increasing importance in the midst of the many Senate and House campaigns in progress.

To the exciting list of participants in the National Religious Liberty Conference on October 6-8, add:

Bill Moyers, national TV news analyst; David Soul, actor; Barbara Jordan, educator; and Joe McKeever, pastor and cartoonist. In addition, former congressman Fred Schwengel will conduct a special tour of the Capitol. (For more hotel information in the Washington area, call 1-800-847-4832).

Victor Tupitza

When Secretary of Education William Bennett introduced a proposed educational voucher plan last fall, he predicted it would be in place by July 1. As the summer slips by, however, it appears the proposed legislation is, as a House aide stated it, "on hold and most likely nothing will happen" during this congressional session.

Although an Education Department spokesman said the legislation remains a high priority for his agency, press aides for the Senate and House committees to which the voucher proposal was referred said the department has stopped efforts on the legislation.

Ken Terrell of the department's Office of Private Education said his agency will continue to work with the Senate Labor and Human Resources Committee and House Education and Labor Committee on the voucher bill. He conceded, however, the proposal probably will stand a better chance of passage during Congress' next session, at which time the legislative branch will face reauthorization of the entire Chapter 1 program.

Currently under Chapter 1 of the Elementary and Secondary Education Act of 1965, federal funds go to public schools that provide compensatory education services for children who are economically and educationally disadvantaged. The proposed voucher program would allow parents of those children to obtain vouchers that in turn could be "spent" at the school—public or private—of the parents' choosing.

Jay Butler, press secretary for the House Education and Labor Committee, agreed with Terrell that the voucher proposal would have a better chance of approval during the Chapter 1 reauthorization process. He added, however, the proposal probably will have to be modified if it is to pass even then.

Butler pointed to concern by a majority of the House committee members—Republicans as well as Democrats—over the proposed legislation's provision for Chapter 1 funds to be used for general tuition rather than only for compensatory services. ●

Pat Robertson, religious broadcaster and potential presidential candidate, recently said while he is "obviously" a Southern Baptist and Baptists long have fought for religious liberty, he sees nothing in the Constitution or in history "that would prevent religious people from being involved in public life or having moral values interjected in a political debate."

He argued stripping all religious values from public life is contrary to the nation's history. He said laws are either upheld by morality or by tyranny.

Although Robertson said he does not advocate a civil religion, he said U.S. government institutions presuppose the existence of a supreme being. He added there is no question that being is the "Judeo-Christian concept of God." ●

Following a July Fourth recess, the Senate and House are expected to begin work on reconciling their versions of an overall tax reform plan. Both versions contain provisions that would affect churches and church-related agencies.

The House version of H.R. 3838 would strip church pension and welfare boards of their tax-exempt status. In addition, it would restore clergy housing benefits, make permanent non-itemizers' deductions for charitable contributions, and alter 403(b) annuity plans by placing a cap on contributions, ending the "catch-up" election and penalizing early withdrawals.

The Senate version would eliminate tax-exempt contributions to Individual Retirement Accounts by participants in annuity/retirement plans. It also would maintain the tax-exempt status of church pension and welfare boards, restore clergy housing benefits and end non-itemizers' deductions for charitable contributions.

Should a compromise be reached by the conferees, the conference report would have to be approved by both houses and then sent to President Reagan for his approval. ●

An American Dilemma: God and the Constitution

To be an American would seem to mean to be committed to the freedom to debate the proper balance between the power of the government and the power of the people.

The political fathers of our nation were men guided by the philosophical principles of Greece and Rome, revived by the international European movement called "Enlightenment." The most significant feature politically, of the Enlightenment, was a British "deism," the belief in a god who created a world governed by the powers of "reason" and "nature" rather than by "faith" and "supernature."

The American dollar symbolizes the deistic philosophy of the founding fathers: the creed "in God we trust" is flanked by the Great Seal. One side of the seal depicts an Egyptian pyramid with the eye of God — a popular Free Mason symbol. This side of the seal carried a Latin inscription from the Roman poet Virgil who announced the beginning of a "golden age" with the reign of Caesar Augustus Octavian in 40 B.C., "the year of a new order of centuries." The year is 1776. The thirteen layers of the pyramid symbolize the thirteen colonies which signed the Declaration of Independence, and the benevolent eye of God graces the unfinished height of the pyramid. The other side of the seal carries the Latin democratic slogan, "one out of many," and thirteen stars depict the unity of the thirteen colonies, safeguarded by a watchful eagle carrying the symbols of peace and war.

Pragmatic rationalists like Benjamin Franklin, rather than theocratic Puritans

like Cotton Mather, created the government of the United States. To govern meant to debate differences for the sake of compromise rather than to establish uniformity. The balanced relationship between the legislature (Congress), the executive (the Presidency) and the judiciary (the Supreme Court) guarantees the freedom of the nation.

This constitutional doctrine of trinitarian power is the driving force of this government. Whenever one of the three powers threatens the other two, free debate for a return to the trinitarian power balance must take place to facilitate proper democratic procedures. Loyalty to the Constitution demands dissent and opposition to tyrannical tendencies on the part of *any* constitutional powers. Such dissent is the most essential of all "civil rights." My "inalienable" and "civil" rights are exercised, secured and proclaimed in the open space which the unity of constitutional powers provide. Refusal to participate in the constant debate for the proper balance of power is unpatriotic and breeds tyranny.

There is an affinity of sorts between the American constitutional doctrine of trinitarian power and the Christian doctrine of the separation of human and divine powers affirmed in the ecumenical creeds (Nicene, Apostles' and Athanasian). Born in bitter conflict over the Christian faith's proper witness in the Greek Mediterranean world, the trinitarian creeds call for the exclusive worship of God as Creator, Saviour, and Spirit. Thus they stand against the perennial temptation to equate human with divine power. The tendency to equate both is regarded as man's most "original sin" in Judeo-Christian history. "When you eat the fruit of the tree of knowledge," the serpent said to the woman, "you will not die. You will be like God, knowing good and evil" (Genesis 3:4-5). To be "like God" is true idolatry — the renouncing of one's humanity and creatureliness. The Christian gospel asserts that death,

evil and sin are only overcome through the relationship with the Palestinian Jesus who is the resurrected Lord leading believers to a new world without death, evil and sin.

The Christian doctrine of the separation of human and divine powers (as expressed in the Trinitarian Creed) as well as the American doctrine of the separation of the three governing powers (as expressed in the Constitution and the Bill of Rights) assert the frailty of human existence and its tendency to deify itself by creating idols to be worshipped as saviours. Our deistic founding fathers shared a deep insight with the principal fathers of the church: our life together is constantly threatened by the forces of tyranny and idolatry. Human power tends to corrupt and struggle for absolute human power tends to corrupt absolutely.

To be a loyal American Christian means to guard against the denial of Jesus as the only Saviour and against the corruption of constitutional freedom. In the words of Jesus, "Many will come in my name saying, 'I am the Messiah!' and fool many people" (Matthew 24:5). Or in the words attributed to Thomas Jefferson, "The price of liberty is eternal vigilance." In this sense, the combination of Christian and patriotic vigilance constitutes the best and only "civil religion."

It is questionable whether this nation is still morally guided by a "civil religion" nourished by the two sources of freedom which have been the life-blood of the American body politic: the constitutional freedom to debate the proper balance of power between the government and the people; and the Judeo-Christian freedom to distinguish between penultimate human and ultimate divine powers. The complexity of technological data about arms, the secrecy of national defense strategy, and the lack of clear moral goals in United States arms policy have seduced many citizens to

Eric Gritsch is Professor of Church History and Director of the Luther Institute at Lutheran Theological Seminary, Gettysburg, Pa. He has written several books, among them *Reformer Without a Church*, a study of Thomas Munzer. This article is a portion of "Life in Two Realms," which appeared in *KATALLAGETE* and is used by permission.

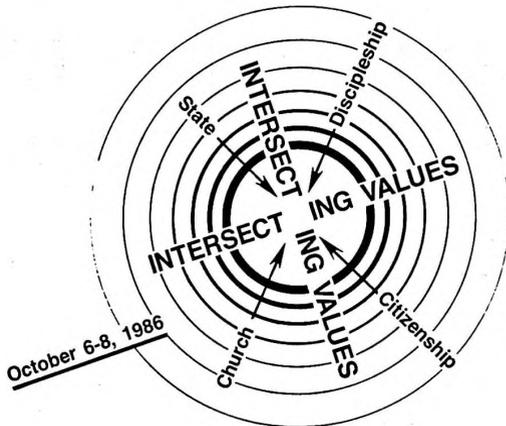
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To govern means to debate differences for the sake of compromise rather than to establish uniformity.

adopt simplistic moral attitudes such as pacifism (prejudgment of any situation in the name of uninvolvedness), apolitical moralism, fascistic patriotism, or sheer apathy.

There are, for example, Christians in the United States who refuse to participate in any debate involving governmental decisions. Others practice responsible *individual* membership in church and state (they are active members of congregations and vote in political elections), but they refuse to accept any *communal* interaction between church and state. Many share the conviction that religion and politics don't mix — meaning that their church should never make any diagnosis or engage in any critique of United States policy. There is the common assertion that religion is an "internal, personal, highly individualistic affair," not to be confused in any way with "dirty politics." These attitudes make a mockery of constitutional freedom and of the Judeo-Christian mandate to live out a historically embodied faith in the midst of the world's struggles. □



A Conference on Christian Citizenship and Church-State Separation

Participating

Sen. Mark O. Hatfield
John H. Buchanan
Daniel Vestal
Harold E. Stassen
David Soul

Martin E. Marty
Dean M. Kelley
Edwin S. Gaustad
Barbara Jordan
Bill Moyers

Samuel E. Ericsson
Patricia Ayres
Robert L. Maddox
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The First Amendment built "a wall of separation between Church and State."—Thomas Jefferson

VIEWS OF THE WALL

Oliver S. Thomas
General Counsel



Better to be damned than ignored. Yet, ignored is what elementary and high school textbooks have done to religion according to several recent studies. Organizations as diverse as the United States Department of Education, Americans United for the Separation of Church and State, and People for the American Way have found that many publishers have eliminated most, and in some cases all, references to religion from the history and social studies texts of our public schools. Equally alarming is the fact that our nation's long yet successful struggle for religious liberty is also receiving short shrift.

Those of us who believe in religious liberty and its corollary, church-state separation, are frustrated by what may be the most widespread example to date of overreaction to and misinterpretation of the Supreme Court's decisions concerning religion in the public schools.

The specific subject of this misinterpretation is the 1963 decision of *School District of Abington Township v. Schempp*, 374 U.S. 203 (1963). In *Schempp*, the Court held that mandatory Bible reading and recitation of the Lord's Prayer in the public schools were unconstitutional. These government sponsored religious exercises were struck down because they were a required part of a public school curriculum under the direction and control of teachers who are employees of the state.

The Court was quick to point out that while the teaching of religion was not acceptable, teaching *about* religion was and is an appropriate function of the public schools. Indeed, one's education is hardly complete without a rudimentary knowledge about religion. Imagine world history without a Reformation or American history without the Great Awakening. The Supreme Court never intended to censor religion from the study of history, nor did it mean to decree universal ignorance about religion in the public schools.

Nevertheless, *Schempp* seems to have precipitated a religion phobia among school boards and textbook publishers. Fearing possible litigation or political controversy, those in positions of authority apparently have sought to avoid the subject of religion altogether. As a result, most high school history books largely ignore the role of religion in the last 150 years of our nation's history.

The few textbooks that dare to discuss religion, with rare exception, provide only scant and superficial references. None mentions the social gospel movement, fundamentalism, or the church's role in the quest for civil rights.

In education, as in most fields, what we don't say is often as important as what we do say. Students assume that all of the important topics in a given field of study such as American history will be discussed at some point during the course. By omitting any reference to religion in its textbooks, a publisher may intend to be neutral on the subject, but the effect is to convey a very decided message to young readers — religion is unimportant and irrelevant in American life.

■ ■ ■

None of this is to suggest that we abandon the public schools as some have suggested. Nor should we misuse these textbook studies as an excuse for trampling the First Amendment in a stampede to subsidize parochial education.

Dr. Paul Vitz, conservative author of a study funded by the Department of Education, suggests otherwise. It is unfair, he maintains, to ask parents to support a public school system that ignores religion altogether. "[We] are being forced to pay for an institution that's a major mechanism for secularism," says Vitz. He concludes by suggesting that tax dollars be diverted from public to private

education (the vast majority of which is parochial) through the use of vouchers, tuition tax credits, and the like. Vitz bases his argument on what he calls "basic justice."

Basic justice?

Aid to parochial schools, even when disguised in the form of vouchers or tax credits, will always be inimical to a truly democratic society. Public revenues simply should not be used to subsidize religious education. Not even the most convoluted notion of justice requires parents to support a sectarian school where their children may be refused admission on the basis of religion.

Public schools, like public streets and hospitals, are available to all of us without regard to race, religion, sex, or national origin whether we choose to use them or not. The parent who chooses not to use the public schools for the education of his child is no more entitled to a tax deduction than the person who chooses not to use the public library. We simply don't have a cafeteria-style system of public services where people only pay taxes to support the government programs they like. The approach suggested by Vitz and others would wreak havoc on our entire network of government services including the public schools.

■ ■ ■

The American people decided long ago that free public education is essential to sustain the informed citizenry that democracy requires. Let's not abandon this important truth because some school boards and publishers have tried to avoid a controversial subject by ignoring it.

We can solve the textbook problem without a fullscale revolution. Concerned parents should work with, not against, school board members, authors, and publishers to insure that textbooks properly attend to the role of religion in American life. All efforts should be constructive, not endangering the constitution or the public schools.

Basic justice has never demanded that we correct one wrong by creating another in its stead. It's wrong to excise all references to religion from textbooks; it's equally wrong to divert tax dollars to parochial schools. Dr. Vitz's solution reminds me of the dentist whose prescribed remedy for a toothache was amputation — of the head. □

Hon. Joe Moakley

Humanitarian Aid vs. 'Contra' Aid

In the debate over aiding the "contra" forces in Central America, an important point has emerged that should be respected by both supporters and opponents of such aid. None of the assistance that has been or may be sent by the United States government directly to the contras can properly be called humanitarian aid.

Many of the church-based and private voluntary agencies that provide relief and development assistance around the world have correctly insisted that all forms of direct aid to the contras violate the longstanding, internationally agreed-on criteria for humanitarian aid.

As stipulated in the Geneva Conventions and Protocol, humanitarian aid must be made available solely on the basis of human need and not for any political purpose; it must be offered impartially to all sides in a conflict; it must go only to civilians and noncombatants; and it must be provided through independent agencies that have not taken sides.

Direct U.S. assistance to the contras cannot meet any of these three basic tests for true humanitarian aid. What we have sent is clearly intended to enhance the combat effectiveness of one faction in a conflict rather than to alleviate suffering among civilians and noncombatants.

When Congress voted \$27 million in so-called "humanitarian" aid to the contras last year one U.S. senator suggested that the contra forces would now be better fed, better clothed, and better shod, and that they would fight better as a result. Such an approach utterly defies the rudimentary meaning of humanitarian aid.

The relief agencies' experience in Central America makes clear that contra attacks, in fact, increase the number of displaced persons and victims of violence and hamper effective delivery of aid.

Used by permission of the office of U.S. Representative Joe Moakley, (D-Mass.) this article first appeared in the *Christian Science Monitor*.



Misuse and political exploitation of the term "humanitarian," erodes the integrity of genuine humanitarian aid and . . . puts at jeopardy the future of those in need whose lives depends upon delivery of such assistance.

The false usage of "humanitarian" is further demonstrated by the fact that more than \$15 million of the \$27 million in aid approved last summer has not been spent in ways that are classified and are impossible to audit through the very government accounting procedures that were mandated in the law. Genuine acts of mercy are not subject to such secrecy.

The ultimate outrage against the concept of genuine humanitarian aid came in March when President Reagan asked for \$100 million in renewed assistance to the contras. The White House text of a promised executive order released on the eve of the first vote in March identified ground-to-air missiles and Green Beret training as forms of "humanitarian" aid.

Blatant manipulation of the term is further illustrated in administration responses to requests to send aid to Nicaragua. While a wide variety of paramilitary gear has been purchased for the contras using the \$27 million for "humanitarian" aid, traditional relief agencies have been blocked by licensing restrictions from sending needed, totally nonmilitary supplies into Nicaragua. Oxfam America has been waiting for months for permission to send seeds, agricultural tools, and similar goods for distribution inside Nicaragua through church networks. By contrast, private groups backing the contras received an export license in just four days to send a Huey helicopter to the contras for "humanitarian" purposes.

Providers of genuine humanitarian aid operate in conflict situations at the sufferance of the warring parties, who, from a partisan perspective, view the activities of relief workers with considerable suspicion. Misuse and political exploitation of the term "humanitarian," therefore, erodes the integrity of genuine humanitarian aid, adds further danger to the work of bona fide aid providers in conflict situations, and puts at jeopardy the future of those in need whose lives depends upon delivery of such assistance. It also increases the risks that many relief workers already face in their efforts to provide true humanitarian assistance.

The time has come to remove the term and concept of "humanitarian" from any aid that Congress may approve in support of the contras. If new funds are voted and the current Nicaraguan Humanitarian Assistance Office in the State Department is asked to administer any portion of the funds, then the office should be renamed so as to delete "Humanitarian" from its title. For those in need in Central America, assistance should be provided through the Red Cross and the United Nations High Commissioner for Refugees under arrangements that fully conform to the traditional criteria for humanitarian aid. □

News in Brief

Dunn asks Reagan not to send Vatican ambassador

WASHINGTON

James M. Dunn, Baptist Joint Committee on Public Affairs executive director, has asked President Reagan not to name a replacement for the former American ambassador to the Vatican, William A. Wilson, who resigned in May.

Wilson's resignation as the first U.S. ambassador to the Vatican since the mid-19th century came in the aftermath of reported embarrassment inside the Reagan administration over an unauthorized trip the 71-year-old California businessman made last March to Libyan leader Muammar Qaddafi.

Dunn, an outspoken opponent of renewed U.S.-Vatican relations, in a letter asked Reagan to "rethink this entire arrangement," one he said is "unfair, unequal and unconstitutional." Dunn added, "We call upon you, Mr. President, to refuse to renew this ill-advised venture, a dangerous entanglement of church and state."

He wrote further, "We welcome the fact that today the United States does not have an ambassador to the Pope. Your administration's embarrassment at Ambassador Wilson's behavior is understandable. In fact, for many Americans, the exchange of ambassadors between our government and a church is an ongoing embarrassment."

Wilson, a wealthy real estate investor and long-time member of Reagan's California "kitchen cabinet," first was sent to the Vatican in 1981 as Reagan's personal representative to Pope John Paul II. He was named ambassador to the tiny enclave in Rome, headquarters of the Roman Catholic Church, in January 1984 following congressional action in late 1983 lifting an 1867 ban on formal U.S.-Vatican diplomatic ties. □

Baptist brief supports fired Adventist worker

WASHINGTON

The Baptist Joint Committee on Public Affairs has joined the Supreme Court challenge of a Seventh-day Adventist worker who was denied unemployment compensation benefits after being fired for refusing to work on the Sabbath.

Paula A. Hobbie, who converted to

the Seventh-day Adventist Church after working for a Florida jeweler for 2 1/2 years and then asked for Saturdays off to practice her new faith, has claimed she was denied free exercise of religion when the state Department of Labor and Employment Security refused her request for unemployment benefits.

Hobbie's case was accepted for review by the nation's high court in April. It is to be argued and decided during the court's 1986-87 term that begins next October.

The Baptist Joint Committee brief—joined by the American Jewish Committee and Christian Legal Society—sets forth the view that Hobbie was deprived of her First Amendment right of free exercise in that she was "forced to choose between following the dictates of her conscience and forfeiting benefits . . . or abandoning her religious convictions and maintaining her employment."

Baptist Joint Committee General Counsel Oliver S. Thomas, who wrote the brief, in an interview said the importance of the case rests on the proposition that "religious freedom is a shallow freedom indeed if it doesn't include the right to be converted." Hobbie, he added, was "forced to give up an important governmental benefit merely because she followed her religious convictions."

Thomas urged the court to reject the state's contention that Hobbie was not entitled to unemployment benefits because she, not her employer, changed the terms of employment by converting to a new faith. The burden on Hobbie's free exercise of religion "can be justified only if it is necessary to achieving a compelling state interest," he added. Beyond establishing such an interest, Thomas wrote, the state is obligated to achieve it "by the least restrictive means available."

In Hobbie's case, the state failed on both counts, he insisted.

In addition, Thomas repeatedly cited two earlier Supreme Court decisions upholding the employment rights of Sabbatarian workers. In one of them, the 1963 case of *Sherbert v. Verner*, the high court upheld the unemployment benefits claim of another Seventh-day Adventist who turned down a job when told she would not be given time off each week to observe the Sabbath. The second ruling came in the 1981 case of *Thomas v. Review Board*, when the court held that a Jehovah's Witness was unconstitution-

ally denied unemployment compensation after quitting his job at an armaments factory on religious grounds. □

Supreme Court rejects Scientology appeal

WASHINGTON

The Supreme Court has foiled an effort by the Church of Scientology to expedite its challenge to a Clearwater, Fla., ordinance requiring churches to register with city officials before they are permitted to raise funds.

Attorneys for the controversial body had asked the high court to strike down the local law as a violation of the First Amendment's ban on an establishment of religion and guarantee of free exercise of religion.

But the court, in a one-line order, sent the case back to a federal district court for trial.

Clearwater city officials and the church have engaged in a running battle since shortly after Scientology moved its headquarters to the Florida city in 1975. Two ordinances, the first of which was struck down earlier, have sought to limit the body's ability to solicit funds from the public. The second ordinance is the one currently being contested.

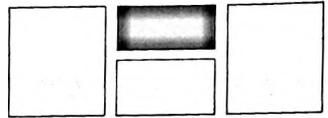
The language of the ordinance is so broad that it includes solicitation from members of the churches themselves. That's why Suncoast American Baptist Church became a plaintiff in the case. The ordinance also affects the national organization to which a church belongs and thus raises serious concerns for our Baptist denominations.

Earl Trent, house counsel
National Ministries, ABC/USA

In a brief asking the high court not to intervene, an attorney for the city wrote that the ordinances were enacted "because of revelations of a host of serious crimes and abuses" engaged in by church members.

In 1982 the city held five days of public hearings which, the city's attorney wrote, "disclosed a staggering array of criminal and abusive acts, practices and policies."

Far from being a church, the brief continued, Scientology "is instead only a commercial and at times criminal organization not entitled to invoke the religion clauses" of the First Amendment to the Constitution.



Although the first of the ordinances—adopted in 1983—was declared unconstitutional, the city quickly passed a second early the next year. In July 1984 a federal district judge upheld the law, but without conducting a trial. A three-judge panel of the 11th Circuit Court of Appeals subsequently ordered the city not to enforce the ordinance pending the outcome of the church's suit against it. That order still stands.

On further appeal, a second panel of the same circuit court reversed the district court, ordering it to conduct a full trial on the merits of the ordinance. By its action, the Supreme Court let stand that action.

In its unsuccessful appeal asking the high court to intervene now, Church of Scientology attorney Eric M. Lieberman contended the Clearwater ordinance "is unique in modern American history in the manner in which it intrudes into the relationship between churches and their members . . . and in which it authorizes comprehensive state surveillance of internal church activities and expenditures."

By requiring churches to obtain licenses before soliciting funds, even from its own members, and by imposing "massive recordkeeping and disclosure requirements," Lieberman continued, the challenged ordinance inhibits the free exercise of religion and amounts to a governmental establishment of religion.

The dispute has attracted nationwide interest because of the potential impact on churches' ability to raise funds if the Clearwater ordinance is upheld. □

Bennett pushes teaching Judeo-Christian ethic

WASHINGTON

If American students are ignorant of the Judeo-Christian tradition, they may become indifferent to religious freedom, Secretary of Education William Bennett told members of the American Jewish Committee.

Bennett called the Judeo-Christian ethic—along with the democratic ethic and work ethic—central to America's "common culture," which he described as the nation's "moral imagination" and to which he said "most American men and women, of all races, religions and backgrounds subscribe."

In discussing how the nation's public schools handle those central ethics, Bennett said it is understandable "that

many educators wish to avoid controversy, especially in an area as sensitive as religion." But he added if the desire to avoid controversy "means that our students will grow up ignorant of the role of religion, of religious freedom and religious faith in American life, then surely we will have badly failed them."

The Department of Education head asserted "the vitality of religious freedom is itself tied to the vitality of the Judeo-Christian tradition."

Bennett cited surveys that he said show most Americans today believe in "the father of all mercies." He said whether or not individuals hold such a belief, those mercies—"rights, freedoms and liberties"—are "the extra gift of our common culture" and "belong to us all."

"It is the heritage of our common culture, grounded in the Judeo-Christian tradition, that helps support not just religious liberty, but our free society as a whole," Bennett said. "Again, one does not have to assent to the religious beliefs that are at the heart of our common culture to enjoy its benefits."

"Whatever one's personal views, the religious tradition at the heart of our culture does require, in our time, common acknowledgement, respect, attention, nurture and defense." □

Priest loses final bid for VA hospital chaplaincy

WASHINGTON

A Roman Catholic priest rejected by his church for a Veterans Administration hospital chaplaincy has failed to convince the Supreme Court that his rejection violated the First Amendment ban on an establishment of religion.

Joseph J. Turner, a 54-year-old retired military chaplain who served two tours of duty in Southeast Asia during the Vietnam conflict, had claimed he was denied the position at the VA hospital in Coatesville, Pa., because of discrimination based on age and religion.

In what his attorneys described as a novel establishment clause argument, Turner contended his church's regulation that all chaplains be approved by its Archdiocese for the Military Services "condones and fosters church interference with affairs of government." Most establishment clause cases, the lawyers noted, center around challenges to governmental policies that allegedly interfere with church doctrine or polity.

Turner's lawyers, in a written brief asking the high court to review the case, stated that in their client's failed application for the chaplaincy post, "the Government abdicated its responsibility . . . to the church."

The priest claimed the current head of the military archdiocese, Archbishop Joseph Ryan, "maintained contrary political beliefs" to his own, a factor that combined with his age led to his rejection. □

Bill to exempt religious groups from damages loses

SACRAMENTO

A bill that would have exempted religious organizations from punitive damages in lawsuits was voted down 4-7 by the California Senate Judiciary Committee.

The measure was proposed by Sen. John Doolittle, R-Citrus Heights, who said the threat of big-figure lawsuits has a "chilling effect" on churches and excessive damage settlements could drive some out of existence.

But Sens. Diane Watson, D-Los Angeles, and Barry Kenne, D-Benicia, said there was little evidence established churches had been singled out for major lawsuits. They noted the bill did not give a definition of "religious organization."

Suit challenging school's hiring practices dismissed

WASHINGTON

A federal district court has dismissed a suit against a Christian university that only hires evangelical Christians.

The suit was brought against Seattle Pacific University by the Washington Human Rights Commission, which argued the school is not a religious organization and therefore is not allowed to prefer employees on the basis of religious belief and practice.

But the court ruled the school is a non-profit religious organization and therefore exempt from state anti-discrimination statutes. □

Religious Liberty: Right and Responsibility

Most of us were born and have been reared in the United States. To us religious freedom is simply a way of life, a way that we sometimes take for granted. Most of us are Baptists. Religious liberty is a distinctive part of our history and heritage. And most of us are Christians. If any people should know what it means to be free, it is those of us who are followers of Jesus Christ. In light of these assumptions I want to speak on the issue of religious freedom from those three perspectives: freedom in our nation, freedom as Baptists, and freedom in Christ.

Freedom as Citizens

The Constitution of the United States guarantees freedom for *all* of the country's citizens: Caucasian, red, black, yellow, brown; rich, poor; young, old; educated, uneducated; majority, minority. Our greatest freedoms are preserved in the First Amendment: speech, press, assembly, petition. But for me the greatest freedom guaranteed in the First Amendment is freedom of religion. The beginning of this amendment says that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof."

The Establishment Clause prohibits government from getting into the religion business. It is not to favor or support or discriminate against one denomination or movement over another. It is to be *neutral*. Each religious movement must live or die on its own merits, not on its relationship to the government. We who are Baptists have prospered more than any other movement in this atmosphere of separation of church and state.

The Free Exercise clause guarantees the freedom of every citizen of this nation to believe or not to believe; to worship or not to worship; to propagate one's faith or not to propagate it — and to do so without any governmental interference. This freedom is for everyone, not just Christians, not just Baptists.

The value and success of any religious movement is found in the commitment of its adherents to accept, practice, and propagate its principles. This is to be done without government support or involvement. The First Amendment, when put into practice, prohibits governmental interference and demands religious responsibility for those who would believe and practice their faith. That is religious freedom, guaranteed for citizens of the United States.

Freedom as Baptists

No religious group has stood firmer on the issue of religious liberty than the people called Baptists. We are champions of the cause of freedom. In 17th century England when others were calling for religious toleration, Baptists were calling for freedom. John Smyth, the first English General Baptist, is considered to be the first Englishman to plead unequivocally for toleration for all Christians. Thomas Helwys, another 17th century English General Baptist, called for complete religious liberty for all. In 1612, in his *The Mystery of Iniquity* he wrote that "men's religion . . . is betwixt God and themselves . . . Let them be heretikes, Turkes, Jewes, or whatsoever, . . ." civil authorities have no right to persecute anyone for cause of conscience on religious matters.

In the American colonies Roger Williams was a prophetic spokesman for religious liberty and established Rhode Island Colony. Its charter, which was granted in 1663, guaranteed freedom of religion for all groups, even those with whom Williams had major disagreements. There was no selective freedom in his colony. He also advocated "soul

competency," believing that every person had the right and the responsibility to stand alone before God without human assistance or interference. John Leland, a Separate Baptist in Virginia in the 17th century, influenced James Madison to insist upon including guarantees of religious freedom in the U.S. Constitution. It was Madison who introduced the Bill of Rights with its significant First Amendment to the Constitution. Isaac Backus was a monument among those many others Baptists who fought for the religious liberties that we possess today and is responsible for laying the ax to the roots of the Puritan establishment in Massachusetts.

Baptists have always stood for freedom: from coercion; for expression of individual and corporate faith. No one can force another to believe that which violates one's own conscience: not the president, the local sheriff, or the mayor; and not the bishop, the pastor, or the deacon. Each person has the freedom and responsibility to stand individually before God and answer to God.

There are many expressions of Baptist freedom. We have insisted upon the priesthood of the believer and soul competency in our churches. Congregational polity rests upon our conviction that every individual church is under the Lordship of Christ alone and must be free to seek and do the will of God, unhindered. We are a confessional rather than a creedal people because we believe that faith grows out of one's experience with the living God and cannot be coerced upon an unwilling conscience. And we continue to champion these freedoms not only for ourselves but for every person and movement.

Freedom in Christ

The greatest freedom that we can have is the freedom that comes from God through our simple faith in Christ. Paul in Galatians 5:1 tells us that Christ has set us free and that we therefore are to live in freedom, not bondage. Christ can

Dr. Yarbrough is associate professor of religion at Oklahoma Baptist University, Shawnee, OK. This sermon is based on Galatians 5:1 ("For freedom Christ has set us free.")

Quoting

James E. Wood, Jr.
Review and Expositor

In 1934, in an effort to exclude organizations, that were mere fronts for lobbying causes on behalf of private interests, Congress revised the Internal Revenue Code as applied to nonprofit "educational" or "religious" organizations to say that they "shall be exempt from taxation [501(a)] provided that no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation."

Nowhere in the enacted legislation or the Internal Revenue Code is "substantial" defined or spelled out to guide nonprofit "educational" or "religious" organizations to which it applies. The question remains: What is substantial? Based largely on one court decision that ruled that an organization that spent five percent of its annual budget on lobbying was not investing a "substantial" part of its resources on lobbying, this has come to be widely accepted as the benchmark for "substantial."

The truth is, however, that "substantial" means whatever the IRS says it means and may not necessarily be limited to expenditures. On this basis the IRS has been able to say, in effect, that the churches do not have the right to be seriously involved in public affairs and speak out on public issues and at the same time enjoy tax exemption. □

Norman Cavender
Light

If we wish to recover morality, we could begin by clearing away the social gospel that obscures it. By social gospel I don't mean the gospel that ministers to the suffering and tragedy of the world — that is part of the authentic gospel. By social gospel I mean the gospel patterned after the standards of society rather than the standards of Christ. We are honoring what the world honors: numbers, size, fame and money. We live in the day of the Hoover church. Not the president, but the vacuum cleaner — churches which try to suck up everything in sight and become bigger than their neighbors, just to have more numbers to brag about.... □

Leon Sullivan
Light

My aim with the multinational companies and the [Sullivan] Principles has been to put a crack in the wall of apartheid and to be "a catalyst" for change throughout South Africa for the deseparation of the races until, working along with other forces, the wall of apartheid comes down. The Principles are more than an academic response to a social problem. They are not intended to speak to the question of divestment or investment. I did not have that in my mind at all when I initiated these Principles. They are intended to be a massive effort of American companies working with other companies of the world for significant change.... □

and will set us free through faith.

Such freedom can never be taken from us by humankind. Smyth and Helwys were free religiously even when driven from England into exile in Amsterdam. They were following the rule of God rather than the dictates of men. Williams was free in Christ when driven out of Massachusetts Bay Colony in the dead of winter because he refused to yield his conscience to the dictates of man. John Bunyan, our Baptist forefather, exercised his freedom before God when he served 12 years in the Bedford prison for refusing to sacrifice his religious convictions to the authority of the civil magistrates.

We are free no matter how hard others may try to bind us and to enslave us — if we have trust and confidence through faith in Christ. We are free because Christ set us free — free to be his followers, regardless of the pressures of those around us. We are free from many things: the bondage of sin and the judgment that it brings; legalism, whether self-imposed or imposed upon us by others; antinomianism.

We are free for many things: to grow and mature in our faith; to be responsible before God in the exercise of our faith; to serve and minister in His name without the hindrance or hypocrisy of others; free to become what God intended for us to be as His creation and His children; free to share our convictions with those we encounter and to seek to convince them of our beliefs and practices, not through coercion but through the freedom that comes from the law of love.

Conclusion

We are free: as citizens of this country; as Baptists; and as believers in Jesus Christ. The great threat to our freedom, however, may not come from hostile or self-appointed masters. It may come from our own abuse of our freedom; our failure to exercise it; our forfeiting it ever so cheaply, like Esau did to Jacob when

he sold his birthright, accepting short-term gain and ignoring long-term consequences. In such circumstances we then become vulnerable to those who would seek to take our freedom from us.

In 1983 I traveled to East Germany during the celebration of the 500th anniversary of the birth of Martin Luther. While there, my group was guided by a young lady named Katrina. On our last night in the country as we dialogued, she startled me with the question, "Do you really have freedom in America?" What made the question difficult was not the lack of an honest and positive answer. Rather it was the fact that it came from one who had limited freedom, one who had a wall dividing her country from others, one who was told whether or not she could attend a university, who was told what to study, and who was assigned a specific job by the state. I realized through her question how precious were the freedoms that I enjoyed and how too often I took them for granted. And as I crossed the border checkpoints with its guards armed with automatic weapons and entered again into the free world, I realized how hard freedom is to gain and how easily it could be lost.

"For freedom Christ has set us free! Keep standing firm and do not be subject again to the yoke of slavery." □

INTERNATIONAL DATELINE



Boesak prevented from addressing Baptist Union

LONDON

Dr. Allan Boesak, a leading South African churchman and President of the World Alliance of Reformed Churches, was prevented by his government from addressing the annual meeting of the Baptist Union of Great Britain and Ireland.

Instead, Dr. Boesak used the columns of the *Baptist Times* to send a message to British Baptists and particularly those at the Baptist Assembly.

"Please tell them that I deeply regret I can't come to address their assembly. But I will be with them all in spirit."

Speaking from his home, Dr. Boesak affirmed that "I continue to pray for the work of the Baptist churches. I hope for the time when we can come together and share in the work of the Kingdom of God, glorifying Him through the work we are enabled to do."

The noted churchman was invited some months ago to address the assembly, but the South African government delayed until the very last moment its decision to withhold permission to leave the country.

Dr. Boesak is awaiting trial in South Africa on a subversion charge under the Internal Security legislation of that country.

Asked about differences among the various black protesting groups in South Africa, Dr. Boesak told *Times* reporter Bruce Hardy, "It is true that not all black groups think the same in this country and there are tensions between us. But the differences are fewer than people think."

"They are not about aim, but method. We have the same final ideal. All want an open, non-racial democratic society."

Religious leaders blast 'inactive U.S. churches'

NEW YORK

Leaders of four church councils in southern Africa told the National Council of Churches (NCC) Governing Board that their people perceive the United States as "completely responsible" for South Africa's destabilization of their region.

The assertion was made in an "appeal to the American churches" that was presented to the ecumenical agency's spring meeting in New Orleans in May by general secretaries of church councils in South Africa, Angola, Mozambique and Namibia.

The statement said that the southern African churches consider American Christians to be "inactive," only passing resolutions on apartheid and reluctant to challenge the United States government's policy of constructive engagement.

Andrew Vance, a representative of the Greek Orthodox Archdiocese of North and South America, said the Africans had apparently not been told of American church leaders' protests against apartheid and denominational divestment programs.

The Rev. Alfred J. Smith of the Progressive National Baptist Convention said his congregation had raised \$15,000 for the South African Council of Churches, and members had been arrested in "Free South Africa" demonstrations. But he added that "we have not done enough until the shackles of our African brothers and sisters have been cut." □

Catholic Bishop finds converts remain faithful

KALAMASSERY, INDIA

A Roman Catholic bishop says he does not anticipate many Hindu converts to Christianity returning to their original faith as a result of a court judgment that ruled them ineligible for special government relief assistance.

Last fall, India's Supreme Court ruled that members of "scheduled castes," also known as untouchables, lose their claim to special government aid when converting to Christianity from the Hindu and Sikh religions, but recover the eligibility when converting back to Hinduism.

In an interview with Religious News Service, Roman Catholic Bishop Gratian Mundadan said he did not anticipate a loss of many converts back to Hinduism because experience shows that "they never want to go back."

No exact figures of former untouchables in India's Christian population are available. Converts from hill and forest tribal races have been estimated at five

million out of a total Christian population of 17 million, and one source estimated that the number of untouchable converts would be about the same. □

Israeli leaders react to Vatican cooperation

JERUSALEM

Religious and civic leaders in Israel have issued a muted reaction to recent Religious News Service reports of U.S. and British intelligence documents alleging that Vatican officials helped reputed Nazi collaborators escape capture after World War II.

A Foreign Ministry spokesman, Ehud Gol, told RNS that Israel did not have any information on the subject.

"There's not enough material in our hands for us to comment," he said.

For Israel, the disclosure of alleged Vatican aid to Nazis comes as relations between the Roman Catholic Church and Jerusalem have improved. In April, Hebrew University and the Pontifical Gregorian University signed an agreement, regarded as highly significant, on joint research projects.

Several Israelis active in dialogue with the Roman Catholic Church said that while the reports are upsetting, they would not raise the issue with the Vatican. "We are trying to improve the atmosphere with the church for the future," said Zvi Werblowsky, chairman of the Israel Interfaith Committee. "It's not our business to rub in old wounds."

Mr. Werblowsky, a professor of comparative religion at Hebrew University, added: "It doesn't surprise me because it was always the role of the Vatican to give shelter." He said that this was especially the case with alleged Nazi collaborators fleeing Slovakia and Croatia, two predominately Catholic-populated areas of central Europe.

The Rev. Marcel Dubois, a prominent Catholic theologian, agreed with Professor Werblowsky. "There is a general rule in the church to give shelter to anyone in difficulty," he said. "If there was a political intention or not, I don't know." Father Dubois, who serves on a Vatican committee on Jerusalem, suggested that churchmen had had difficulty in the past weighing the duty to give shelter with the need to perform justice. □



Red Cross pressed to allow Star of David Symbol

NEW YORK

Christian leaders in the United States and Europe have joined a campaign to pressure the International Red Cross to grant official recognition to Israel's Magen David Adom volunteer humanitarian organization.

Orthodox Rabbi Rubin R. Dobin of Miami Beach, chairman of the Operation Recognition effort, said that Red Cross officials in Geneva agree that the Israeli agency fulfills every criterion for admission except the use of one of the three recognized symbols—the Christian Red Cross, the Arab Red Crescent, or the Red Lion and Sun of Iran. In a telephone interview, he said that the problem stems from "outright bigotry" on the part of the Arab countries that use the Red Crescent.

Rabbi Dobin noted that Iran's leader, Ayatollah Khomeini, has changed the Iranian emblem to the Red Crescent, so that no country is currently using the former Lion and Sun emblem. He has suggested that the Red Cross now accept the Red Magen David as its third official emblem, but said the proposal is "falling on deaf ears because of the blackmail" from Arab countries. □

So. African church retains 'whites-only' policy

JOHANNESBURG

The tri-annual synod of the apartheid Nederduitse Hervormede Kerk in Africa (NHK) has decided by a large majority to retain an article of its church law which bars non-whites from membership in this church of 200,000 Afrikaners.

Although the decision comes as no surprise, it will have important consequences. First, it will strengthen the right-wing resistance in all three Afrikaans Dutch Reformed churches to integration and the political reforms of the government. Although the large Nederduitse Gereformeerde Kerk (NGK) and the small but influential Gereformeerde Kerk (GK) do not specifically exclude blacks, in practice both remain enthusiastic and committed supporters of the apartheid ideology.

Second, the vote will intensify the fighting between the NGK, representing 65 percent of all Afrikaners, and the

NHK at one stage the official state church of the old Transvaal Republic of the previous century.

Many NGK members have in recent years joined the NHK because of its unashamed racist stand. The NHK has become the unofficial ally of the Conservative Party, while the NGK is split down the middle between National Party and Conservative Party supporters. □

Experience in Philippines heartens Korean pastor

NEW YORK

"Korea is next," asserted a Korean woman pastor who has spent 20 years in social ministry to women factory workers in Inchon.

The Rev. Cho Hwa Soon, a staff member of the Korean Methodist Church's Urban Industrial Mission, said recent events in the Philippines have given Korean workers courage. "It has helped us to have hope for change," she said, confessing that Koreans previously thought the consciousness of Filipino workers and farmers was not very high.

In a speech at the Interchurch Center here, Ms. Cho reported that students have taken up the workers' cause. Both groups, she said, are often branded as communists by the government in order to prosecute them under laws prohibiting communist activity. □

Naude sees peace role for Commonwealth nations

CALGARY, ALBERTA

A committee of representatives of Commonwealth nations of South Africa is one of the last chances for a peaceful end to apartheid there, a leading churchman says.

The Rev. C.F. Beyers Naude, general secretary of the South African Council of Churches, said in an interview that the Commonwealth committee is "one of the last hopes the black community has that a meaningful group could have an impact and influence on the government."

The cultural, sporting and historical ties between South Africa and the Commonwealth (an association of Britain and former British colonies) could have a psychological and economic impact on the situation, Dr. Naude said.

NEWS-SCAN

Poland is the latest among nations in Eastern Europe (joining the Soviet Union and Romania) to have had massive evangelistic campaigns. Speaking of religious interest evidenced in meetings held in the Gwardia sports hall and in a city park in Kielce, Polish Baptist pastor Aleksander Kircun noted "we are both witnessing to this fact and contributing to it" Baptists in Yugoslavia make good use of their unique freedom to print Christian literature. Stjepan Orcic, pastor-seminary president, said his presses are "busy printing a major Bible concordance" and will soon finish a twenty-volume New Testament commentary. "Dobra Vest (Good News) press is now seeking additional distribution centers The new general of the Salvation Army is to be an Australian-born woman. Evan Burrows, first commissioned in 1951, will be the second woman to have held the post since Evangeline Booth, daughter of the founder, retired in 1939. *The Baptist Times* reported Burrows was appointed by a vote of all commissioners and colonels world-wide for a five-year term An ecumenical group of church leaders returned from the first official U.S. church visit to North Korea with the news that North Korean church officials reported 10,000 Christians in the country — half of whom reported worship in the 500 "house churches" throughout the country. The others are unaffiliated believers. With no efforts made to evangelize youth, it was disclosed that the seminary established in 1972 only graduated between 20 and 25 students in recent years Special commemoration of a missionary in Brazil who was shot after intervening in the torture of two Indian women will take place on the weekend of October 12, according to American Christians for the Abolition of Torture (ACAT). A goal of the celebration is to remember those who have suffered or died to make a witness for human rights but also to recruit others to become intervenors against torture Some Israeli high school students apparently know little of the Holocaust, concludes a poll in the Tel Aviv daily, *Hadashot*. About 15 per cent did not know when it took place, while youths of North African origin thought the Holocaust only affected Jews of East Europe.

CORRESPONDENCE

Reader response extends dialogue and thereby helps to focus and clarify the issues. Letters must carry both signature and address of the writer and should not exceed 200 words. We reserve the right to edit for length.

In June you gave space to Norman Bent, an apologist for the Sandinistas, who spoke in Pennsylvania ("Miskito life 'political'"). I don't recall any similar space to Humberto Belli who spoke this spring in D.C. itself.

Belli is the author of the most thorough, beautifully documented, definitive (to date) study of the tragedy of Nicaragua (*Breaking Faith*, \$8.95, Crossway Books).

All of this throws light on O. Carroll Arnold's praise of liberation theology (June, '86). In practice its "option for the poor" turns out to be old line Communist oppression. Big deal.

Culbert G. Rutenber
Austin, TX

[Re: Religious Liberty Day] . . . I want to help my flock to better understand the reasons for celebrating such a date [and] to help lead them in prayers of thanksgiving and praise to God for the opportunity to practice our faith in a free church in a free society.

Ronny Waycaster
Mathis, TX

The senators, Ed Newman, the postal update, and your own staff briefing provided helpful insights and awareness. Hearing the contrasting points of view on Nicaragua, plus

the balancing comments by Newman and Senator Bumpers, was especially valuable for those of us who work in foreign missions. You folks are doing a great job.

Bob Stanley
Richmond, VA

[This office in cooperation with Baptist (SBC) Press, cosponsored a briefing for Baptist editors. Addressed by Edwin T. Newman, they visited Senators and Representatives, and heard State Department and White House staff.]

I want to compliment you on . . . urging President Reagan not to replace the vacancy [in the position of] ambassador to the Vatican. Brother, you said it well!

I am pleased to know we have someone out front like the Baptist Joint Committee. I love our President but this thing troubled me from the beginning.

Estelle Lambert
Crossville, TN



- Eric Gritsch explores the balance of power Americans like to see between the government and the people. What does Gritsch think best preserves this balance? Would you add something else to his argument? He also makes a case for "civil religion." What elements of this civil religion attract you? . . . are possibly dangerous? What place does discipleship provide for citizenship?

- Congressman Moakley, speaking about contra aid, draws a tight definition of humanitarian aid. What dangers does he list when the word "humanitarian" is used for a broad range of activities? Are words, like money, subject to inflation? If so, what are some other "inflated" words in our vocabulary?

- Oliver Thomas (VIEWS) uses religion references (or lack thereof) in public

school textbooks as a springboard for his argument against public aid to private schools. Brainstorm and voice objections to the attacks upon public schools in your area. Do many in your area regard vouchers or other aids to private schools as a threat, or do they see the competition as healthy? How does Vitz's logic fail as a rationale for cutting support to public schools?

- James Dunn (REFLECTIONS) critically analyzes the powers and things that are *not* Caesar's by appealing to the twin doctrines of religious liberty and separation of church and state. Make your own case that government regulation renders harm upon the church (cf. Slayden Yarbrough's sermon). Has regulation ever enhanced the life and faith of the church? What examples in your area strengthen your argument?

QUIZ

1. Who is the president's new Supreme Court nominee?
2. What is the name of the Arabic version of the International Red Cross?
3. What must Nelson Mandela do before he can be released from prison?

Write a Hymn

There's Still Time to Enter the Hymn Writing Contest.

July 1 is the deadline for entries in the hymn-writing contest sponsored by the Baptist Joint Committee in conjunction with our 50th anniversary celebration conference.

We invite the submission of hymns on the theme of religious liberty, soul liberty and the freedom of religion. You may write new lyrics to an existing, familiar hymn tune or compose a new melody.

Judges for the contest are Dr. William J. Reynolds, Dr. Milton Ryder and Chief Richard Donn. The winning entry will be published by Broadman Press and the Baptist Sunday School Board of the Southern Baptist Convention. The winner will be provided registration, hotel and meals for the Religious Liberty Conference which is scheduled October 6-8, 1986 here in Washington, D.C.

Please send your entries addressed to:

Jeanette Holt, Baptist Joint Committee on Public Affairs, 200 Maryland Ave., N.E., Washington, D.C. 20002.

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7/86 _____ Bill Me

The business of blessing religion, conducting worship, supporting any church or all churches is not Caesar's.

REFLECTIONS

James M. Dunn
Executive Director



"The things which are Caesar's" words of Jesus indicate a difference between Caesar's things and God's things. Those words from His own lips also make clear that *all* things are not Caesar's.

For fifty years this year the Baptist Joint Committee on Public Affairs has been working at discerning the things that are Caesar's and those that are not Caesar's. The task of the Baptist Joint Committee since J. M. Dawson came to Washington as the first staff person forty years ago has been to advance the religious liberty which is guaranteed and protected by the separation of church and state.

The challenges to religious liberty and the freedom of the church have never been greater. Start with the issue of taxation.

Efforts at tax reform in the United States Congress expose Caesar's fumbling. The Senate version of tax reform denies all charitable deductions to non-itemizers at the same time it assures that about 80% of the American people will not itemize. The effect is devastating: 80% of taxpayers will not be able to take *any* charitable deductions. At the very time we are being asked to do more to meet human need, tax incentives for giving are removed. The Senate tax reform bill assumes in its uniform deductions 2% for *all* charitable giving. Simple math makes it clear what that does to titheers. Voluntary giving would suffer a \$6 billion annual drop under this scheme. I say that \$6 billion is not Caesar's.

Even worse is Section 1012 in HR 3838, the House-passed tax reform bill. It would tax the church pension boards. This provision is in effect a direct taxation on the church. Church-state separation has historically denied the state the right to tax the church. The power to tax is the power to destroy. The U.S. House of Representatives in proposing to tax the church pension boards is saying, "We, not you, will say what is the mission and ministry of the church and we have decided in our wisdom that caring for retired and disabled ministers, missionaries, layworkers and their dependents is not an extension of the legitimate, biblically-warranted work of the church, so we'll tax it." I say that decision is not Caesar's.

We share one great victory in recent days. For a decade the Internal Revenue Service has by its interpretation of the fuzzy phrase "integrated auxiliaries" been burdening every church-related institution and program with their view that exclusively religious activities are only those that occur within the walls of the church.

Thanks to Tennessee Baptists, the lawyers on our staff, and others, this threat has been lifted. By a new IRS ruling and by two major wins in the Federal Courts the IRS has finally admitted that it is none of the business of government to define the purposes of the church. I rejoice in the recognition that the definition of what is church, is not Caesar's.

If your teenager meets in Bible study or Fellowship of Christian Athletes at the public school it is because the Baptist Joint Committee with others conceived, drew, pushed and helped pass Equal Access legislation. The law of the land now makes it clear that groups of reli-

gious teenagers cannot be denied the right to gather as other groups meet, simply because their gathering is religious. That power is not Caesar's.

If you're bothered that the United States of America has exchanged ambassadors with a church in a blatant preferential treatment of religion then you'll be glad that your concern is constantly being expressed and channelled through the Baptist Joint Committee reporting, protesting, taking legal and legislative action. For government to adopt a religion is a prerogative that is not Caesar's.

And now, an appeal and urgent counsel: Read! Write! Pray! Work! Come!

Don't depend on unreliable hearsay and secondhand silliness. Look at what's happening in Washington through Baptist spectacles. READ *Report from the Capital*.

WRITE your Senator and your Representative now. Ask them to extend charitable deductions to non-itemizers. Urge them not to tax church pension boards, for the first time taxing the church. If you, right now, would write, we alone could make the difference.

PRAY for the Baptist Joint Committee on Public Affairs. Far more is at stake in our struggle for religious liberty than personalities and political issues. Nothing less is at stake than our very identity as Baptists.

The theology that fuels our missionary fires, that ignites our evangelistic warmth, is predicated upon our belief that all persons come to God freely, voluntarily, one at a time or not at all. Our outreach is based on the profound belief that all persons CAN respond to the persuasion of the Holy Spirit and that any coercion, any force at all—however subtle, however small—in matters of faith is out of bounds. The business of blessing religion, conducting worship, supporting any church or all churches is not Caesar's.

WORK with us. We must have your support in tangible ways. We are deeply grateful for the lifeline of denominational giving, yet education of this generation of Baptists to what Baptists believe regarding religious liberty waits for funding. Help us to travel to your state conventions, associations, churches, to find the dollars to publish millions of pamphlets that will expose Baptists born since World War II to our heritage of soul freedom.

COME to Washington October 6-8 this fall for the National Religious Liberty Conference. Celebrate with us the 50th anniversary of this modest endeavor, the one thing in the United States that all brands of Baptist do together. See if you can catch the vision of a Dawson, a Dahlberg, a Carlson, or a Truett who doggedly, lonesomely and often misunderstood kept calling all breeds of Baptists to stand tall for religious liberty, the Baptist distinctive. We have added The Honorable Barbara Jordan, former member of the United States House of Representatives, and David Soul, actor and activist, to the group of outstanding personalities who will lead us in examining the tension that exists in balancing Christian citizenship and church-state separation.

October is the best month. The tourists have gone home. The snow has not yet fallen. We're going to put the big pot in the little one. Come!

Church-State Shift Unlikely Despite High Court Changes

President Reagan's dramatic announcement June 17 that Chief Justice Warren E. Burger was retiring and that he intended to nominate Associate Justice William H. Rehnquist to succeed Burger and federal appellate judge Antonin Scalia for Rehnquist's vacated seat on the Supreme Court probably does not signal significant short-term changes in church-state law.

Although one commentator noted aptly that substituting a 50-year-old advocate of judicial restraint for a 78-year-old sitting justice with a similar philosophy inevitably will make for a more vigorously pursued strict constructionism, the facts remain that cases at the high court are decided one at a time and that each justice has only one vote to cast. From this perspective, the Scalia for Burger switch will not mean much.

During the court's past several terms, the sitting chief justice has veered ever more rightward in his decisions in the church-state field. This area of the court's work long has been of special interest to Burger, nominated to his post 17 years ago by Richard M. Nixon. As chief justice, he has had the task of assigning the writing of many church-state opinions in disputes where his views prevailed. And in a disproportionate number of those cases, he assigned himself the role of drafting opinions for the court.

In what was perhaps his most far-reaching opinion in the field, Burger led a unanimous court in 1971 in *Lemon v. Kurtzman* to set down a three-part test used ever since to determine if laws or governmental policies violate the First Amendment's ban on an establishment of religion. That test holds that in order to pass constitutional muster, the challenged law or policy must have a secular purpose, must have the primary effect of neither advancing nor inhibiting religion and must not excessively entangle church and state.

But in recent years Burger sometimes has abandoned his own criteria in deciding cases testing the Establishment Clause. Justice William J. Brennan Jr., dissenting from Burger's 1983 decision for a 6-3 majority upholding Nebraska's practice of paying a chaplain for the state legislature from public funds, noted that the chief justice merely set aside his

three-part standard to achieve the desired result.

In other important cases in recent terms, Burger found himself in a 6-3 minority—with Rehnquist and Justice Byron R. White—in voting to uphold an Alabama law mandating silent prayer in public schools and voted with a 5-4 majority in upholding Minnesota's tuition tax deduction law.

In short, Burger has voted often in recent years for a view of the Establishment Clause that is anything but separationist.

Even more predictable than the chief justice has been his nominated successor, the ideologically pure Rehnquist. His view of the Establishment Clause was set forth best in the Alabama silent prayer case, *Wallace v. Jaffree*. There, in dissent, Rehnquist advanced the notion that the Constitution's framers intended to do no more than prevent establishment of a national church or preferential treatment of one Christian sect over all others. He also undertook the formidable task of attempting to refute Thomas Jefferson's celebrated "wall of separation" metaphor.

Rehnquist's *Jaffree* dissent clearly was written as a blueprint for what he hopes will be a future reassessment of church-state law by the court. How else does one explain the following quotation from the dissent? "It is impossible to build sound constitutional doctrine upon a mistaken understanding of constitutional history, but unfortunately the Establishment Clause has been expressly freighted with Jefferson's misleading metaphor for nearly forty years" (a reference to the court's first extensive use of the metaphor in the 1947 decision in *Everson v. Board of Education*).

Jefferson's phrase, as Baptists presumably know, was coined in an 1801 letter to the Danbury (Conn.) Baptist Association: "I contemplate with sovereign reverence that act of the whole American people which declared that their legisla-

ture should 'make no law respecting an establishment of religion, or prohibiting the free exercise thereof,' thus building a wall of separation of church and State."

Rehnquist maintained in his *Jaffree* dissent that Jefferson's views on the subject were irrelevant to the debate at the first Congress, when the Bill of Rights was appended to the original draft of the Constitution because the renowned libertarian was away in France at the time. He also maintained that James Madison cared little about the religion guarantees of the First Amendment, going along with them mainly out of concern for the survival of the whole document.

What Rehnquist chose to ignore about that momentous debate is that three separate times, efforts were put to a vote to water down the proposed language, efforts defeated one by one. The framers, he insisted, "did not require government neutrality between religion and irreligion nor did (they) prohibit the federal government from providing non-discriminatory aid to religion." It is little wonder, then, that Rehnquist could conclude, "There is simply no historical foundation for the proposition that the Framers intended to build the 'wall of separation'..."

Whether the new chief justice designate will be able to convince a majority of his colleagues to go along with such radical ideas is highly questionable. Not even his former law school classmate Sandra Day O'Connor would join his *Jaffree* dissent, voting instead with the majority in striking down the Alabama law.

Nor will he gain a vote in Scalia, who in his four years on the U.S. Court of Appeals for the District of Columbia has not authored a major church-state decision. Even assuming that Scalia will follow Rehnquist's church-state views, the new chief justice still will have no more votes than he does now.

If anything, given Scalia's lack of experience in settling church-state disputes, one may conjecture—if wishfully—that a truly conservative jurist might decide to take the conservative stance, namely, that the First Amendment means what it plainly says.

Were that to happen, the true believers of the Christian Right might even look on him some day as Reagan's folly.

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