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REPORT from the CAPITAL



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THE AWAKENING

REPORT from the CAPITAL

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

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Cover: "The Awakening," by the sculptor J. Seward Johnson, Jr., lies on Hains Point in Washington, D.C., on the banks of the Potomac River. Cover Photo courtesy of Sculpture Placement of Washington, D.C.

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A Revolutionary Notion

In the midst of current discussions about *who* is and who is not a Baptist, perhaps it would be better to ask *what* it means to be Baptist. David Lovejoy answers the question by placing early Baptists among those religious "enthusiasts" who came of age after and were influenced by the Great Awakening. An affront to the educated and sophisticated because of their own lack of either, these Baptists were moved by revivalist faith, evangelical piety, and trust in the inspiration of the Holy Spirit. During the Revolutionary era, Baptists were also radicals in rebellion against the notion of established churches and established religion. They fought for religious freedom for all.

Lovejoy says that Baptist critics thought it untimely and unwise for Isaac Backus and John Leland to confuse the revolutionary spirit by insisting that religious liberty and the separation of church and state were integral to the quest for freedom. Leland, in particular, engaged in political activity to achieve his goals, and became an acknowledged influence in the adoption of the First Amendment.

Official recognition of the Roman Catholic Church through establishing diplomatic relations with the Vatican (or with any church) is an instance of the kind of reversion that would have pained our forebearers. In **VIEWS OF THE WALL**, Oliver Thomas notes that recognition of any one or several religious bodies violates the principle of government neutrality. His petition to the Supreme Court for writ of certiorari challenges the appointment; he lists the benefits conferred by preference - "other religious groups somehow are inferior."

"To every thing there is a season." Helen Lee Turner writes of work and rest, and of this post Blue Law period when problems of Sabbath observance appear before the courts with increasing frequency. Interestingly, Turner points out that the early Christians did not make the distinction among days; Christ made all things new, "even ordinary time and ordinary work."

Warren Magnuson, General Secretary of the Baptist General Conference, experienced some of the pride evoked by the unveiling of the renovated Statue of Liberty. But he also was given to wonder about the gift of religious liberty as a matter of Baptist conviction. Has it experienced a similar erosion because of Baptist passivity in regard to an established church (the Vatican appointment) and by standing on line for government largesse?

"Churches with integrity need to be careful not to compromise the eternal message. . . with the temporal planks of a political platform." James Dunn's **REFLECTIONS** recognizes the faithfulness of black church leadership so visibly active in America today. He cites pastors like Walter Fauntroy, Charles Adams, Leon Sullivan, Bill Gray and J. Alfred Smith (who today was elected president of the Progressive National Baptist Convention) as the calibre of persons identified with ministry which reflects religious compassion and courageous public policy. □

Victor Tupitza



Final approval of the Tax Reform Act of 1986 by the Congress when it returns from its three-week recess is expected, followed by the President's signature. At this writing, the version of that legislation as it emerged from the reconciliation process contains both the "good news and the bad news." The good news is that:

- Church pension boards will not be taxed. Prior to reconciliation, H.R. 3838 had threatened their tax-exempt status by subjecting these non-profit institutions to corporate taxes.
- All clergy owning their own parsonages will enjoy identical benefits. The new legislation overrides a 1983 ruling which denied deduction for mortgage interest and real estate taxes from clergy who bought or contracted to buy their homes after January 1, 1983.
- The bad news is that non-itemizers of their I.R.S. tax forms may not deduct the full amount of their gifts to charities. The standard deduction includes a 2% allowance for such gifts. ●

Doug Marlette, political cartoonist for the Charlotte Observer, will join an outstanding array of personalities taking part in the Baptist Joint Committee's National Religious Liberty Conference Oct. 6-8. He is perhaps best known for his nationally syndicated comic strip "Kudzu" that features the wryly humorous pastor Will B. Dunn. Marlette plans to give an artistic comment on the conference through sketches and doodlings and with a specially prepared slide show. His appearance is scheduled for the second day. ●

Frances S. Dean, a Baptist layperson from Abilene, Texas, has won the national hymn-writing contest sponsored by the Baptist Joint Committee. Her hymn, "Liberty, that Sweet Word Sounding," will be introduced during the Religious Liberty Conference. It also will be published by the (SBC) Baptist Sunday School Board's church music department.

Contest judges selected Dean's hymn from 104 entries. Judges were William J. Reynolds, associate professor of church music at Southwestern Baptist Theological Seminary; Milton Ryder, pastor of First Baptist Church, Boston, Mass.; and Chief Richard Donn, director of the U.S. Navy Band's Washington Chorus.

The judges also chose three additional entries as being "worthy of recognition." Those hymns were submitted by Diane Owen Jordan, Signal Mountain, Tenn.; Milan Lambertson, Ottawa, Kan.; and James E. Taulman, Nashville, Tenn.

Dean, a former public school teacher, earned bachelor's and master's degrees from Hardin-Simmons University, and is also a former violist with the Abilene Symphony Orchestra. ●

The U.S. Department of Education (DOE) has told local school districts they may park vans or mobile classrooms on parochial school property without violating a year-old Supreme Court ban on sending public schoolteachers into these schools to provide specialized instruction.

Although a year has passed since that decision in Aguilar v. Felton, many local educational agencies still are grappling with how to provide Chapter I services to parochial school students without violating the high court's ruling. Chapter 1 provides federal funds for public and private schools for compensatory educational services for economically and educationally disadvantaged children.

In recently issued additional written guidance, DOE stated mobile classroom units, such as vans, may be parked on public property near the private school; under certain circumstances, they also may be placed on private school property. It said such units must be clearly distinguishable from the private school facilities, clearly identified as the local educational agency's property and free of religious symbols. A unit and the property upon which it is located also must not be used for religious purposes or for the private school's education program. ●



A Fair Shake for All

RELIGIOUS FERVOR IN THE MIDST OF THE REVOLUTIONARY CRISIS

During the Revolution, Baptists in Massachusetts and Virginia gave extraordinary expression to the enthusiasm* inherent in evangelical Protestantism. They played an unexpected role in the colonial crisis by widening the conflict beyond government and politics and attempting to provoke a major social change in the two oldest British colonies in America. That Baptists, particularly Separate Baptists, were close legatees of the Great Awakening may have had something to do with how they regarded the revolutionary crisis, as well as how their opponents regarded them.

Few Congregationalists in the Bay Colony or Anglicans in Virginia doubted that Baptists were enthusiasts and had been since the days of Munster. Moreover, there was first-hand evidence on their side, for Baptists carried on in such a way as to confirm a number of their antagonists' worst suspicions. Most recent evidence was their fanatical insistence that complete religious freedom was the order of the day, and that the American Revolution was the God-given means for its accomplishment.

Massachusetts had enjoyed an established Congregational Church since the 1630s. There was toleration, to be sure, but not actual freedom. Town tax money still paid ministers' salaries, and the law forced Anglicans, Quakers, and Baptists alike either to pay up and be quiet or apply for exemptions, certifying they were bona fide dissenters who wished their tax money to support ministers and churches they had chosen. Certificates

[Baptists] ... their fanatical insistence that complete religious freedom was the order of the day, and that the American Revolution was the God-given means for its accomplishment

and red tape galled in particular the Baptists, and of these, chiefly the Separate Baptists, most of whom were New Light radicals of the Great Awakening and, therefore, suspect from the start as fraudulent dissenters. They had cut themselves off from the established churches in the 1740s, set up separate meetings, and then drifted into Baptists' practices, carrying strong doses of Calvinism with them, often a legacy of the Revival. Isaac Backus of Norwich, Connecticut, had come through all the stages, from Congregationalist to Separatist, to itinerant exhorter then to Separate Baptist, and all in the years of turmoil during and following the Awakening. He eventually came to rest at Middleborough, Massachusetts, where he ministered to a Baptist congregation for over sixty years and spent almost a lifetime attacking what he believed was the illegal and discriminatory practices of government in behalf of the state church.

Baptists, whether in Massachusetts or Virginia, tended to be common and ordinary people, and Backus was no exception. Uneducated beyond simple schooling, unsophisticated, unordained, except by his own congregation, he represented that class of people who seem through time to be more susceptible to revivalism and motions of the Spirit than most. Soon after the Awakening he felt a direct call to preach and recorded that, as a result, he conversed with God as he never

had before. But lack of education, sophistication, and official sanction blunted not at all a sharpness and stubbornness in defense of liberty as he saw it. And he saw it very clearly in the crucial years of the American Revolution. For Backus attacked the Massachusetts establishment at its weakest point and pushed home the glaring inconsistency between the patriot protest against Parliamentary taxation and royal tyranny, on the one hand, and Massachusetts' equally tyrannical discrimination against dissenters, particularly Baptists, on the other.

To Backus, then, the American Revolution was more - a good deal more - than a struggle against Parliament, King and ministry for a separate and equal station among the nations of the earth. It was a struggle for religious liberty in America, and chiefly in Massachusetts. It was a struggle to force complete separation between Church and State. It was a struggle to expand a political and constitutional revolution to include a radical reform in one of Massachusetts' most cherished institutions.

A confrontation between the two points of view occurred at Carpenters' Hall in Philadelphia in October 1774 during the early weeks of the First Continental Congress. Backus and a number of Baptists, supported by several weighty Philadelphia Quakers, arranged a meeting between themselves and the Massachusetts delegation to the Congress, which included John and Sam Adams. Once assembled the Baptists laid out the whole business boldly, particularly the notorious Ashfield case, which had left them bitterly resentful of the colony's establishment.

The Massachusetts response was what one might expect from representatives of a colony which had supported a state Church for almost a century and a half. The delegates tried to explain away any hint of severity in the Church-State ar-

Dr. Lovejoy is Professor of History, Emeritus at the University of Wisconsin. This article from his book, *Religious Enthusiasm in the New World, Heresy to Revolution*, appears in the chapter, "Enthusiasm and the Cause of Mankind." It is used by permission of Harvard University Press. ©

rangement - that it was the mildest and most equitable establishment known to the world, if indeed, it could be called an establishment at all. In their explanations, however, they let slip then and later what seems to be a key to the issue. Anyway, said Sam Adams, it was not the "regular Baptists" who kicked up the fuss, for they were "quite easy among us." Rather, the trouble and complaints "came from enthusiasts who made it a merit to suffer persecution." Later he told James Warren that they had "hushed and abashed" the Baptists and Quakers at Carpenters' Hall, or, he added, at least the "reasonable Conscientious Part of them were convinced in one evening." And John Adams confided to his diary that the delegation's explanation was so clear that every reasonable and impartial person must have been satisfied.

According to the Adamses, it was the enthusiasts, the fanatics, the revivalists, the unreasonable and partial people - that is, the Backuses and their followers - who were the subversives and who wished to tear apart the customs and traditions of Massachusetts Bay. Enthusiastic Baptists were a radical threat to patriotic Whigs; they were trying to kick over the traces of traditional society in New England and make of the Revolution something it had no business being.

A situation similar in some respects existed in Virginia. Although two-thirds of the people there already dissented from the Anglican Church, persecution of Baptists was more severe than in Massachusetts, where, Ezra Stiles said, it was "trifling" in comparison. The Great Awakening had come later to Virginia than to New England. It began in the middle 1740s with the spectacular rise of the Separate Baptists, some from New England but most from Pennsylvania. They, too, were an unlettered lot, yet full of enthusiasm and evangelical zeal. Henry Melchior Muhlenberg had heard one of these visiting New England Baptists preach in Philadelphia several years earlier. He found him "much too affected" and full of "strange gestures," the kind one often saw among uneducated exhorters who claimed they preached "by the immediate inspiration of the Spirit." In Virginia these itinerants wandered about, exhorting and converting wherever they traveled, and with more success than most Virginians liked to admit.

Evangelical Baptists offended Virginians on several counts. First, their religious fervor and moral asceticism flew in the face of the free and easy, loose-living Virginia gentry. Christian fanaticism among the meaner sort was difficult for the ruling class to swallow. According to

Rhys Isaac, these Baptist evangelicals presented a growing counterculture which by its very existence challenged the complacency of the gentry, "quite destroying pleasure," wrote Philip Vickers Fithian at Nomini Hall, for "they encourage ardent 'Pray'r; strong & constant faith, & an Intire Banishment of Gaming, Dancing & Sabbath-Day Diversions."

Second, these religious carryings on and their popularity among the lesser folk were direct threats to the estab-



The establishment cracked down on the Baptists because they had the nerve in time of crisis to work vigorously for separation of Church and State

lished and privileged Anglican Church. Their clergy openly ignored laws passed to regulate religious services and, maybe worse, severely attacked the Episcopal hierarchy and all that went with it. The Anglican clergy, with the help of the gentry and government, resorted to what James Madison called "that diabolical Hell-conceived principle of persecution," and Baptist ministers were repeatedly imprisoned until they knuckled under. Madison blamed chiefly the priesthood and what he called its "Pride, ignorance and Knavery," but he had some sharp words, too, for the "Vice and Wickedness among the Laity." Virginians suppressed the Baptists, he said, because the zealous dissenting ministers robbed the Anglican clergymen of the "people's good will" and in demanding religious equality impugned their security and livings.

RELIGIOUS ENTHUSIASM in the New World, Heresy to Revolution
By David S. Lovejoy, Harvard Univ.
Press: Cambridge, MA, 291 pp., \$25.00

The establishment cracked down on the Baptists also because they had the nerve in time of crisis to work vigorously for separation of Church and State and a fair shake for all sects and denominations. Elisha Craig, jailed several times for illegal preaching, like Isaac Backus, boldly represented their cause at Revolutionary meetings and general assemblies. As in Massachusetts radical Baptists threatened unity and along with it the Revolutionary movement, said moderate patriots. And also as in Massachusetts, the establishment counterattacked with the same ammunition. The preachings and teachings of Baptist dissenters were "whimsical Fancies," said Fithian's vicar. At most theirs was a "Religion grown to Wildness & Enthusiasm!" Despite his sympathy and his unselfish efforts to save Baptists from jail, Madison admitted that their "enthusiasm" helped to "render them obnoxious to sober public opinion."

When the whole business of religious freedom came before the House of Burgesses in 1774, the dissenters lost much ground owing to "such incredible and extravagant stories," which quickly spread throughout the House, "of the monstrous effects of the Enthusiasm prevalent among" them. These stories were "greedily swallowed by their Enemies," by those who wanted to believe that the radical faction promoting religious freedom as well as disunion was really a sorry lot of enthusiasts bent on undermining Virginia's traditional society during a Revolution which was commenced for other reasons. But unlike the course of events in Massachusetts, the Revolution destroyed Virginia's establishment - not, however, without strong assists from the enlightened Madisons and Jeffersons and from other dissenters like the Presbyterians who equated freedom from British tyranny with freedom from Virginia episcopacy. Virginia emerged in the 1780s with religious freedom secure. Maybe the gentry were right; enthusiasm was subversive of an established complacent society and its church.

Complaints against Baptists continued throughout the war. Some patriots were certain that they had put liberty of conscience above patriotism and would adhere to the side which protected their freedom. Only an "enthusiastical bigot" and a "high-flier," reported a Boston newspaper, would complain in these critical times about the handling of State-Church affairs. Ezra Stiles went so far as to claim that the ministry in London tried hard to persuade the religious sects in America to detach themselves from the "Cause of Liberty," and he feared it

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VIEWS OF THE WALL

Oliver S. Thomas
General Counsel



Don't beat a dead horse! Some "political realists" insist that we are doing precisely that by petitioning the Supreme Court to review the recent appeals court decision upholding the President's appointment of an ambassador to the Vatican.¹ For the critics, I suggest that another bit of folk wisdom applies:

Don't let go until it thunders!

The President has violated the First Amendment by conferring preferential treatment on a particular church, and we will exhaust all legal means available to correct this imprudent and illegal exercise of presidential power. Losing in the trial court and then on appeal merely strengthens our resolve to see this matter through.

We oppose the President's action not out of sectarian or self-serving motives. Our objection would be equally strong if an ambassador were appointed to one of our Baptist denominations. It's *principle* that's at stake — a bedrock basic principle that government has no business playing favorites in the realm of religion. Government must remain neutral, favoring neither religion in general nor one denomination in particular.

The petition for review, or for writ of certiorari as it is properly called, presents two important questions to the nation's high court. First, did the court below err in holding that Petitioners, most of whom are Protestant and Jewish religious organizations and their clergy, lack standing to challenge the appointment, and second, must Petitioners' case be dismissed because it seeks to address a non-justiciable political issue?

It is the opinion of the Baptist Joint Committee that the decision below conflicts with the Supreme Court's decisions on standing and casts doubt on the ability of injured religious organizations to seek enforcement of the most fundamental guarantees of the First Amendment.

The standing requirements necessary for a person to file suit in federal court are not satisfied by the abstract or generalized injuries suffered by all citizens as a result of alleged constitutional violations. Similarly, standing does not exist where injuries are speculative in nature. A litigant has no standing to complain about constitutional violations apart from an injury *in fact* that distinguishes him from the general public.

Petitioners' complaint is not a generalized citizens' complaint. The injuries alleged are peculiar to Petitioners and are easily distinguished from those suffered by the public at large. Likewise, Petitioners' injuries are not speculative. To the contrary, they are distinct and palpable so as to satisfy any reasonable application of the doctrine of standing.

As a direct and proximate result of the President's actions, the petitioning churches and religious organizations have been made objects of official governmental discrimination. They, unlike the Roman Catholic Church, will not have the benefit of diplomatic access to the President of the United States of America.

Additional benefits conferred upon the Roman Catholic Church that are not enjoyed by Petitioners include:

1. free transmittal of church correspondence at taxpayers' expense,
2. free transportation at taxpayers' expense,
3. direct governmental assistance to various church organizations, and
4. privileges and protections set forth in 22 U.S. Code §§254a *et seq.* and the Vienna Convention on Diplomatic Relations.

By creating formal diplomatic relations with the Holy See, the United States government necessarily communicates that the Roman Catholic Church is to be preferred and that all other religious organizations somehow are inferior. This preferential treatment of one church and the implicit discrimination against all others is perhaps the most obvious form of injury that could be suffered by a religious organization. It is shocking to imagine that the individuals and organizations who are the objects of this overt act of governmental discrimination do not have standing to challenge this illegal exercise of power. Petitioners have a concrete interest in seeing that they receive fair and equal treatment by the United States government as guaranteed by the First Amendment, and the Court should insure that this interest can be protected by providing Petitioners with access to the federal courts.

The court below held that even if Petitioners had standing to sue, their action must be dismissed because it addresses a non-justiciable political issue. The court's decision is premised on the fact that Article II of the Constitution gives the Pres-

ident sole authority in the conduct of foreign affairs. Therefore, the court opined, his appointment of an ambassador to the Holy See is not subject to question. This misapplication of the "political question" doctrine is in conflict with the Supreme Court's decisions and has the effect of absolving the President of his legal obligation to act in accordance with the Constitution.

As noted, the President has virtually exclusive power to conduct foreign affairs. This includes the power to appoint ambassadors subject to the advice and consent of the Senate. However, the President's power is not unlimited. He does not have the power to violate the First Amendment by appointing an ambassador to a church. The First Amendment amends the entire Constitution and, thus, supersedes and limits the powers conferred upon the President by Article II.

The Court has never addressed the precise question of the constitutional constraints upon the President's power to appoint ambassadors. However, in similar cases involving the President's exclusive power to make treaties, the Court has made it clear that the President must exercise his power in a manner consistent with all other provisions of the Constitution.² Moreover, the Court has stated, "It is error to suppose that every case or controversy which touches foreign relations lies beyond the judicial cognizance."³ Other federal courts also have held that the President is subject to the restrictions of the Constitution even in the conduct of foreign affairs.⁴

Federal courts simply cannot reject "a bona fide controversy as to whether some action denominated 'political' exceeds constitutional authority. The cases . . . reviewed show the necessity for discriminating inquiry into the precise facts and posture of the particular case, and the impossibility of resolution by any semantic cataloguing."⁵

In short, it is the responsibility of the Court to see that the Constitution is upheld and that even the President abides by its commands. "It is emphatically the province and duty of the judicial department to say what the law is."⁶

Perhaps the most fundamental guarantee of the establishment clause of the First Amendment is that government cannot act in a way that prefers one reli-

VIEWS OF THE WALL

gion over another. The constitutional mandate of uniform and equal treatment for all religious groups recently has been reaffirmed by the Court in *Larson v. Valente*, 456 U.S. 228 (1982). The President's appointment of an ambassador to the Holy See is a blatant violation of this constitutional principle of impartiality.

Any government action granting denominational preferences is inherently suspect and subject to strict scrutiny. Accordingly, official acts preferring one religious organization over another are prohibited unless they are necessary to accomplish a compelling state interest. Even then the acts must be "closely fitted" to the accomplishment of the state's interest. Stated differently, if the state can accomplish its interest without conferring preferential treatment upon a religious organization, it must do so.

The record is totally devoid of proof of a compelling state interest that would justify the appointment of an ambassador to the Holy See. Assuming *arguendo* that such an interest existed, the government has failed to demonstrate that its actions are closely fitted to furthering that interest.

Petitioners' constitutional arguments are based upon their factual assertion that the Holy See is first and foremost a church, and its sovereignty over 108 acres of land in central Italy is incidental to this fact. Petitioners' First Amended Complaint sets forth the unequivocal statement of Archbishop Pio Laghi, the Apostolic Pro-Nuncio to the United States, in which he flatly contradicts the President's assertion that the United States has established diplomatic relations with the Vatican City-State. Archbishop Laghi's statement makes it clear that the diplomatic exchange is with the Roman Catholic Church and not with a civil state.

[The Catholic Church is the only religious body that I know of that engages in direct relations with various states. You recall the confusion and controversy that arose in the media at the time it was announced that the United States and the Holy See intended to re-establish diplomatic ties. Some *mistakenly* tried to justify the American government's action by implying that it was entering into a diplomatic relationship not with the Roman Catholic Church as such, the Holy See, but rather with the sovereign Vatican City-State. (emphasis added).

Continued on page 14.

Religious liberty: has it suffered INSIDIOUS EROSION?

Standing tall and stately in New York harbor, the much revered Statue of Liberty was the focus of attention on the Fourth of July. After months of restoration made necessary by years of erosion, this symbol of American freedom was, amid great ceremony, presented to the American public.

This led me to wonder: Are we Baptists also in need of a restoration? A restoration of our belief in that precious gift of religious freedom, a conviction that seems to have suffered an erosion over the years?

Baptists have been marked during their history by two major distinctions: a commitment to the Bible as the written Word of God and a devotion to religious liberty - freedom of conscience, freedom of religion, freedom of worship. Baptists have insisted that each believer has the freedom to interpret the Bible for him or herself, and that no one has the right to interfere with this freedom - neither government nor ecclesiastical officials.

Baptists look to Scripture rather than the traditions of society for authority in faith and practice. Convinced that the Bible teaches religious liberty, Baptists have been willing not only to live by this teaching, but to die for it.

From the first century until the present, a constant struggle for religious liberty has continued. On one side, the struggle has been against authoritarian ecclesiastical powers who would control the beliefs and practices of believers and churches alike. The flip side of the struggle has been waged against political rulers who would use religion for their own gain, or in the misguided notion that they are God's agents to bring individuals to conformity with the will of God.

Unfortunately, some Christians are all too eager to become wards of the state by accepting government's aid either to enforce their beliefs or to finance their ministries.



Baptists have never been nor do they desire to be the "established church" of any society, nor do they want to use the power or resources of the state to propagate the gospel.

As the attention of all U.S. citizens is focused on the Statue of Liberty, I appeal to my fellow Baptists to reflect upon the religious freedom we enjoy in America, and to make a new commitment to vigilance, lest the freedom for which our forefathers prayed, worked, and even died, might be destroyed.

We must be watchful toward government leaders who would use religion for political purposes. We need to guard against ecclesiastical leaders who would impose their beliefs and practices on others through the use of government power. We must continually instruct our people lest they be tempted to use the power or resources of the state to propagate the gospel. We must lead our people in raising our voices in protest against any religious or political authority that would deny religious liberty to anyone or any group.

In a day of insidious erosion, let us bring restoration to our conviction of religious freedom for all people. □

Warren R. Magnuson

Dr. Magnuson is general secretary of the Baptist General Conference, one of the nine national bodies witnessing to government in Washington through the Baptist Joint Committee on Public Affairs. This column first appeared in their denominational magazine, *The Standard*.

News in Brief



Analysis

Resignation of Chief Justice Overshadows High Court Term

WASHINGTON

In a term noted for continued interest by the nation's highest court in church-state disputes, the two cases drawing the most interest were decided on procedural grounds, leaving open the likelihood of future appeals before the issues they presented are finally settled.

In addition, the Supreme Court decided three other church-state cases and agreed to take up a pair of new disputes in the field during its next term, which begins Oct. 6.

Despite these and other momentous actions in many areas of constitutional law, the court's work in the just-ended 1985-86 term was overshadowed by the largely unexpected resignation of Chief Justice Warren E. Burger, who for 17 years was the nation's highest judicial officer. Burger announced he was leaving the bench to devote full time to his duties as head of the Commission of the Bicentennial of the U.S. Constitution.

Without question the most eagerly anticipated church-state decision, in *Bender v. Williamsport Area School District*, also provided the biggest disappointment as the court declined to settle the key question of whether groups of high school students who wish to conduct religious meetings during school hours possess a constitutionally guaranteed right to use public school classrooms on an equal basis with other extracurricular, non-academic groups.

In a tight, 5-4 ruling, the court reinstated an earlier federal district court decision siding with students belonging to Petros, a group of evangelical students who unsuccessfully had sought permission to gather in a classroom during a regularly scheduled, twice-weekly period designated for extracurricular activities. That early decision was agreed to by all but one member of the Williamsport (Pa.) school board, John C. Youngman Jr., who on his own appealed the ruling to the 3rd Circuit Court of Appeals in Philadelphia.

There, a divided panel overturned the district court on a 2-1 vote, holding that to allow the religious meetings would violate the First Amendment's ban on an establishment of religion. That decision then was appealed to the Supreme Court

by parents of some of the students, including the father of Lisa Bender, the original and since-graduated plaintiff in the case. Bender and other Petros members argued throughout the proceedings they were denied freedom of speech solely because of its religious content.

The narrow high court majority held March 25 that Youngman had no legal standing to challenge the district court ruling. The Supreme Court decision had the effect of granting permission to the student group to conduct its meetings and came three years after the district court first ruled.

Because the high court decided the case procedurally rather than on the merits of equal access itself, a final determination of the constitutionality of the concept must await another day. Two years ago, Congress passed and Reagan signed into law the Equal Access Act of 1984. That law guarantees equal access to student religious groups that are formed voluntarily and without school sponsorship.

The legislation, supported by a broad coalition of religious groups headed by the Baptist Joint Committee on Public Affairs, National Council of the Churches of Christ and National Association of Evangelicals, was passed overwhelmingly by both houses of Congress, a factor that eventually may sway the justices to uphold it.

In the term's other headline church-state case, the high court ruled unanimously June 27 that a Southern Baptist schoolteacher who lost her job at a private Christian academy may challenge her dismissal in a state civil rights commission without violating the school's First Amendment rights.

Linda Hoskinson, a member of Far Hills Baptist Church, Dayton, Ohio, first was notified her teaching contract would not be renewed because she was pregnant. Hoskinson, who taught elementary-level pupils in one of the schools operated by Dayton Christian Schools during the 1978-79 school year, had not been notified of a school policy that all married female teachers with young children were required to stay at home with them, a policy the school later claimed was based on religious conviction.

Although Hoskinson initially received assurances from her principal the misunderstanding would be resolved internally and she would be able to retain her post, Dayton Christian Schools Superintendent Claude Schindler issued a final order that her contract would not be renewed.

Believing she had made a good-faith effort to resolve the dispute within the school system, Hoskinson next consulted an attorney about options available to her. The attorney then notified Schindler that unless the contract was renewed the case would be taken to the Ohio Civil Rights Commission for review.

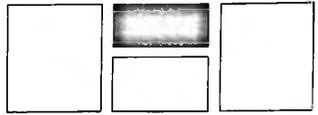
Schindler's reaction was to fire Hoskinson outright, not even allowing her to finish the school year. Her offense, he announced, was taking the complaint to an outsider, an action Schindler said violated the biblical "chain of command." Subsequently, Dayton Christian Schools took the civil rights panel to court, claiming the Free Exercise and Establishment Clauses of the First Amendment deprived the commission of jurisdiction over its employment policies.

But in an opinion written by Rehnquist, the high court rejected that claim, clearing the way for the commission to proceed with its inquiry. The case could well land at the Supreme Court again within the next two or three years.

Besides ruling in the two headliners, the high court also decided a trio of church disputes testing the limits of the Free Exercise Clause.

In the most publicized of these, a bare 5-4 majority held March 25 the Free Exercise Clause does not require the military to accommodate religious practices that in its judgment violate uniform dress-code regulations and thereby undermine authority.

Writing for the majority, Rehnquist held that Simcha Goldman, a former Air Force psychologist who is also an Orthodox Jewish rabbi, had no constitutionally guaranteed right to wear his yarmulke—or skull cap—while on duty inside the hospital where he worked in spite of his religion's demand that his head be covered. Goldman had worn the



skull cap for four years before being ordered to remove it after he testified for the defendant in a court martial.

In a unanimous ruling Jan. 27, the high court sided with a blind ministerial student who had sought state vocational assistance while he attended a Bible college. Larry Witters' free exercise claim took precedence over the state of Washington's claim that to grant the aid would violate the Establishment Clause, Justice Thurgood Marshall wrote for the court.

At the same time, the court's opinion virtually invited the Washington Supreme Court to apply the state's stricter ban on public aid to sectarian institutions in the Witters case if it chooses to do so. Several states have what amount to outright bans on such assistance, laws the high court has left undisturbed.

And in a case many observers felt bordered on the insignificant, the court ruled June 11 the federal government may require proof of issuance of a Social Security number to qualify for certain public benefits, even if use of the number violates a sincerely held religious belief.

By an 8-1 vote, the court rejected the claim of Stephen J. Roy, a native American, that the government's requirement of use of the number for his 4-year-old daughter as a condition of qualifying for food stamps and other benefits violated his right to free exercise. Burger held for the court that Roy's free exercise claim was overridden by the government's need to verify eligibility for the benefits. Roy contended use of the number, issued shortly after the birth of his daughter, Little Bird of the Snow, would prevent her from attaining a higher spiritual power.

One of the two cases already accepted for review during the court's new term presumably will settle one of the day's more emotionally laden church-state debates. The court will review the constitutionality of a Louisiana law requiring what it calls "balanced treatment" in teaching creation science alongside evolution in the state's public schools.

In the other case, the court will decide if a Seventh-day Adventist woman who was denied unemployment benefits after being fired for refusing to work on her Sabbath was deprived of the free exercise of religion. □

Stan Hasty

Proposed bill would fight religion-related crimes

WASHINGTON

A bill that has been introduced before the U.S. House of Representatives would impose criminal penalties for damage to religious property and for injury to persons in the free exercise of religious beliefs.

Rep. Dan Glickman, D-Kan., introduced the bill on behalf of himself and 31 co-sponsors, representing a diversity of political, religious and geographic interests.

The bill, H.R. 4980, would amend the U.S. Code to impose federal penalties—including fines up to \$15,000 and prison sentences up to life—on persons who "deface, damage, or destroy any religious real property, because of the religious character of that property" or "obstruct, by force or threat of force, any person in the enjoyment of that person's free exercise of religious beliefs."

Glickman said such crimes endanger the ability of Americans to freely and safely practice their religions. He added while such crimes are serious in and of themselves, their infringements on the constitutional right of free exercise of religion makes them even more grievous.

"There have been many reports of acts of vandalism tied to anti-Semitism in this country, but such attacks have not been limited to the Jewish faith," he said. "In fact, a whole range of faiths—including Baptist, Catholic and Episcopal—have been the targets of such vandalism. It is, therefore, not a narrow, sectarian problem." □

Supreme Court rejects two church-state job disputes

WASHINGTON

The Supreme Court has refused to review lower rulings that churches may choose not to employ women in pastoral positions without violating a federal anti-discrimination law but that a private athletic club may not refuse to hire employees who are not "born again."

By rejecting one of the cases, the high court left standing a ruling of the 4th Circuit Court of Appeals that the Seventh-day Adventist Church is not subject to the anti-discrimination provi-

sions of the 1964 Civil Rights Act for refusing to hire a woman, Carole A. Rayburn, to a pastoral position. The lower panel held earlier the church's refusal was protected by the religion clauses of the First Amendment.

Appealing that decision, attorneys for Rayburn argued unsuccessfully the government has such a compelling interest in eradicating race and sex discrimination in employment that it should be allowed at a minimum to investigate the Seventh-day Adventist claim that being forced to hire women in pastoral positions would violate its free exercise of religion.

The church also claimed government would violate the First Amendment's ban on an establishment of religion were it to subject the church to the provisions of the Civil Rights Act in the employment of ministers.

In the other rejected case, the high court left in place a ruling by the Minnesota Supreme Court that a chain of sports and health clubs was forbidden by the state's Human Rights Act to hire and promote only "born again" Christians to management positions.

Minnesota's high tribunal ruled last year the state has an overriding and compelling interest in prohibiting discrimination in employment and public accommodations, an interest that takes precedence over the club's claimed free exercise right. □

Moderate Christian PAC

PHILADELPHIA

A group of politically moderate Christians have formed a political action committee to focus on the issues of peace, justice and abortion.

Organizers say JustLife will support candidates with consistent pro-life positions on abortion, arms control and poverty issues.

The PAC's president said Christian right organizations often focus on the unborn's but ignore other life-threatening problems, while Christian left organizations make the opposite mistake and ignore the unborn. □

Daily Labor and Sabbath Observance

Labor Day is important to most of us more for the opportunity to have one last summer fling than as an occasion to appreciate the meaning of work in our lives. For many Christians in the Calvinist tradition, work is something that *should* be done and done well, but it has little theological significance in and of itself. Indeed, even those of us who work hard and enjoy our work are more likely to talk about preserving the opportunity for and the meaning of rest rather than the meaning of work. One way Baptists through the years have expressed this concern is through their emphasis upon "keeping the Sabbath Day." Yet in recent times that has changed, both as a result of legal changes and, perhaps more significantly, through our own practice.

In the last year and a half Blue Laws have come and gone without a lot of fanfare in both South Carolina and Texas. Some Christians in my home state protested, but it seems most South Carolinians were ready to fall in line with other states on this issue. There may have been a little more noise made over the issue in Texas, but there was certainly no significant grassroots protest. Not long after the defeat of the Blue Laws in these states the United States Supreme Court invalidated a Connecticut law that gave employees an unqualified right not to work on their chosen Sabbath. For many who thought this court to be more accommodating to religion, the eight to one vote on this case was a surprise. Judge Warren E. Burger said the state law imposed an undue burden on both employers and on non-religious employees, who he said also had "strong and legitimate" reasons for wanting to avoid week-end work. The Chief Justice said

that the state, by decreeing that "Sabbath religious concerns automatically control over all secular interests at the workplace," violated the constitutional principle that Government "must take pains not to compel people to act in the name of any religion."

What are Christians to do with all of this? Strong advocates for the separation of church and state may have no problem, but some of us who have grown up on Blue Laws and prohibitions that permitted us to do little more than sing or play hymns on Sunday afternoon may wonder if we have fallen into hopeless secularism when we allow such rulings and changes of the laws about Sabbath observance to go by with so little notice. Perhaps we wanted to avoid the old legalisms that caused churches to "discipline" members who committed minor offenses such as hanging out the wash on Sundays. But have Sunday dinners at the local restaurant rather than Grandmother's house been the beginning of a trend that has taken us too far?

Last year in his July 4 editorial in the *Courier*, the South Carolina Baptist newspaper, Dr. John Roberts expressed the concern of many Baptists. He saw the Sunday rulings as a "hard blow to church and conscience" and as a harbinger of decreasing Sunday observance and church attendance. I sincerely sympathize with these concerns and understand the basis for them. Nevertheless, I am sure Dr. Roberts will agree that there were and are greater threats to church attendance than the defeat of Blue Laws and the Supreme Court ruling on Sabbath observance. The comfort of television religion and the appeal of the golf course or a fancy Sunday brunch are only the beginning of the list. Besides, most scholars of Constitutional law think the ruling will have only a slight impact, an opinion that seems verified in the fact that relatively little seems to have changed in this regard in the past year. As Sandra Day O'Connor stated in her concurring opinion, the majority decision leaves intact Title VII of the Civil

Christianity . . .
not a religion
dependent upon Sunday
rest but a faith that
transforms even the
routine of life.

Rights Act which requires employers to "reasonably accommodate" the religious practices of employees unless to do so would cause undue hardship to the employer's business. Thus the ruling does not preclude employers from granting exemption from Sabbath work to employees, it only prohibits making it compulsory.

Although the Connecticut case on the surface at least seems more borderline than some, the ruling in my opinion, is consistent with traditional Baptist understanding of the separation of church and state. Even if that were not the case though, and even if the experts are wrong in their estimation of the ultimate impact of the Connecticut case, I think the departure of the Blue laws and the Supreme Court ruling on Sabbath work present us with some theological issues worth considering this Labor Day. In fact, I believe we must see the *positive* challenge these events offer, a challenge that calls us to recover the true meaning of Sunday in the life of a Christian, and perhaps that in turn will help us to see our daily labor in a new light as well.

A lesson from history is helpful here. There is rather conclusive evidence that the early church did not observe Sunday as a day of rest as was the case with the Jews and their observance of Saturday, their Sabbath. Instead, historical studies lead us to believe that early Christians felt it important to worship on Sunday, but the day in no way had the character of the Jewish Sabbath day of rest. Work continued as usual out of necessity and a sense of appropriateness.

It is not until well into the second century that we find any significant indication that Christians marked Sunday with abstention from work. Even in these cases it seems that they thought that it was absence from worship and not work in and of itself that "gave place for the devil." Worship in those days was apparently in the early morning or in the evening so that workers could be accommodated. Work was an excuse for absence from worship only for the lazy or the greedy. Some even saw idleness on

Dr. Turner is an Instructor in the Department of Religion at Furman University in Greenville, South Carolina. She is a wife and the mother of a ten month old daughter, and held a pastorate in Virginia. An American Church Historian, Dr. Turner's interest in church/state issues brought her to Washington in 1982 for volunteer work for the Baptist Joint Committee.

Sunday after worship as being a potential source of sin. In early Syriac church rules it was stated clearly that whenever Christians were not in church they should, even on Sundays, devote themselves to their work. By remaining one of the ordinary days, yet by revealing itself through worship as the day of recreation, Sunday gave all days their true meaning. Through work and worship on the Lord's Day, Christians saw the way in which Christ had made all things new, even ordinary time and ordinary work.

As Alexander Schmemmann points out in his lovely book, *For the Life of the World*, the early Christians had an understanding of Sunday that was borrowed in part from the late Jewish apocalyptic writings. Because Christ rose on Sunday, that day became for them the new day which the Jews had hoped for, a new day which was both the eighth day because it was beyond the limitations of the seven ordinary days of creation which inevitably lead to death, and the first day because it was the beginning of the time of the new creation. Some early Christians even called Sunday the "Eighth Day of Creation." It was the beginning of a new life, not a time for rest from life. For them Sunday worship signified the transformation of all time, not a transformation of the calendar that made Sunday instead of Saturday holy. Indeed, for the Christian, through the life, work, death, and resurrection of the God who "became flesh and dwelt among us" (John 1:14), all of life, including work, contained within it the potential of holiness. Because Jesus entered into life in the world, living in Christ was not just a heavenly hope, symbolized in Sunday rest from ordinary life, but a daily event. In 321, the Emperor Constantine legislated Sunday rest. It is not clear, however, that this decision was made only for the good of Christians. In fact, it suited the Sun worshipers as well and thus served to unite Constantine's religiously divided empire; so the early observance of Sunday as a day of rest may have been the result of politics rather than religion!

Making Sunday a day similar in character to the Jewish Sabbath may have encouraged the Christians of Constantine's day to forget the early meaning of the Lord's Day. With the passing of Constantine's law, some scholars argue that Sunday became more a day to be "observed" by the keeping of complex rules than the "Eighth Day," a day of true worship and renewed life which both reminded the people of the way in which all life had changed and challenged them to change their lives. One could easily find grounds to suggest that by the legis-

lation of Sunday rest, people were led to see Sunday in a new way. The rules became more important than the worship in many cases. The fact that Sunday observance became a privilege granted by the state for the good of society — and the state itself — easily blinded people to the focus of worship intended by the church. Sunday, and the Christian life itself, became separated from ordinary existence rather than the transformation of it.

I am not suggesting here that Christians really should work on Sunday. Title VII of the Civil Rights Act is within the rights of Americans granted by the First Amendment, and in and of itself, it is certainly without theological problem. Besides, work is not the only part of ordinary life that Jesus made holy through his involvement in it. Family life, for example, must be more than something we take time for in order to keep our families together. Rather we should see that time as God's time too. A day of rest from our daily work allows us precious time for our families.

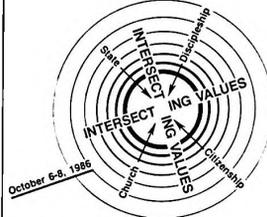
Perhaps though we do need to be challenged to see Sunday not as a religious day of rest guaranteed by the United States Constitution that should be "observed" as separate from the rest of life, but as a day that signals the recreation of all of life, even the life of everyday work, through worship. To do this we may need to be creative in planning worship, realizing that 11:00 AM Sunday was not dictated by God in the Bible. We must meet the needs of working people just as the early Christians did by providing true worship opportunities in the early morning or evening for those who must work — even if attendance is small.

It is my fervent hope that most Christians will continue to be able to rest, and play, as well as worship on Sundays, but whether that is the case or not, we must have a larger vision. We must stop separating Christianity from life. We must not make our only hope something in that heavenly future when all work ceases. Sunday rest is not an adequate symbol of Christian existence, even if it is appropriate Sunday behavior for the Christian. Perhaps that is part of the reason old style Sunday "observance" was so easy for many of us to give up. When we fail to see what Jesus did for life in the world, we not only ultimately make all of our work drudgery and all of our play trivial, but we miss the very meaning of the incarnation. Christianity is not a religion dependent upon Sunday rest but a faith that transforms even the routine of daily life.

May your Labor Day be happy, and may all your labor be filled with the transforming joy of Christ. □

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INTERNATIONAL DATELINE



Famine relief funds may finance military instead

WASHINGTON

A leading Christian anti-hunger lobby has criticized as "inexcusable" a proposal quietly sailing through Congress that would allow the government to dip into funds intended for Africa famine relief to pay for military-related aid to Central America.

The proposal is part of a package which includes \$100 million in aid to contra rebels in Nicaragua and \$300 million in undefined aid to U.S. allies in Central America. The House of Representatives recently adopted the measure, which is now before the Senate Appropriations Committee.

Bread for the World, a 45,000-member grass-roots organization, attacked the proposal because it would divert money from an unused \$225 million Africa famine relief fund which churches won last year after hard lobbying.

The reserve fund was part of an \$800 million famine aid bill approved by Congress in April 1985. Bread for the World spokesman Larry Holler said efforts by private groups to free up the reserves for development needs in Africa met with opposition by the administration earlier this year.

"Now, suddenly, the reserve is available for a war in Central America," said Holler.

Administration officials have argued that the reserve was intended as an emergency fund and that there is less of a need for it now because the emergency on the African continent is over. The anti-hunger group, however, has said the reserve is now needed for recovery aid, including funds for health care, seeds, water resources and transportation. □

Marxist infiltration seen as danger to church

MANILA

Minister of National Defense Juan Ponce Enrile recently warned the local religious community to be wary of Marxist infiltration of the Roman Catholic Church and other religious and church-based organizations.

Speaking before a group of Catholic

women, Enrile said members and supporters of the Communist Party of the Philippines (CPP) continue to consider the church a "prime infiltration target."

His comments were made shortly after the country's largest radical religious group, the still underground Christians for National Liberation (CNL), released a statement praising President Corazon Aquino and "the revolutionary forces" for their efforts at bringing about a dialogue and possible ceasefire.

In its statement, CNL, which is a coalition of priests, nuns, seminarians and pastors belonging to the National Democratic Front (NDF), blasted Enrile and Armed Forces Chief of Staff Gen. Fidel Ramos for their part in the old regime of Ferdinand Marcos, for cooperating with the United States and for opposing the establishment of a governing coalition that would include the Communist-led NDF.

Enrile is a leading foe of a ceasefire among the members of the cabinet. Though he is currently voicing acceptance of the government's decision to proceed with talks with leaders of the Communist party and the NDF, he has said several times that the rebels remain committed to the idea of overthrowing the government by force and that they will use a period of talks or of a ceasefire to consolidate their forces.

The CNL cited its history of fighting former President Ferdinand Marcos in claiming the right to participate in the formation of a coalition government, and it questioned the credentials of Enrile and Gen. Fidel Ramos, Armed Forces chief of staff. □

Situation grows acute for So. African Church Council

NEW YORK

Fears have increased that the South African government may move to close down the South African Council of Churches, according to church officials in New York.

The Rev. Beyers Naude, top executive of the SACC, sent word from Johannesburg to the World Council of Churches that his organization's situation had "become acute," said WCC officials here. Recent council efforts to provide assistance to victims of violence at the Crossroads squatter community outside Cape Town were reportedly blocked by the government.

A banning order served on the Rev. Wolfram Kistner, the SACC's director for justice and reconciliation, has made it impossible for him to continue to do his work effectively, said church sources. The severe restrictions were imposed on Mr. Kistner's activities when he was released from detention in July. □

Program launched in China for religion-based peace

NEW YORK

A religion-based program of peace education was launched at a meeting of representatives of 12 world religions in Peking recently.

Norma Levitt of New York, one of nine international presidents of the World Conference on Religion and Peace (WCRP), said both religious and government officials from the People's Republic of China attended the meeting. It was the first time that Chinese religious leaders had ever attended a meeting of the WCRP, which was founded in 1969.

Levitt, a Reform Jew, said the peace education program adopted in Peking will include multi-religious prayer experiences and several seminars on the religious aspects of conflicts around the world, such as the war between Iran and Iraq, the internecine strife in Lebanon and ethnic warfare in Sri Lanka.

Although some might fear that activities like interfaith prayer services could lead to a blurring of religious traditions, Levitt said that all the religious leaders involved in the WCRP strongly resist such compromises and work together on action projects rather than on blending religions.

Although there are other interfaith groups that work for peace, Levitt said the WCRP represents more than any other permanent organization. The 12 religious groups involved are Buddhism, Christianity, Confucianism, Hinduism, Islam, Jainism, a Native American group in Canada, Shintoism, Sikhism, Taoism and Zoroastrianism. □

Nicaraguan Bishops urge resistance to Sandinistas

WASHINGTON

In a rare international appeal, the Catholic hierarchy of Nicaragua called on bishops from around the world to join with it in resisting the leftist Sandinista government.



NEWS-SCAN

The Nicaraguans told fellow bishops in a three-page letter, dated July 7 and released here July 18, that the government is waging a campaign to turn clergy and church members against the bishops.

"The situation of the church in Nicaragua becomes daily more difficult because of an increase of pressure and threats on the part of the government," said the letter, signed by Auxiliary Bishop Bosco Vivas Robel of Managua, on behalf of the Episcopal Conference of Nicaragua.

The letter was released here by the National Conference of Catholic Bishops, which issued its own statement July 18 vowing to help the Nicaraguan church seek "a peaceful resolution to the conflict in Nicaragua."

In their letter to the world episcopate, the Nicaraguan bishops asked for "prayers and solidarity" and summarized steps which the revolutionary government has taken against the church since its rise to power seven years ago. They reported that priests loyal to the bishops are often visited by state security officers "with the intention of separating them from their bishops by means of flattery or threats."

Similarly, the letter charged, state officials have pressured church members to become informers against their own church, threatening them with reprisals against them or against their families if they do not do so. □

Executive apologizes for Baptist-bashing ad

TORONTO

Dave Nichol, executive vice-president of Loblaw's, an Ontario-based grocery chain with subsidiaries in other Canadian provinces and in Dallas, Texas, apologized to Baptists recently for an unintended slur.

In an advertising supplement to a large number of Canadian papers, Nichol had written, "Cats are like Baptists — they raise hell — but you can't catch them at it." The ad went on to say his brother John was a Southern Baptist minister in Daytona Beach, Fla., and he invited readers to "drop by . . . on a Sunday and take in one of my brother's sermons." He warned readers that they might find themselves saved.

Nichol apologized for the written remarks which were circulated to four mil-

lion homes in Central and Western Canada. Nichol said that the advertisement was not circulated in the Atlantic region of Canada "because there were too many Baptists there, and our advisers told us not to run it."

Nichol added, "I used bad judgment in running the ad in the rest of Canada. I should have paid more attention to my advisers. I apologize." □

Sabbath cinema protest silenced but not ended

TEL AVIV

Religious leaders in a Tel Aviv suburb have agreed to call off their militant demonstrations against the operation on the Jewish Sabbath of a local cinema.

The agreement may end nearly two years of regular Friday night protests in front of the Heichal Cinema in Petach Tikva. The protests resulted in many arrests including that of Petach Tikvah Chief Rabbi Baruch Solomon.

Most public places of entertainment are closed on the Jewish Sabbath. The cinema itself operates illegally, but Petach Tikvah Mayor Dov Tabori has said he will take no action to shut down the theater.

Religious leaders in Petach Tikvah say they will find other ways to continue their struggle to shut down the cinema. They say that if the theater is allowed to operate freely then other businesses will open on the Sabbath.

The religious leaders did not give details on how they will continue their protest. □

Yellow Star?

An American Reform Jewish leader has denounced as "mean-spirited and contemptuous" a ruling by Israel's Interior Minister Yitzhak Peretz that the word "converted" be stamped on the identity card of converts to Judaism who immigrate to Israel.

"Now the Orthodox establishment in Israel wants to stamp the equivalent of the Yellow Star on the identity cards of immigrants to Israel who have been converted to Judaism," said Rabbi Alexander M. Schindler, president of the Union of American Hebrew Congregations. □

"A dialogue of the deaf" among government officials—that is the way *HELP & action* newsletter assesses the follow-up meeting in review of compliance among signatories to the Helsinki Accords. In Bern, Switzerland at the "Meeting of Experts on Human Contacts," delegates from communist countries did not want to listen to even the best-documented reports of the non-application of the Human Contact clauses (reunification of families, unrestricted travel, postal contacts, etc.). Instead, they accused Western delegates of failings in that respect—"comparing elephants and mice," says *HELP*. Should the Western powers simply refuse to take part in the charade? The newsletter explains that the Helsinki agreements compel the Soviet and its allied governments to discuss periodically and at an international forum the state of human rights in their countries. More important, the Final Act serves both as a weapon and as a shield for all dissident movements in these countries. If it were not for the Helsinki Accords, any mention of these restrictive policies at international gatherings could and would be dismissed as interference in the internal affairs of a sovereign power . . . Soviet strategy, according to recently released Anatoly Shcharansky, is to try to reach progress in only those baskets [of the Helsinki agreements] in which they are interested, and to fully ignore human rights programs. Shcharansky believes five to six thousand people are constantly in Soviet camps only for religious activity, in addition to 15,000 prisoners of conscience . . . The world has plenty of food, a World Bank study indicates, but some 700 million people in developing countries because of poverty still do not eat sufficiently well to lead active working lives. In the long run, economic growth is the best answer to reduce malnutrition. But in the short run, the World Bank says "specific programs designed for the poor and malnourished . . . are also needed" . . . The health services project of the Nicaraguan Baptist Convention, *Providencia*, received a gift of \$22,000 from the Baptist (World Alliance) World Aid and the Baptist Peace Fellowship of North America. Plans are to purchase two four-wheel drive vehicles for health workers traveling the country's rugged roads each month to some 22 rural clinics. □

The Archbishop's statement is supported by numerous other allegations in the Complaint.

The government's position is that, notwithstanding Petitioners' allegations to the contrary, the President's characterization of the Holy See as a civil state rather than a church is conclusive because of his exclusive authority in the conduct of foreign affairs. Again, the government is mistaken.

As noted above, the President's authority in the conduct of foreign affairs is by no means absolute. He like all other government officials is subject to the limitations of the Constitution. Similarly, the Court is not required to "look the other way" when his characterization of an issue concerning foreign affairs is patently erroneous.

The Holy See has proclaimed publicly that it is a church and that any foreign ambassadors received by the Vatican will be ambassadors to the Roman Catholic Church. The Holy See's own characterization of itself should not be set aside merely because the President thinks otherwise. Allowing the President to define conclusively the nature of the Holy See in contradiction of its own statements to the contrary goes beyond the constitutional separation of powers and confers upon the President unfettered authority that is not intended by the Constitution.

Most experts agree that our chances for review in this case are slim. Courts are naturally inclined to avoid confrontation with other branches of government. Nonetheless, we will continue to insist that even a popular president such as Mr. Reagan must abide by the First Amendment.

The petition for writ of certiorari represents our last hope that the judiciary will rise to the occasion and assume its rightful role as final arbiter of the Constitution. □

ENDNOTES

¹The Baptist Joint Committee has filed a brief *amicus curiae* in support of the petition for writ of certiorari in *American Baptist Churches in the U.S.A., et al., v. Ronald Reagan, et al.*

²*Reid v. Covert*, 354 U.S. 1 (1957); *De Geofroy v. Riggs*, 133 U.S. 258 (1890).

³*Baker v. Carr*, 369 U.S. 186, 211 (1962).

⁴*Olegario v. U.S.*, 629 F.2d 204 (2nd Cir. 1980); *U.S. v. Butenko*, 494 F.2d 593 (3rd Cir. 1974).

⁵*Baker, supra*, at 217.

⁶*U.S. v. Nixon*, 418 U.S. 683, 703 (1974), quoting *Marbury v. Madison*, 1 Cranch. 137, 177, 2 L.Ed. 60 (1803). □

Religious Liberty— from the first, the trophy of Baptists.



July-August Quiz Answers

1. Antonin Scalia is the name of the president's new Supreme Court nominee.
2. The Arabic version of the International Red Cross is the Red Crescent.
3. Nelson Mandela must renounce the use of violence as a precondition for his release from prison.



• David Lovejoy writes that for Baptists the American Revolution was a question of both home control as well as church control. Baptists were criticized because they held another revolutionary view—religious liberty—higher than political liberty. What reasons does Lovejoy give for Baptists supporting the Revolution? How necessary are "counterculture religious groups" who constantly demand religious equality?

• Urging no further divorcing of Christianity from life, Helen Lee Turner explores the true meaning of the Sabbath apart from societal custom. What is the difference between an "observed" versus a "kept" Sabbath? What would be an adequate symbol of Christian existence, if Sunday rest alone is not? Explore as a group what sabbath means.

• Oliver Thomas (Views) argues against an ambassador to the Vatican. Seen broadly, he makes a case against preferential treatment of one church by the state. What discrimination arises when such preferential treatment occurs? Who should have the last word on such a constitutional matter—the President or the courts? Which court decision says so?

• James Dunn (Reflections) speaks of the comprehensive, holistic witness that black and white Baptists share. Divide into two groups and come up with what the groups feel are the distinctive emphases of particular black and white visions of the Gospel. What can each learn from the other? What seems to be the reason for the differences?

QUIZ

1. In what famous 1985-86 Supreme Court decision is the group Petros involved?
2. What was the procedural ground on which that decision was based?
3. Which anti-hunger lobby group has criticized a bill in Congress that would allow food funds to be diverted to military use?

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The history of black churches in this country is largely a display of faithfulness to the New Testament admonition to care for "the least of these."

REFLECTIONS

Black Baptists and white Baptists need each other. That affirmation of interdependence is not revolutionary. Yet, precisely in the mixing of politics and religion we learn from each other. Only together can we hope to find the elusive balance between active citizenship and a careful separation of church and state, safeguard for religious liberty.

Most white Baptists have been so afraid of being thought political that politics has become a dirty word. But democracy depends upon politics. We refuse to endorse candidates. Sometimes we're uncomfortable when politicians come to church. Baptists have seen plenty of leap-year religion from public servants. Even the uncynical see the spasms of spirituality that are synchronized with election years.

Churches with integrity need to be careful not to compromise the eternal message of God's grace with the temporal planks of a political platform. Messengers of the gospel must never confuse the ultimate truths of God's Word with the proximate solutions of party politics. Cautions against politicizing the churches are understandable.

Many black Baptists, on the other hand, have found the focus for all of life in their churches and are up to their armpits in politics. To fail to alarm anyone morally is to remain morally asleep oneself. Not to decide when faced with hard choices is itself a decision to support the *status quo* and thus to participate in evil when the *status quo* does not favor freedom and fairness for all people.

Churches faithful to the Gospel cannot remain silent in the face of injustice. Silence is sin. The history of black churches in this country is largely a display of faithfulness to the New Testament admonition to care for "the least of these." Oh that all believers could be as dependable in seeing society from the vantage point of its victims as black Baptists have been. Warnings against allowing churches to be irrelevant in struggles for justice are understandable.

Black leaders have not been insensitive to the need for separation of church and state. They have learned the hard way that government cannot do everything.

Leadership from black Baptists comes largely in costly and courageous personal application of moral principles to shaping public policy. Built-in dangers exist in mentioning individuals illustratively because so many others will be left out. It's worth it, though, for the specificity needed to make the point.

All local church leaders can learn from the insistent and inclusive ministries of J. Alfred Smith's Allen Temple Baptist Church, Oakland, California. He offers a role model of good citizenship for local churches. See his book, *For the Facing of This Hour*. Delegate Walter Fauntroy in a different response to the citizenship calling continues as pastor of the New Bethel Baptist Church but in some sense pastors the District of Columbia. Politics is his parish.

Marvin Griffin, distinguished pastor of the Ebenezer Baptist Church of Austin, Texas, on the other hand, found his opportunity for public service in the field of education, serving for many years as chairman of the board of a large state university and later on the local school board. This Historian of the National Baptist Convention of America has been a bridge builder and an interpreter among Baptists of different stripes through the Baptist Joint Committee on Public Affairs. Another dually-aligned reconciler among various brands of Baptists is Charles

James M. Dunn
Executive Director



G. Adams, Hartford Avenue Baptist Church, Detroit. His eloquence has touched Baptists around the world.

Henry C. Gregory III, Shiloh Baptist Church, Washington, D.C. is one of the leaders in the National Baptist Convention, Inc., the largest of the black conventions. He, with President Theodore Jemison of Baton Rouge, Louisiana, and others are engaged in one of the most dramatic denominational renovations ever to take place in American church life. Most of us haven't yet caught on to the implications for Christianity of the revitalization of this Baptist body. Read Henry Gregory's chapter, "Black Baptists" in *Baptists and the American Experience*, James E. Wood, Jr., editor.

Shaping and energizing a denomination to be a more prophetic force for social justice has been a contribution in recent years of C. J. Malloy, Jr. In his role as Executive for the Progressive National Baptist Convention he has been a witness for peace with justice internationally.

In the U.S. Congress, Rep. Harold Ford saw the great threat to charitable giving (studies say a \$6 billion annual loss) if non-itemizers are denied income tax deductions. With insight, typical of compassionate black leaders, he fought doggedly until this penalty on the 80% of the people with less money was removed. Now, will the tax reform conference sustain Cong. Ford's victory?

Cong. Bill Gray, a Philadelphia pastor, has honored himself and fellow Baptist pastors as chairman of the House Budget Committee. Leaders of both parties have praised his outstanding work in producing a budget approved by the largest margin in many years. The important thing, though, is that his budget moves closer to justice.

The name Sullivan has become synonymous with the struggle for economic justice. First in this country, then internationally, Leon Sullivan, Zion Baptist Church, Philadelphia has applied his own principles, gospel principles, in the workplace. Read the landmark article "Going All-out Against Apartheid," (*New York Times*, July 27, 1986).

What do these remarkable Baptist doers suggest?

Black and white Baptists working together as they do in the Baptist Joint Committee can

- see life more whole, sharing perspectives,
- bear witness in person to the reconciling gospel,
- acknowledge and appreciate changes taking place,
- be faithful to our common heritage as Baptists,
- stand, grow and work together as 28 million Baptists on great ethical issues,
- continue communication, building trust,
- challenge our own presuppositions,
- identify with and pray for those in difficult roles even if we do not share their specific vision,
- oppose the politics of hate, narrowness and self-sufficiency,
- help each other legislatively and legally through the Baptist Joint Committee. As the churches confront politics and defend religious liberty, the network of cooperation is essential.

In the larger Baptist family we must keep on being bridge builders rather than bridge burners. When we black and white Baptists bring all our resources together we will be a formidable force for advancing the kingdom of God. When we admit that we need each other we'll be closer to His Spirit. □

Fair Shake, from page 5.

had succeeded only too well among Baptists and Quakers.

The Whig campaign against the Baptists missed its mark, however, for by and large Baptists threw in their lot with the new nation. Their reasons, if Isaac Backus reflected them adequately, bear looking into, for they relate directly to a radical attempt to enlarge the Revolution beyond Whig dimensions. Admittedly, Baptists had suffered from the very beginning, he explained, and they would have suffered more severely at the hands of colonial governments had not the King intervened on their behalf.

Why, then, were Baptists drawn to the Revolutionary party against the mother country? Backus made a case against the English because they were "episcopalians." Where Episcopalians ruled, they arbitrarily confined the liberty of those who were outside their church, taxing them to support the establishment and denying them civil offices. One had only to look at Virginia, where the government imprisoned Baptist clergymen for preaching without licenses to many starving souls. Joining the British, then, was no solution to vital questions of conscience and liberty. Surprisingly, Baptists in England offered Backus support, believing that liberty at home was tied to liberty in America, and if the colonists went under, Britain itself would not long be free.

Unfortunately, as Backus found through experience, the Congregationalists and their establishments in New England were hardly very different, and these were the people carrying on the war. Still, there was hope, and Backus based the Baptists' case on this hope. New Englanders at heart honored the compact idea in government, and so they opposed arbitrary demands from abroad which violated it, demands which denied "immutable rules of truth and equity." Had we accepted these illegal intrusions from the British, Backus argued, our guilt would have reduced us to a condition far worse than what we knew as colonists in Massachusetts.

Baptists, like Quakers and other enthusiasts, gloried in the religious promise of America. But unlike Quakers they closely identified this promise with independence, still another cause for supporting the Revolution. And the "main ground" of their present hope, wrote



The New World promise was double-barreled; it was linked to political independence ... and to freedom of religion

Backus, was the marvelous quickening of religion which recently had spread throughout the land, largely among Baptists, and he pinpointed numerous towns in which "several thousands" were converted - and not just in New England, either, but in Virginia, the Carolinas, and Georgia, too. These "gracious visitations," as he called them, "bespoke a design of final deliverance" from the illegal restraints which then discriminated against them.

The New World promise was double-barreled; it was linked to political independence, on the one hand, and to freedom of religion, on the other. And the struggle for each, wrote Backus, "kept a pretty even pace through the war." There were low times, he confessed in 1779, when the evils of the conflict "corrupted the morals of the people," but the "glorious work" of God, which opened hearts and increased the outpourings of divine grace upon the land, was promising evidence of America's rescue "from destruction." The "final deliverance," Backus argued, would come through military victory and, as a necessary result, absolute freedom from religious constraint - the latter a radical goal in Congregational

Massachusetts.

It was too radical as it turned out. The Revolution sharply disappointed many New England Baptists. They chose the winning side, to be sure, and for good reason, according to Backus; and like other erstwhile colonists they enjoyed the benefits of political independence, as well they should. But it is ironic that Baptists and Quakers and other sectaries in Virginia won complete religious freedom from "episcopalian" rulers and Tory priests as a result of the Revolution, while in Massachusetts, Connecticut, and New Hampshire, the overwhelming majority of patriotic Congregationalists kept a firm grip on the public worship of God through tax-supported churches well into the nineteenth century. Some Old World institutions died hard in the New, if at all.

Despite their vigorous but unsuccessful attempts to enlarge its scope, Backus's Baptists looked better every day to most New Englanders once it was clear that they supported the Revolution. And then when copies of the new Federal Constitution circulated in the fall of 1787, Baptists endorsed it, winning high praise for their "love of order and government." "Call them no longer Enthusiasts," the *Connecticut Courant* announced, now that they had come to their senses and were firmly behind the new regime. □

[The early Greeks used the term "Enthusiasts" (inspiration from the gods) with a positive import. From the sixteenth century well into the nineteenth, enthusiasm was used perjoratively against religious extremists - those who claimed a close, warm, emotional relationship with God and direct dependence upon the Holy Spirit. Lovejoy explains, "By enthusiasts I mean a variety of unconventional but religiously devout sectarians who would not, could not, contain their zeal within the organized limits of religious convention."]

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