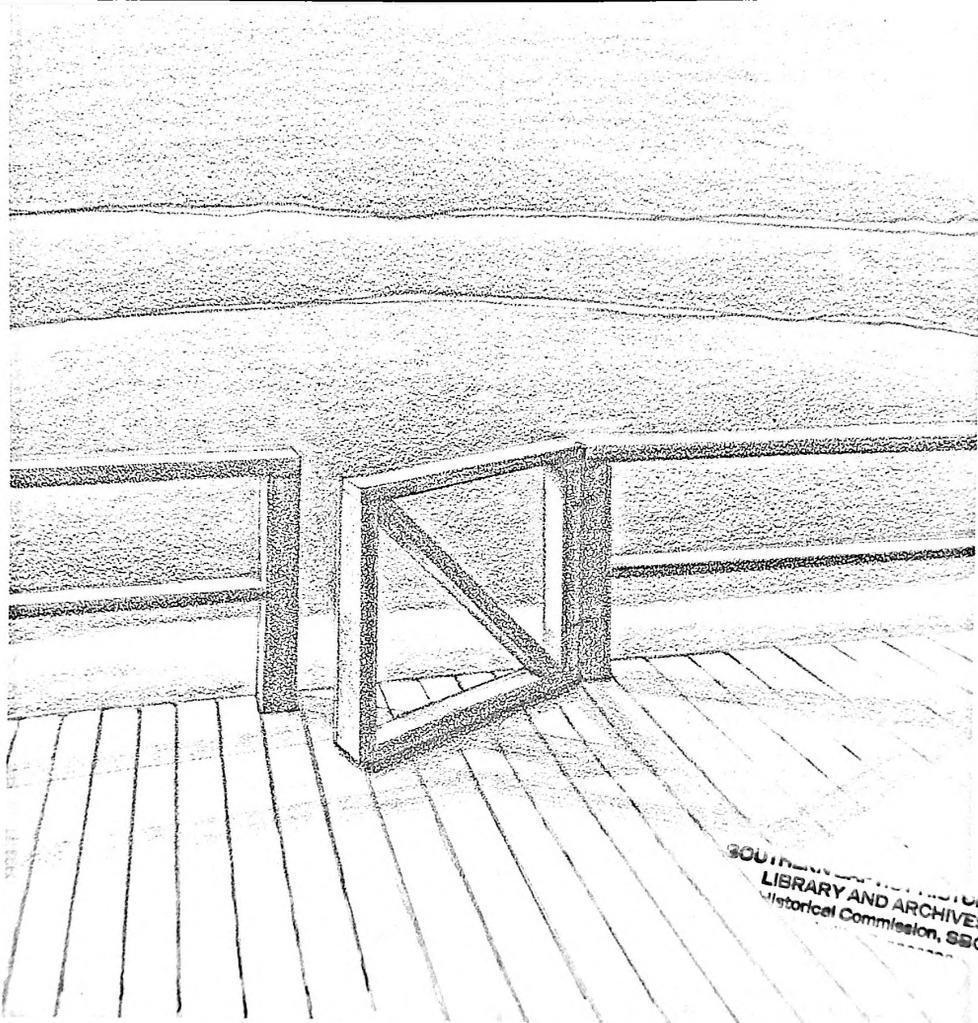


January 1987

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# REPORT from the CAPITAL



SOUTHEASTERN HISTORICAL  
LIBRARY AND ARCHIVES  
Historical Commission, SBC

# REPORT from the CAPITAL

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

Vol. 42, No. 1

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Cover: "on to the new year."  
(By Sarah Helen Shira)

Executive Director: James M. Dunn  
Editor: Victor Tupitza

Contributing Editors: Rosemary Brevard, Vic Case, Stan Hastey, Jeanette Holt, Marc Mullinax, Kathy Palen, Oliver Thomas; Gary McNeil, Austin, TX; Glenn Saul, Mill Valley, CA; Kenneth L. Smith, Rochester, NY.

Circulation Assistant: Gayl Fowler

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## No Crystal Ball

We at the Baptist Joint Committee don't have a crystal ball to enable us to predict with accuracy what will take place in the Supreme Court, the White House or the Capitol. As careful observers of the whole process, however, members of staff are willing to share with other church-state separationists some perceptions of what might face us in the new year.

Believing the American people have already communicated with the current administration, often and clearly, James Dunn trusts the public to continue to oppose all legislation which would abrogate their freedoms. He believes that extremists of the radical right have been repeatedly rebuffed by the people on matters that violate First Amendment guarantees. Therefore, whatever the administration's initiatives, energies spent or media campaigns mounted, all should come to nought because of the people. They affirm church-state separation along with the traditional understandings of the Constitution as the safeguards for religious liberty and personal freedom. The people, says Dunn, have kept their eyes on the substance of the issues - and the main issue remains the protection of their liberty.

Legal Counsel Oliver Thomas foresees at least two strong thrusts mounted by religious forces in pursuit of elusive goals. The Congress is expected to hear pleas for public support of private education with vouchers and not tax credits as the proposed method of funding. With recent Supreme Court decisions upholding facially neutral methods of funding private education, the focus has shifted from constitutional law to public policy arguments involving fairness and concern over the impact on public education. The BJCPA opposes vouchers as well as all other means of funding parochial education.

Thomas also anticipates further court action in the area of public school curriculum as it relates to deeply held religious belief. The move to reshape public education to accommodate religious belief, as in Tennessee and Alabama (see VIEWS) arises out of parental concern over the reading materials required of their children.

The social revolution announced just six years ago is a thing of the past, according to Stan Hastey. The components — public school prayer, tuition tax credits, and anti-abortion legislation — have been rejected by the U.S. Senate under Republican control. Nor has there been any movement in the House toward supporting those social issues. "I can't imagine the president, faced with immense domestic/economic and foreign policy problems, returning to an agenda already rejected." Hastey believes the most "nettlesome" set of church-state issues has to do with taxation at the local level, as municipalities look at church properties with an eye toward easing their budget crunches.

In this issue of REPORT, see Thomas Goodhue, Vic Case, and Gary McNeil for more on some of the matters cited above. McNeil's counsel rightly holds for all who engage in social action: Be thorough! The facts matter! Know the law, policy and the system! Count the votes!

Victor Tupitza

A national debate over the teaching of "creation science" in public schools came to the Supreme Court, leaving justices to decide whether the discipline is true science or religion. Hearing oral arguments in a case challenging the constitutionality of a Louisiana law requiring "balanced treatment" in the teaching of creationism and evolution as theories for the origins of the universe, the high court also was presented the option of sending the dispute back to lower courts before deciding the basic questions at a later time.

That option was urged upon the justices by a special assistant attorney general for Louisiana, Wendell R. Bird, who argued a federal appeals court erred by not accepting as true what he called "uncontroverted evidence" presented by expert witnesses that creation science is indeed scientifically valid.

Although Bird said he preferred the high court send the case back to the 5th Circuit Court of Appeals, he suggested the justices could decide instead to reverse the lower panels, both of which found the law to have a religious rather than secular purpose. Bird later acknowledged while some Louisiana legislators might have had a religious purpose in mind when they enacted the challenged statute five years ago, their main purpose was secular.

Asked by Justice Sandra Day O'Connor if the Constitution permits the teaching of a purely religious concept to balance what is perceived to be an anti-religious view, Bird refused to concede creation science is a religious concept.

When asked by Justice Antonin Scalia if creation science requires the teaching of a personal God, Bird replied "no." Creation science, he elaborated, requires neither belief in a creator-God nor the account of creation in the book of Genesis.

In an exchange with Justice John Paul Stevens, Bird acknowledged the categories of creationism and evolution are mutually exclusive, thus requiring a basic choice between them. ●

**Paula A. Hobbie, a Seventh-day Adventist fired from her job in a jewelry store for refusing to work on the Sabbath and then denied unemployment compensation by the state of Florida, had her day at the nation's highest court.**

Her attorney, Walter E. Carson, told Supreme Court justices the decision in Hobbie's case will have "a profound effect on the free exercise rights of all Americans." Hobbie, he argued, "was forced to choose between her religion and her work."

Hobbie, who converted to the Seventh-day Adventist Church two and one-half years after she began work at the store, initially worked out an agreement with her immediate supervisor through which she would work every Sunday in exchange for having Saturdays off.

But when higher management learned of the arrangement, Hobbie was informed it was unacceptable. After she refused on religious grounds to work on Saturdays, she was dismissed. Florida's Department of Labor and Employment Security subsequently rejected her application for unemployment compensation benefits.

Carson repeatedly cited a pair of earlier Supreme Court decisions in similar disputes, saying those decisions "reached an important milestone" in judicial understanding of the rights of workers under the free exercise clause. The state, he argued, may not "burden" a worker's free exercise right unless there is a "compelling" state interest in doing so.

He also disputed the state's claim that Hobbie's case is fundamentally different from those in the earlier decisions because she converted to a new faith while under employment and then demanded schedule changes to meet her new religion's requirements.

Opposing attorney John D. Maher faced close questioning from a number of the justices on his basic contention that the earlier Sabbath-worker cases do not apply in Hobbie's case. Maher repeatedly made the point that Hobbie's case broke new legal ground. "She wants the state to carve out a special exception" to meet her peculiar religious claims, he argued. ●

# As a Matter of Fact RELIGION BELONGS

Americans have learned to tread lightly where religious convictions are concerned. No one should want to return to the bad old days when school textbooks routinely denounced all faiths except Protestant Christianity. I, for one, would hate to return to the mandatory, meaningless prayers we recited in kindergarten, or the bacalaureate worship required of my agnostic friend in high school. Removing public schools from the business of promoting particular religious beliefs has certainly been good for both education and our society.

What disturbs many Americans, though, is that in seeking to avoid promoting religion, many schools seem to be avoiding all mention of religion — even though the same Supreme Court that banned mandatory school prayer upheld the constitutionality of teaching about religion (*Abington v. Schempp*, 1963). Some may fear that such instruction would prove a Trojan horse for introducing proselytization, but this is not what its advocates seek. A 1982 Roper Survey found, for example, that a majority of theologians — Catholic, liberal Protestant, and evangelical — favored requiring the public schools to teach about religion, but opposed schools' setting aside time for silent prayer.

How, then, can public schools respect the beliefs of all students without acting as if differing beliefs do not exist — or do not matter?

To begin with, we can take a fresh look at how schools observe holidays, most of which are rooted in religious traditions, from the Druids' Halloween to the Pilgrims' Thanksgiving. Public schools, like our commercial culture, have tended to

secularize these holidays. The babe in the manger and the Incarnation are downplayed in favor of Santa Claus and gift-buying. Hanukkah's miraculous tradition is passed over; if mentioned at all, the holiday is described in terms of presents and candles. Most schools never celebrate festivals such as Purim or Kwanza that do not fit into the melting-pot dogma.

We water down holidays, I suppose, because we do not know what to say about them and wish not to take sides in theological controversy. Yet in seeking to avoid giving offense, schools outrage those who see bunnies and fat men in red suits upstaging sacred traditions. These offended folks can easily be recruited from campaigns against public schools and nonsectarian education.

Instead of watering down religious holidays, and without either endorsing any doctrine or masking the real religious differences among students, teachers could say, "Some of you may be celebrating Yom Kippur next week; let's learn a little about this holiday," or "Let's study the historical significance of Ramadan." They could tell the stories of Hanukkah and St. Patrick without imposing their own belief or disbelief on the stories. Those who seek religious toleration should recognize that we need to know each other's stories.

Wouldn't teachers need guidance about how to approach such material? Of course they would, just as they need guidance about how to handle the Vietnam War or the civil rights movement. If they are forced to learn more about St. Patrick or Ramadan, so much the better.

Second, in every subject, teachers should be honest about the importance of religion in people's lives. We simply cannot understand Harriet Tubman or the abolitionists without knowing that their

faith provided their motivation. Was not Christianity also invoked by slave-owners, though? Of course it was. Tell students both facts, and they will see that people often disagree about divine leading.

When teachers, curriculum writers, and publishers minimize or omit the role of religion in history, music, art, literature, science, and other fields, they give students the false impression that religious influence has been slight. One of the ironies of the public schools' current difficulties in teaching evolution is that they themselves contributed to public perceptions that science and faith are irreconcilable. How many science texts, for example, mention that many of the great English naturalists — and first evolutionists — were also Anglican clergymen? To insist, as the Xerox Corporation does of writers for its *Sweet Dreams* novels, which are distributed in public schools, that there be "no profanity, no religious references, and no explicit sex" gives teenagers the impression that others do not share their thoughts, doubts, or questions about matters of faith. Certainly the sort of book burning sought by the religious right wing is bad, but is not censorship of religious references also harmful?

Third, schools must take care not to present scientific theory as proven fact. Theory, as every scientist knows, is always tentative, and is meant to be modified or rejected in the face of new evidence. It is simply bad science teaching to present any theory as if established for all time. During 1985, for example, the once-dominant theory that life first emerged in the sea was supplanted by evidence that clay could have more easily sustained the earliest forms of life. Genesis does not belong in biology class, but neither does a description of evolution as immutable truth. Evolutionary theory rests on many facts and is accepted by most scientists as the best way of explaining the evidence currently available, but it is still only theory. And, it must be remembered, evolu-

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Thomas Goodhue, pastor of Island Park United Methodist Church on Long Island, NY, taught for seven years at the Riverside Church Weekday School in New York City. His book, *The Children of Light*, is a Sunday Publication. This article is reprinted by permission of author.

# MISSING

## Religion in American History and Heritage Public School Textbooks

tionary theory emerged in the context of natural science and its bias against any supernatural explanations.

So, instead of saying "The earth is 4 billion years old," it would be better to say: "Many scientists believe the earth is about 4 billion years old." Rather than declare — as I have myself, I must admit — that the ancestors of whales were land mammals that returned to the sea, with legs evolving into fins, teachers again should say: "Many scientists believe..." This is not only less offensive to some religious people, but also more accurate, because there is *not* any clear proof that legs evolved into flippers. The fossil record simply does not include such "transitional forms" between land and sea mammals (or between most other species, for that matter). Indeed, Colin Paterson and other "transformed cladists" are calling into question how evolutionists have interpreted the fossils that *do* exist.

Fourth, schools should be careful to teach *science*, rather than preach *scientism*. Students should learn to use the scientific method, but they should be aware that it is not the only — or necessarily the best — means of expanding human knowledge. If all teaching is based on reductionistic materialism (the doctrine that matter is the only reality and that things can be understood by reducing them to their material components) and material determinism (the doctrine that events always have material causes), they promote belief in one faith — materialism — over all belief systems that find a spiritual dimension to reality.

Good scientists know that their methods restrict their study to phenomena that are repeatable, measurable, and independently observable. They acknowledge that there could be a reality beyond the reach of scientific knowing. Science teachers need similar humility in approaching unscientific thought. Those who pray for healing or visit a shaman may be in touch with a reality unknown to medical science. Who are we to say that they are wrong?

If public schools would approach faith with humility, less fear, and genuine neutrality, they might both present material more accurately and help rebuild support for public education. □

Textbooks, often associated with the prosaic rather than the agitating, in recent months and years have been the subject of studies, resolutions, and lawsuits addressing their religious content. Attention has focused on what both appears and does not appear in school texts.

But high-profile cases and media portraits have obscured a fundamental issue addressed by the Baptist Joint Committee in adopting its resolution on "Religion and Public School Textbooks" — the lawfully permissible role of religion in public education.

At a time when a Tennessee court has found parents' First Amendment free exercise rights were infringed and an Alabama court is expected to rule the Establishment Clause has been breached by teaching a putative religion (secular humanism), Baptists have taken less glamorous but positive action to promote the proper role of religion in schools. Secretary of Education Bennett's call for teaching the "Judeo-Christian" tradition also accentuates the timeliness of the Baptist action.

Would increased introduction of religion constitute instruction in authentic cultural heritage or an exercise in majoritarian tyranny? Sound, constitutional arguments support the first alternative.

While public confusion and controversy over religion in schools reign more than twenty years after the landmark decisions in *Engel v. Vitale* and *Abington v. Schempp*, judicial dispute over the place of study about religion in public education has remained a veritable eye in the storm from the beginning. Public school education about religion has always been considered legitimate and lawfully permissible. What does violate the First Amendment is the teaching of religion, religious indoctrination. And while teaching about religion conforms to constitutional law, such instruction is not legally required. The First Amendment does not mandate comparative religion or Bible-as-literature courses.

This legitimate place of religion in education serves as the needed context when considering that studies made in the last two years by various groups provide convincing evidence that U.S. history and government textbooks neglect treatment of religion and religious liberty. What could have caused such distortions in the historical and civic record presented to

the nation's pupils? While one study accuses authors of repression and denial of religion, the more plausible answer involves money. Textbook publishers want to sell as many textbooks as they can and in order to do so they omit controversial material which could jeopardize sales.

No matter the reason, the underplaying of religion is not conducted out of compliance with law. But while teaching about religion is permissible yet unrequired, educational integrity demands such information be included when pertinent to a subject. The potential consequences of neglecting in textbooks the place of religion and religious liberty are that students will be deprived of a significant portion of their historical and civic heritage and will receive an image of American society divorced from religious experience, movements, and issues, especially since the Civil War. A concern for enhancing Christian witness through treatment of religion misses the point; inclusion of religion in the study of history and government cannot be to make it more acceptable on a faith basis by students. Such an intent violates the First Amendment Establishment Clause.

Does omission or underrepresentation of religious facts imply secular humanism is being espoused? Plaintiffs so argued in the Alabama case. While more evidence than this was used to support the claim, the transition from omissions to alleged advocacy of secular humanism tenets constitutes a leap of logic, especially when the primary reason behind such treatment is money and fear of controversy, not ideology. Poor textbook treatment does not merit the titillating label of "secular humanism." Even bad or incompetent writing and editing do not a conspiracy make.

An important distinction must be made when arguing for the educational necessity of redressing factual distortions, namely, that this issue differs categorically from concern over values transmission by textbooks. Among the unfortunate faults of one study of texts is its juxtaposing evaluations of treatment of religion and of "traditional values." To associate these two issues is to obfuscate essentials. While values bias in education is a legitimate concern, the argument es-

Continued on page 7

## VIEWS OF THE WALL



Oliver S. Thomas  
General Counsel

**R**ound one of the great Tennessee textbook trial is over. U.S. District Court Judge Thomas G. Hull has ruled that the Hawkins County School Board violated the rights of fundamentalist parents by requiring their children to read the 1983 edition of the Holt, Rhinehart and Winston basic reading series.

For Beverly LaHaye and Concerned Women For America, it's God's vindication of their holy war against secular humanism in public education. For Tony Podesta and People For The American Way, it's "a recipe for disaster."

Could it be that both are wrong?

While there are no doubt some genuine "secular humanists" in public education, the notion that a humanist conspiracy of national proportions exists for the purpose of taking over the public schools is at least mildly paranoiac. I am told that the entire membership of the American Humanist Association is only 5000 — not many when you consider that Baptists alone number over 30 million.

On the other hand, who can deny that problems exist in the public schools? Drug abuse and teen-age pregnancy are at an all-time high, values are "clarified" apart from any consideration of religion or absolute standards of right and wrong, and textbooks have distorted history by excluding most references to religion. It's hardly surprising that the curriculum has offended someone's religious beliefs.

The Tennessee decision, *Mozert v. Hawkins County Public Schools*, is actually a continuation of legal precedents dating back to 1925 in the case of *Pierce v. Society of Sisters* and coming to fruition in the case of *Wisconsin v. Yoder* in 1972. *Pierce* recognized the inherent right of parents to direct the upbringing and education of their children. Of course, the parents' rights are subject to the state's overriding interest in ensuring that all of its minor citizens receive at least a minimum level of academic training.

*Yoder* and its progeny stand for the principle that at times states must adjust their educational policies in order to accommodate sincere religious beliefs. If at all possible, the state must seek to accomplish its educational interests in a manner that does not burden the free exercise of religion.

While the media has succeeded in dubbing *Mozert* "Scopes II," the case actually bears little resemblance to the famous "monkey trial." According to Judge Hull,

"These plaintiffs simply claim that they should not be forced to choose between reading books that offend their religious beliefs and foregoing a free public education."

The parents had objected to certain materials in their children's readers and requested alternate assignments. Some teachers accommodated the parents by assigning material from other books. Unfortunately, when the school board learned about this, it passed a rule requiring teachers to use only textbooks adopted by the board as regular classroom textbooks. Left with no alternative, the teachers informed the parents that they could no longer assign alternate reading materials. The students then refused to attend the reading classes and were suspended. The lawsuit ensued.

The objects of the parental condemnation were books presenting feminist, humanist, pacifist, vegetarian, and universalist views. The list of objectionable stories included *Cinderella*, *The Wizard of Oz*, *Hamlet*, and *The Diary of Anne Frank*.

While many of us may shake our heads in bewilderment over the appearance of some books on the list (I thought *The Wizard of Oz* had been canonized as an essential part of every child's literary experience), free exercise rights have never depended upon logic, reason, or even common sense. Indeed, one's religious beliefs may be completely illogical, yet they are protected by the First Amendment.

The opinion states, "Plaintiffs sincerely believe that the repetitive affirmation of these philosophical viewpoints is repulsive to the Christian faith — so repulsive that they must not allow their children to be exposed to the Holt series. This is their religious belief. They have drawn a line, and it is not for us to say that the line [they] drew was an unreasonable one."

The fact is none of us who bears the name Christian professes a "reasonable" religion. There is nothing reasonable about crucified messiahs or empty tombs.

The parents may have made an unwise choice by attempting to insulate their children from the real world, but the choice is theirs. As long as children attain the minimum level of competency required by the state, parents should remain in control of the education and upbringing of their children. The alternative is to convert the state into something that would have caused the founding fathers to shudder — a *super parent* who not only decides what books children may read but ultimately what they may think.

Having found that the compulsory use of the 1983 Holt reading series\* substantially burdened the plaintiffs' free exercise of religion, the court turned to the two remaining questions required by *Yoder*: (1) does the state have a compelling interest that would justify the burden on free exercise, and (2) even if its interest is compelling, has the state pursued its interest in the least burdensome manner possible? Stated differently, is the mandatory use of a single reading text *essential* to accomplishing the state's educational goals?

Clearly, the state has a compelling interest in the education of its youth. No party disputed the fact that the state's interest here is of the highest order.

The answer to the second question, though painful for school administrators, is no less obvious. No, the state has not pursued its interest in the least burdensome manner possible. According to Judge Hull, the legislative enactments of the state admit as much.

"Although Tennessee has manifested its compelling interest in education through its compulsory education law, it has, by allowing children to attend private schools or to be taught at home, also acknowledged that its interests may be accomplished in other ways and may yield to the parental interest in a child's upbringing. Moreover, the fact that the state has approved several basic reading series for use in the Tennessee public schools tells us something of the expendability of any particular series."

Hull suggests an opt-out program that would allow students to withdraw to

\*Ironically, Holt social studies and history texts are cited as exemplary models for teaching about religion according to a recent study of the U.S. Department of Education. Even more ironic is the fact that the author of this study, Dr. Paul Vitz, appeared as a witness for the plaintiffs in this case.

## VIEWS OF THE WALL

study hall or the library during reading class in order to read alternate materials. Students would engage in further discussion and study at home with parents. A child's progress would be measured by standardized achievement tests.

There are legitimate concerns about the difficulty of administering such a program, but it seems to be a workable solution. Indeed, the teachers of some of these students created and carried out their own similar program prior to the board's decision to mandate uniformity. Child recipients of this independent program of study received above-average grades for that period.

The parents had demanded much more than an opt-out provision and in fact sought to force the public schools to provide them with an alternate textbook series that would conform to their religious beliefs. The court wisely refused their request.

Attempts by the state to purchase and

provide separate readers for fundamentalist Christians inevitably would run afoul of the Establishment Clause. Schools have no business promoting religion or choosing texts that express a particular religious viewpoint. Hull perceived the dangers involved in tailoring textbooks to a particular religious orientation and placed the burden on the parents to provide a workable alternative.

As a matter of public policy, is it wise to accommodate the beliefs of a small group of religious students?

In a country where dissent is respected and diversity is the rule, the answer must be "yes" unless it infringes upon the rights of others by wreaking havoc on the public schools.

Some say it will, especially in grades K-4 where there is no designated reading period, and reading is interspersed throughout the school day. In these circumstances, the decision leaves open the possibility that school officials may return to court and demonstrate that the proposed solution is unworkable.

In the meantime, let's give it a try. □

### MISSING, from page 5

poused here is for balanced treatment of religion based on fact (the only basis for non-sectarian religious study), not value.

Admittedly, religious liberty is a value. But here again, study of this value should be made on its factual merits — its inclusion in the U.S. Constitution and the history of fighting and litigating for it. It demands study along with other civic values or rights rooted in the nation's history and law.

Some could use this deplorable condition of textbooks as one more club with which to bludgeon the beleaguered public schools. They could thereby seek to promote either government sponsorship of Christian parochial education through vouchers and tuition tax credits or the dangerous and unlawful injection of state-sponsored religious indoctrination or practice into the public schools.

The more direct solution is to change the textbooks. What can be done to this end? First, individuals and groups can express to major textbook publishers their desire for textbooks with balanced treatment of the role of religion in history, government, and other appropriate subjects. Second, concerned citizens can urge textbook selection committees and school boards to approve only such textbooks. Third, individuals can encourage local school officials and teachers to provide balanced treatment in the interim by using supplementary classroom materials, an approach encouraged by Americans United for Separation of Church and State. That group has sent 23,000 copies of a religious liberty resource guide to teachers across the United States. Steps

such as revising textbooks, exercising care in textbook selection, and utilizing supplementary materials are sound approaches to keeping education public while ensuring that students are not deprived of knowledge of America's heritage, political and religious.

The judicial precedent for teaching about religion is clear and affirmative. Yet the impact of religion in historical and civic life receives inadequate testimony. Baptists can and must encourage education about religion in the public schools, not in such a way as to deny the religious freedom of others, but to ensure that America's citizens will know the significance of religion and liberty to practice it in a democratic, pluralistic, free society.

Vic Case

## THE BUDGET PROCESS

Boggled by the complexity of the federal budget? By terms such as budget resolution, entitlements, appropriations and outlays. If so, you will find most helpful the publication *Graham-Rudman-Hollings and The Congressional Budget Process - An Explanation*. This booklet of the Committee on the Budget makes sense of what appears to be a complicated process. Order by name (above) and number: 052-070-06078-6 from the Superintendent of Documents, U. S. Government Printing Office, Washington, D. C. 20402-9325. (\$1.00 postpaid).

## Quoting

Steny H. Hoyer  
U. S. House of Representatives

**I**t would be a gray moment in world history if the Soviet and American governments did not seize the opportunities opened up by Reykjavik to make progress in reducing the threat of nuclear war. But we should not fool ourselves that peace can be brought about merely by signing an arms-control accord.

A treaty is a necessary but not sufficient condition for security and the reduction of international tensions. What's missing and what needs to be built is trust and confidence between our two nations.

From the American and Western perspective, putting trust in the Soviet Union boils down to progress in one fundamental area: human rights.

A nation that does not respect human rights at home inspires little confidence that it will comply with commitments abroad. Nations with open, democratic systems pose little threat to the West: those that are closed and repressive, unaccountable to their own people, are most difficult for other nations to trust. As Andrei Sakharov said upon receiving the 1975 Nobel Peace Prize, "international trust, mutual understanding, disarmament and international security are inconceivable without an open society with freedom of information, freedom of conscience, the right to publish and the right to travel and choose the country in which one wishes to live."

Under the Helsinki Accords, peace is considered to be much more than the absence of war. The achievement of lasting security and cooperation among states is clearly and directly linked to respect for human rights. □

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# News in Brief



## Court holds for employer in accommodation case

WASHINGTON

The Supreme Court has held an employer is not obligated to accept an employee's plan for the accommodation of his religious observance or practices.

The case in question involved an Ansonia, Conn., public schoolteacher who claimed the local school board should have provided him with paid leave to observe up to six religious holidays annually. The teacher, Ronald Philbrook, is a member of the Worldwide Church of God, which requires members to refrain from secular employment during designated holy days.

The Ansonia Board of Education since 1968-69 has allowed teachers to take three days' annual leave for mandatory religious holidays. Teachers also annually receive 18 days of leave for illness, but may use accumulated leave for purposes other than illness—including three days annually for "necessary personal business." The contract agreement, however, restricts teachers from using those three days for specific activities—including religious observance—already provided for in the contract.

Philbrook contended the school board's policy of allowing him to take additional days off without pay for his church's holy days constitutes religious discrimination under Title VII of the Civil Rights Act of 1964. Title VII requires that an employer "reasonably accommodate to an employee's ... religious observance or practice without undue hardship on the conduct of the employer's business."

In 1973, Philbrook filed a complaint with the Connecticut Commission on Human Rights and Opportunities and the federal Equal Employment Opportunity Commission. He proposed two alternatives—either to allow him to use the personal business leave for religious observance or to permit him to pay for the cost of a substitute teacher rather than having his salary docked.

Upon the school board's rejection of his proposals, Philbrook went to court. A U.S. district court judge, however, ruled Philbrook had failed to prove a case of religious discrimination because the school board had not placed him in a position of violating his religion or losing his job.

The 2nd Circuit Court of Appeals reversed that decision, holding the accommodation obligation includes a duty to accept the proposal the employee prefers

unless that proposal causes undue hardship on the employer.

In delivering the Supreme Court opinion, Chief Justice William H. Rehnquist said the court found no basis in Title VII for requiring an employer to choose any particular reasonable accommodation since "any reasonable accommodation by the employer is sufficient to meet its accommodation obligation." Thus the appeals court, he said, erred by requiring the school board to demonstrate the hardship of Philbrook's alternatives.

As to whether the school board's leave policy constitutes a reasonable accommodation of Philbrook's religious beliefs, however, Rehnquist said the Supreme Court must remand the case to the district court for further proceedings. The chief justice said neither lower court had explicitly considered that question, thus providing the high court with insufficient factual findings.

While expressing the court's opinion that requiring a teacher to take unpaid leave for holy day observance exceeding the amount allowed by the contract agreement would be reasonable, Rehnquist said such unpaid leave would not be a reasonable accommodation if paid leave were provided for all purposes except religious ones.

Rehnquist said a factual inquiry into past and present administration of the personal business leave provisions is necessary and instructed the district court to make that inquiry.

Two justices filed separate opinions in which they dissented.

In his dissent, Justice Thurgood Marshall contended the school board policy forces Philbrook to choose between following his religious precepts with a partial forfeiture of salary and violating those precepts for work with full pay.

"It is precisely this loss of compensation that entitles Philbrook to further accommodation, if reasonably possible without undue hardship to the school board's educational program," Marshall said. "It may be that unpaid leave will generally amount to a reasonable accommodation, but this does not mean that unpaid leave will always be the reasonable accommodation which best resolves the conflict between the needs of the employer and employee."

Justice John Paul Stevens disagreed with the court's decision to remand the case, calling such action "unnecessary and confusing." He argued the employer has no legal duty to resolve the conflict in

the way the employee requests as long as the solution that is adopted is reasonable.

"I find it equally clear that the employer has no statutory duty to do anything more than strictly necessary to resolve the conflict," Stevens added. □

## Supreme Court refuses Christmas scene appeals

WASHINGTON

The Supreme Court has decided not to reopen its internal debate over the constitutionality of cities' erection of Christmas nativity scenes.

In recent orders, the court rejected appeals by the cities of Birmingham, Mich., and St. Charles, Ill.

The Birmingham case involved two lower court decisions banning a 25-year practice of placing the figures of the Christ Child, Mary, Joseph, shepherds and lambs on the front lawn of city hall during the Christmas season.

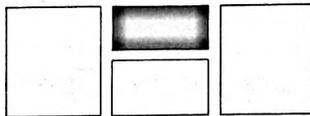
City attorneys argued in papers asking for the review that the lower panels' findings ran contrary to the high court's 1984 ruling in *Lynch v. Donnelly*, a 5-4 decision upholding Pawtucket, R.I.'s longstanding practice of erecting a nativity scene on private property. In the Pawtucket dispute, the court noted, a key factor was the presence of other, secular seasonal figures set up with the creche. In Birmingham, the creche stood alone except for a Christmas tree and lights.

Two years ago, a federal district court banned the Michigan city's continuation of the practice, ruling it had no secular purpose, had the primary effect of advancing one religion, and excessively entangled church and state.

When the city appealed, the 6th Circuit Court of Appeals reversed the lower panel on the questions of purpose and entanglement but agreed the Birmingham practice had the primary effect of advancing Christianity in violation of the establishment clause of the First Amendment.

The St. Charles case involved the temporary prohibition of a cross-shaped Christmas light display atop the city's municipal fire station. The cross was formed with strings of lights hung from a radio/television antenna and crossbar brace on top of the building.

In granting a preliminary injunction, the U.S. District Court for Northern Illinois ruled the cross display had "the effect of conveying an association with or official approval of Christianity."



The 7th Circuit Court of Appeals unanimously affirmed the lower court decision, calling the cross both a distinctly and a sectarian religious symbol.

Writing for the appeals court, Judge Richard A. Posner distinguished between the more traditional creche and the cross display. He said all decorations except the cross have lost their "religious connotations for most people," while the cross is "an ancient and vasiform religious symbol."

In their attempt to convince the Supreme Court to review the case, attorneys for St. Charles called the lower court decisions a "stilted overreaction to a legitimate observance of the Christmas holiday season." They argued the cross display did nothing more than attract shoppers to the downtown area and symbolize peace and goodwill during the Christmas season. □

## Court rejects coalition's last try in Vatican case

WASHINGTON

The Supreme Court has rejected the claim of a United Methodist church in New York City that a municipal commission violated its religious freedom by designating it an official landmark subject to the panel's jurisdiction.

The high court upheld rulings by three New York state courts that the New York City Landmarks Preservation Commission acted within the law in 1981 when it designated the Church of St. Paul and St. Andrew a landmark to be preserved. As such, the once thriving—but now impoverished—congregation came under the commission's authority.

Throughout an unsuccessful five-year challenge to its unwelcomed status as an official landmark, attorneys for the church argued the New York City Landmarks Preservation Law—enacted in 1965—violated the Constitution's guarantee of free exercise of religion by subjecting the church to "immediate, criminally enforceable governmental restrictions" for refusing to repair the church.

In addition, church lawyers maintained, application of the law also would amount to the taking of church property for public use in violation of the Fifth Amendment's requirements that government provide just compensation when claiming private property.

By refusing to hear the church's case, the high court let stand the lower panels'

rulings—including a 4-3 decision by New York's highest court—that the dispute was not "ripe" for judicial review because the landmarks commission had yet to attempt enforcement of the law on the church. Further, the lower courts held, the church had bypassed appealing application of the law to the commission itself by choosing instead to take the matter to court. □

## City officials say bishop didn't break reporting law

ANAHEIM

A city prosecutor has said a Mormon bishop did not violate California's child-abuse reporting law when he failed to tell police one of his parishioners had been accused of molesting young boys.

Assistant City Attorney Mark Logan said the law does not apply to Bishop Victor Orvis because he does not work "directly and routinely" with children in an official capacity.

"The law is very specific," Logan said. "It applies to only certain individuals; only those people involved in supervising, counseling or caring for children, such as those at schools and hospitals."

Police began investigating Orvis after receiving reports he had failed to report child-abuse allegations involving one of his parishioners. Orvis said he turned the matter over to a counseling team because he was not sure of the truth of the allegations. □

## High court rejects appeal in church landmark case

WASHINGTON

The Supreme Court has rejected a coalition's final effort to strike down U.S. diplomatic ties to the Holy See. The coalition of 20 major religious groups shifted tactics by warning of possible government intrusion into the affairs of the American Catholic Church.

In its appeal for rehearing, the coalition—with lead petitioner American Baptist Churches in the U.S.A.—argued formal contacts with the Holy See have given the Reagan administration opportunities to interfere in cases such as that of Archbishop Raymond Hunthausen, a critic of U.S. nuclear policies who recently was disciplined by the Vatican on other grounds.

Earlier this term, the high court refused

to review a challenge to the constitutionality of formal diplomatic ties between the United States and the Holy See. □

## Senate chaplain commends ACLU official's efforts

WASHINGTON

U.S. Senate Chaplain Richard C. Halverson has commended a regional official of the American Civil Liberties Union for defending religious liberty.

In a letter to William Olds, executive director of the Connecticut Civil Liberties Union, Halverson praised Olds' role in defending the right of a Stratford contractor to hold small prayer meetings in his home without government approval. The Connecticut group brought a successful lawsuit in federal court to prevent Stratford officials from enforcing a zoning law that required a permit to hold a religious service in a private home. □

## Organization files suit against school district

SAN FRANCISCO

Americans United for Separation of Church and State has charged that several programs run by the San Francisco Unified School District aid religious schools in violation of the First Amendment.

In a lawsuit filed in federal district court, the agency has sued the San Francisco Board of Education, the Roman Catholic Archdiocese of San Francisco and St. Paulus Lutheran Church. The suit charges that 11 Catholic schools and a school run by the Lutheran congregation are the direct beneficiaries of aid from the public school district.

The school district has leased a dozen sites in Catholic and Lutheran churches and schools to hold federally funded remedial education classes for parochial school students. In addition, the school district has purchased vans to use as mobile classrooms on or near parochial school property for the exclusive use of parochial school students.

According to Americans United, these practices have given San Francisco parochial schools a proportionally larger share of federal education funds than public schools. □

# Religious Lobbying: Right and Responsibility

**A**s a registered lobbyist for the Christian Life Commission of the Baptist General Convention of Texas, I am often asked, "Doesn't your lobbying violate the separation of church and state?"

This question surfaced most recently when the governor of Texas permitted a pari-mutuel gambling bill to become law. In our press response, we criticized the governor and said that many folks who felt strongly on this issue would carry that conviction into the ballot box. Some time later, two letters were printed in the *Houston Post*, one stating that churches should stay out of politics, the other holding that church and state belong together.

The two letters reflect dangerous and misinformed interpretations of religious involvement in politics. Religious organizations are not *second-class* citizens who, because of strong moral views, must suffer the abridgement of their citizenship. On the other hand, churches are not *supra* citizens who are cozily woven into the warp and woof of government. Either of these positions, I believe, leads to a distortion of First Amendment liberties and guarantees: the restriction of Free Exercise and Free Speech for church folk surely means second-class citizenship; *supra* citizenship crosses the No-Establishment boundary and gives religious great, weighted government support.

Neither second-class nor *supra* citizenship will do for church involvement in politics in the United States. However, proper citizenship is essential for the

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*The principle of church-state separation clearly demands the watchful eye of prudent citizenship among Baptists and all others*

comprehensive mission of the Christian witness. By proper citizenship I mean Christians participating in politics along with other citizens and groups.

Basic rules for political involvement cannot be denied or avoided by Christian citizens. If we are registered lobbyists, then we have the responsibility to work as lobbyists, providing reliable information, building relationships with elected officials, informing our memberships of issues and working with them to arrive at tenable positions, and pressing hard to pass or defeat legislation seen as vital or detrimental to sound public policy. We need to understand legislative procedure, legislative power and legislative personality.

Lobbyists for religious organizations will be rated by elected officials in the same way as lobbyists for business or labor. Are they reliable? Are they effective? Thorough? Do they have constituencies, and do they represent them well? Are they politically astute or naive? Do they understand power? Will they compromise?

Yet, a lobbyist for a religious organization functions under restrictions not faced by most secular lobbyists. These restrictions are guided by constitutional law, respect for church-state separation,

and decorum. No church or non-profit organization may endorse candidates or funnel dollars to a candidate's campaign. Nor should they "wine and dine" officials with hunting junkets or trips to the dog tracks. Aside from these distinctions, religious lobbyists are judged by the standards applied to other lobbyists.

Does lobbying for a religious organization violate the separation of church and state? It is my belief that the U. S. Constitution does not *prohibit* such activity. Rather, the First Amendment protects church folk who exercise their citizenship through political activity. Thus, as a registered lobbyist I operate within the law as long as I do not endorse candidates or dole out church money for their election to office. Baptists, Catholics, Seventh-day Adventists and all others have the right to support lobbyists. However, there is no guarantee that one will be a good and successful lobbyist merely because one represents a good cause or a religious organization.

As a lobbyist for a religious body, I am sometimes in the paradoxical position of lobbying state officials on church-state separation issues. This is not unusual because Baptists have long stood against state aid and federal props for religion — from those Baptists of Post-colonial Virginia who petitioned the House of Burgesses in opposition of the state assessment (tax) for religion and in support of Jefferson's Religious Freedom Bill to the Texas Christian Life Commission which opposed state funds to purchase textbooks for parochial schools. The principle of church-state separation clearly demands the watchful eye of prudent citizenship among Baptists and all others.

Lobbying on issues such as state-sponsored gambling, abortion regulation, drunk driving laws, aid to the poor and disabled, restrictions on state investment

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Gary McNeil is a legislative assistant in the area of Christian citizenship for the Texas Baptist Christian Life Commission (Southern Baptist Convention). While serving as an intern with the Baptist Joint Committee, he was active in promoting passage of the Equal Access Act of 1984.

in companies doing business in South Africa, is based on good information, cultivating legislative contacts and constituent involvement. We try to know every legislator, and each one's understanding and goals on the issues in order to communicate best our own concerns. We also provide information and help in the area of vote-count on these issues.

"Do you have the votes?" is the most unyielding political question. Few things are more important in politics than mathematics and the knowledge of legislative procedure. A successful religious lobby will know how to count votes as well as any other lobby.

To count votes well, one must know procedure in order to know the necessary votes. For example, in Washington the House's magic majority figure is 218. However, due to the particular suspension rules of the House, the Equal Access Bill required a two-thirds favorable vote, not a simple majority. Thus, while the bill received a majority on the first vote, it failed to receive the necessary votes. A majority may not be enough if the procedure provides otherwise.

Equal Access leads to another note on religious involvement in politics. When first proposed, the bill met with set-backs that led many people to conclude the issue was dead. However, the late Congressman Carl Perkins, Chairman of the House Education and Labor Committee, would not give up. Nor would the Baptist Joint Committee and its General Counsel, the late John Baker. Staff worked on a compromise bill in order to help Congressman Perkins gain the needed support and the final vote. The compromise began in the offices of Senator Mark O. Hatfield and the Baptist Joint Committee. After passing the Senate, the bill returned to the House where Chairman Perkins used the power of his chairmanship, his mastery of House rules, and his personal

persuasion to produce an overwhelming victory as well as better law. The key lesson here was two-fold: tenacity and compromise.

As Perkins said upon final passage, "This bill is a compromise . . . representative of the give and take of the legislative process." Without compromise, the Equal Access Act of 1984 would not have reached President Reagan's desk. Compromise, far from second best activity, made it possible for secondary school students' religious groups to enjoy the protection of their religious speech along with free speech rights of other secondary school students.

Religious lobbyists sometimes act unwisely. While the First Amendment protects rights of citizenship, it does not protect religious lobbyists from painful error. We are not protected from ourselves. We are not protected from the cold political realities because we are religious. Recall, Jesus was slapped by a guard before Pilate and Paul was thrown into jail.

Several mistakes common to religious groups hinder their political effectiveness. First, some will greet a legislator with a biblical quotation as their sole support for or against a bill. A very conservative Republican legislator taught me a valuable lesson about leaning on Scripture rather than on fact. When I first met him, he said:

"You're not going to quote Scripture to me, are you?" "No," I replied, "but I want to talk about sound public policy."

## Prayer is Prayer: Order is Order

Having been raised in Illinois where the state supreme court, faced with Roman Catholic/Protestant conflict over the form of public school prayers in 1910, ruled them unconstitutional under the state's constitution; having attended college in Minnesota, where public school prayers had been ended not long after the Illinois experience; and now living in the state of Washington where such school exercises were ended in a similarly remote time, I find it hard to believe that prayer in school is still being debated in 1986.

Decades ago, my public schoolmates and I from the evangelical churches would not have dreamed that "any old teacher" could lead us in prayer. Prayer, after all, was sacred.

Certainly my Swedish immigrant parents would have felt uneasy if my kindergarten teacher, so brightly painted with lipstick and rouge, had instructed us in sacred rites. To them religion, including prayer, belonged to the church, the family, and only the redeemed....

Of course, some argue that school prayers would teach civic virtues — respect for law, for rank, for nation. Routinely recited lines may relate to these values, may

"Good. I would have had you thrown out if you had. By the way," he then added, "I agree with you on this issue." His advice — argue facts and policy, not Scripture — is the first rule for the Christian in the public realm.

Another frequent error is the propensity to make pronouncements while avoiding the legislative hard work. It is easy to give testimony; it is hard work to count votes. While the religious witness may believe such testimony to be "prophetic," it may be perceived as simple laziness, if expected to stand on its own. A good prophet, with sleeves rolled up, will be a good worker. It is no different for the lobbyist.

A third mistake is to become aligned with a single party or issue. Christian witness is a multi-issue witness. No party should be identified as more Christian, more moral, or more religious. Again, the Equal Access Act is an instructive example: bipartisanship made it happen. Representatives Don Bonker, D-Wash., William Goodling, R-Penn., and Trent Lott, R-Miss., steered the House, while Senators Hatfield, R-Ore., Jeremiah Denton, R-Ala., Dale Bumpers, D-Ark., and Patrick Leahy, D-Vt., carried the Senate. And President Reagan signed the bill.

Religious organizations have full rights to participation in the political process. That is one reason we have lobbyists representing Baptists. Alongside this right stands responsibility: our actions must stand the scrutiny of political effectiveness. □

even teach them, but these may be taught by other means — for example, history and civic ethics.

Christians who think their faith is far more than the morals, laws and the orderings of secular ethics ought not to be willing to accept the use of prayer — the sacred — for those values, important though they be. Indeed, Christians should fight such perversion of the sacred.

The Illinois Supreme Court way back in 1910 was right; the federal Supreme Court in 1962 was right. The state has no spiritual powers. Never had them. Ought not have them. Caesar has temporal powers only. Render only those to him.

Happily, American law and Scripture are in agreement here. The tools of the Spirit belong only to the church and to Christians. Prayer is such a tool. The state has its own secular tools to teach social morals adequately.

If it be argued that the state is not using its tools effectively, let us not make the error of giving it tools designed for other and higher uses. No state can use the tools of the saints without debasing them.

Waltred Peterson

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IN THE **STRUGGLE**  
TO **ABOLISH**  
**TORTURE**

American Christians for  
the Abolition of Torture

# INTERNATIONAL DATELINE



## Boesak criticizes refusal to form non-racial church

LONDON

The Rev. Allan Boesak, head of South Africa's major mixed-race Reformed Church, said he was shocked at the refusal of the country's largest white Dutch Reformed body to unite with three non-white Reformed Church branches.

The powerful white Nederduitse Gereformeerde Kerk (NGK), the largest denomination of Dutch-descended Afrikaners, rejected at its recent synod a proposal to form one non-racial Reformed church, joining with separate churches for blacks, Indians, and "Coloureds."

Boesak, moderator of the Nederduitse Gereformeerde Sendingkerk (Dutch Reformed Mission Church for Coloureds), also charged that the white church had condemned racism without condemning apartheid.

Boesak criticized the white synod's decision to open church membership to non-whites, saying that for the action to be meaningful, the synod would also have to call on the South African government to do away with the Group Areas Act, which keeps residential areas racially segregated. □

## Activist wants execution as end to his suffering

NEW YORK

A Russian Orthodox activist who has been imprisoned in labor camps since 1980 says he wants to be executed so he will not have to suffer any longer.

Keston Colledge, the British-based society for the study of religion under communism, has released excerpts from a lengthy letter from 36-year-old Alexander Ogorodnikov to his mother which was smuggled out in May. In it, he challenges the repeated assertions of religious freedom in the Soviet Union by Russian Orthodox Patriarch Pimen, and asks how they can be reconciled with the fact that he is not even allowed a Bible or prayer book.

In 1975 Ogorodnikov founded a group in Moscow called the Christian Seminar on Problems of Religious Renaissance. The group attracted a number of young Orthodox Christian intellectuals concerned with religious revival in the officially atheist Soviet state. In 1980

Ogorodnikov was tried for alleged "anti-Soviet agitation and propaganda" and sentenced to six years of hard labor followed by five years of internal exile. Last April he was sentenced to an additional three years in the labor camps because of his hunger strikes and other protests during his treatment.

During his imprisonment, Ogorodnikov had only one meeting with family members — for two hours in July 1982. He attempted suicide three times in May 1984 by slashing his wrists. Each time he was revived with blood transfusions.

Keston Colledge noted that Ogorodnikov's letter is characterized by "a note of hopelessness, previously absent from the few communications which have reached the outside world" from the prisoner since his trial. □

## Officials ask Gandhi for review of expulsions

CALCUTTA

Roman Catholic Church authorities recently asked Prime Minister Rajiv Gandhi to set up an independent tribunal to examine a string of cases in which expulsion orders were handed down by Indian officials against foreign missionaries.

The request was made personally to the prime minister by a three-member church delegation that met him here. The three were protesting the deportation orders against missionaries working in the states of Bihar and Madhya Pradesh. A spokesman reported that Mr. Gandhi would say only that the issue was "controversial and we have to look into it." So far, two missionaries have left the country while orders against several others are pending final review.

Most of the deportation proceedings have followed charges that the missionaries had converted members of controversial tribal races in the areas involved. The church claims members of the tribes are non-Hindu. □

## Cardinal Sin campaigns for new constitution

MANILA

Cardinal Jaime Sin, archbishop of Manila, has launched a personal campaign for the ratification of the country's proposed new constitution and against those who would destabilize the government of President Corazon Aquino before the charter is ratified.

During a speaking engagement in Iloilo

City in the central Philippines in the third week of November, the country's most prominent and influential religious leader denounced plans by some members of the military to destabilize the government.

Cardinal Sin described President Aquino's enemies as ambitious men running short of time. The cardinal said, "The moment the constitution is ratified, all their dreams of assuming power by means of a coup become moot and academic." □

## Growth of radio religion suggests 'closet' revival

LONDON

The British Broadcasting Corporation (BBC) announcing that the radio audience for its religious programs has risen by 28 percent in the last 12 months, concedes it is a surprising statistic and that it is unable to explain why morning services, prayers for the day and other religious broadcasts have suddenly become such a success.

Ironically, the growth of the "electronic church" in England comes at a time when, according to another report, use of the more traditional church buildings in this country is dwindling while the buildings themselves are increasingly in need of repair.

The study said that only 25 percent of England's 45,000 church buildings are required for British churchgoers.

The report urges clergy to face "harsh realities" that many Victorian buildings were built to last only 100 years and "it will not be possible for any church in Britain to preserve all the buildings presently owned by the church or its congregation."

Half the money raised by parishes in the Church of England is said to be spent on maintenance and repairs.

David Winter, the BBC's head of religious programming on radio, was both happy and confused. "We're constantly told that this is a post-Christian, secular age, so why are so many more people busily listening to programs about religion, which is supposedly redundant?"

Winter said the BBC's series on the Bible — titled "The Good Book" — had doubled, and at times quadrupled, the existing audience, and had evoked a flood of letters. "Obviously, the Bible is still capable of stirring a few passions."

A spokesman from the Church of England said, "No one can explain why. But there is undoubtedly a termic, hidden re-



## NEWS-SCAN

ligion in Britain today. In surveys, very few people say they have no religion."

But, church leaders are asking, if more and more people are tuning into religious radio programs, why don't they go to church and worship with others?

One *Sunday Times* comment suggested the answer: "Britain is experiencing a religious revival which is still firmly in the closet." □

### Cows bound for slaughter find new life in Mexico

NEW YORK

Heifer Project International shipped 300 cows Nov. 22 from Douglas, Ariz., to impoverished families in Mexico.

The project so far has saved 900 cows destined for slaughter under the federally-sponsored Dairy Termination Program and has arranged to have the cows sent to low-income areas of Mexico, Jordan and Honduras, where milk is desperately needed.

The cattle will be distributed to families in 29 communities in Mexico with help from more than 25 Mexican social welfare agencies, including the Methodist Church of Mexico and several agencies of the Roman Catholic Church.

The cattle are gathered from farmers across the U.S., some of whom donate their animals to the Heifer Project, based in Little Rock, Ark.

Since its founding in 1944, the non-sectarian organization has placed more than 50,000 head of livestock and 1.5 million chickens with needy persons in over 90 countries and 20 states in the U.S. □

### Leaders' petition condemns human rights abuses in Iran

WASHINGTON

Over 1,200 religious leaders recently signed a petition condemning "the systematic violation of human rights in Iran" and "Khomeini regime's policy of implementing and sponsoring international terrorism."

Among those who signed were Congressman Walter E. Fauntroy, Washington, D. C., James A. Langley, executive director of the D. C. Baptist Convention, Robert Tiller of the American Baptist Churches' Office of Government Relations, and Cessar Scott, executive minister of the Baptist General Convention of Virginia. In addition the petitioners "urge all humanitarian governments to enact an oil and arms em-

bargo against the Khomeini regime."

The petition cites statistics and a 1982 Amnesty International report to support the claim of human rights abuses. It also notes the material and physical losses inflicted by Iran's war with Iraq. □

### CEC notes concern over 'theology of death'

LONDON

The Conference of European Churches undertakes significant action for the improvement of human rights in Eastern and Western Europe alike, according to Theo Tschuy, CEC Human Rights Program secretary.

Tschuy told delegates at the CEC assembly in Stirling, Scotland, of its joint program with the Canadian Conference of Churches and the National Council of Churches in the USA.

Asylum practices and the sanctuary movement in the USA and Western Europe, community rights of travelers and gypsies in Switzerland, allegations of forced assimilation in Bulgaria, rights of religious minorities in Greece, the status of Jews and ethnic Germans in the Soviet Union were among human rights issues tackled in recent years.

Tschuy expressed concern over what he called "the dangerous...spread of the theology of death" closely linked to the Electronic Church, religious fundamentalism and right-wing political extremism in the USA.

He said "the theology of death spreads the view that the world will soon come to an end and so it is politically justified to use atomic weapons to destroy the sons of darkness."

Tschuy called for Europe's churches to talk with the American churches about combatting this strange new danger.

Glen Garfield Williams, who retires at the end of this year after 25 years as its General and Executive Secretary, told delegates that CEC has "grown to maturity" so that it could and was tackling controversial issues such as peace and human rights. □ Baptist Press

International human rights groups report that the problem they decry by the Argentine grandmothers and mothers (Oct. REPORT) is hemispheric. Estimates are that up to 90,000 children have "disappeared" (into the hands of police and soldiers) in various Latin American countries. . . . Although they did not participate in the "Day of Prayer for Peace," Italian Baptists, sensitive to the issues of peace and disarmament, have always promoted peace. They were among Protestant church groups to observe the recent Ecumenical Peace Week, seven days dedicated to prayer, information and action. . . . The council of the Association of Baptist Churches in Israel received government recognition as an "Amutah" or "Friendly Society." The new status will allow Baptists to own and sell properties and conduct business on behalf of member churches. In the past, such legal status was held only by the Baptist Convention in Israel which represented the Southern Baptist Foreign Mission Board and its representatives. . . . In China, "Woman of the Year" recognition went to a scientist-educator who looks to a Swedish missionary as her second mother. Dr. Rui-Juan Xiu, a Christian, credits the Swedish Baptist Mission for her family's development and education. . . . Irina Ratushinskaya, gifted dissident poet and one of the Soviet Union's most publicized prisoners of conscience, was unexpectedly released in October from the KGB prison in Kiev. Her health severely impaired, she has been invited to England for medical care. . . . A Baptist church in Augsburg gave special meaning to an old stone. Now imbedded in one of the entrance walls of its new building, the stone came from the bunker of Rudolf Hess - some will remember his famous flight from Germany to Britain during World War II. Pastor Hans Guderian explained that the area around the church once was a Nazi air field. "Now the stone from the bunker will become a symbol for peace" . . . . As a gesture of faith in Soviet nuclear power, a giant reactor of the Chernobyl design but 50 percent greater in capacity will soon begin operation some 80 miles from Vilnius, capital city of Lithuania. It's a gift that gives — electrical power to other parts of the Soviet Union but cause for alarm both in Lithuania and Latvia.

# 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.

I agree with you. Hooray! The "Life with Liberty" series is one of the finest pieces of work I have seen from any of our Baptist places. Our people have been involved in the historic doctrinal struggle for the past several years and understand some of the key issues discussed in these pamphlets. I commend you on your excellent work.

Thomas H. Conley  
Atlanta, GA

Thanks for that marvelous "REFLECTIONS" (October, '86) on Jefferson and the Virginia Statute for Religious Freedom. You have captured the necessary connection between "free minds" and healthy religious devotion better than anyone I have read recently. Who says history is dull? You made it come alive.

There are those of us who honor your commitment to the truth, who thank you for your courage, and who believe that someday the principles for which you fight will be vindicated.

T. Furman Hewitt  
Wake Forest, NC

[Re: Aid to private and parochial schools] If this proposal is adopted the U. S. Government

would not only be the official sponsor of Protestantism, Roman Catholicism and Judaism, but also of Confucianism, Hinduism, Buddhism, Moonism, and every other "ism" conjured up in the minds of people. What a zany proposal!

How can the representatives of diverse religions justify their demands for government funds knowing that these funds will be used to propagate beliefs contrary to their own?

Robert K. Bucher  
Mechanicsburg, PA

Thanks for your pamphlet series... at a time when I am promoting our Baptist heritage in the struggle for religious liberty. This is a two-edged sword. On the one hand too many have "forgotten their raisings" and are fighting for freedom-denying causes. The other edge of the sword is for those men and women who are headed for ministry, but are about to give up on Baptists. These students need something positive. The pamphlets will help sharpen both edges of the sword.

H. Page Lee  
Mars Hill, NC



\* Gary McNeil speaks to the issue of Christians as lobbyists. His essay discusses the ways lobbyists must compromise. How much should a Christian lobbyist compromise? Does it always mean that one takes leave from one's convictions? Give examples from your own experience. Is it a good or bad compromise not to quote Scripture? Support your convictions. What does the author think?

\* In his essay directed against organized school prayer, Walfred Peterson scores points as he lifts the question of government sponsored school prayer out of the gray zone of civil religion and into the level of faith. Have a debate with this resolve: "Prayer is an act of faith, something which cannot be taught by public schools."

\* Thomas Goodhue, rejoicing that the days of proselytizing by textbooks are gone, decries the vacuum of religious references replacing it. Dividing into two groups, have one group advocate the learning about Buddha, Mohammed, Jesus and Confucius. Have the other group counter and advocate they don't want their children exposed to any religion in the schools. If teaching about religions comes to the schools, what priority would you assign it? Explain.

\* In his Reflections, James M. Dunn comes out and says that the freedom to say "yes" hinges on our freedom to say a defying "no." Is it a compliment to our Maker to exercise this freedom, even if our efforts are at times fat-fingered, or wrong? Or, would you argue for our traveling well within the established boundaries of human paths? Does God have a word here regarding the limits of freedom given us? How does our freedom (even to fail) affect the ways we think about and interpret the Bible and live as Christians?

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### AUDIO CASSETTE TAPES

Complete addresses of the Twentieth National Religious Liberty Conference are available on audio cassette. Each cassette includes the major addresses of a session. Cassettes \$5.00 each, the complete set — \$35.00, postpaid.

- \_\_\_\_\_ BUCHANAN, John: The Baptist Joint Committee's Calling; KING, Coretta Scott: Intersecting Values: Racial Justice
- \_\_\_\_\_ AYRES, Patricia: Intersecting Values: Food Justice; VESTAL, Daniel: The Church at the Intersection
- \_\_\_\_\_ MARTY, Martin: The Church in Tension
- \_\_\_\_\_ KELLEY, Dean and Sam ERICSSON: The Church and Taxation
- \_\_\_\_\_ JORDAN, Barbara: The Church and Public Policy; ROBISON, Olin: Education Confronts Intersecting Values
- \_\_\_\_\_ SOUL, David: Intersecting Values: Economic Justice; MADDOX, Robert: Church-State Separation
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BAPTIST JOINT COMMITTEE ON PUBLIC AFFAIRS  
 200 Maryland Ave. NE, Washington, D. C. 20002

... being made in God's image means our capacity to decide for ourselves is sacred, not to be tinkered with or treated lightly, not to be violated or overridden

## REFLECTIONS

James M. Dunn  
Executive Director



The doctrine of free moral agency is a cumbersome term from yesteryear. It may be covered with catechetical dust but it's as timely as today's headlines.

We each have a "chooser," a "decider," a capacity for response. We may make wrong choices as did the first couple on this mortal vale, Adam and Eve. We may dread decision making and do it poorly. Did you hear, for instance, about the fellow who visited his psychiatrist because he was increasingly confused? "Do you have trouble making decisions?" asked the doctor. "Yes and no," replied the hapless patient. Who doesn't at some time feel that way? All of us tend at times to spin our wheels like a car caught on high center in a deeply rutted dirt road.

Worse than making bad decisions or having difficulty making up one's mind, alas, is the fear that his "responder" is out of whack. That sounds like something that would go wrong with the T.V., doesn't it? It's more serious than that.

One aspect of belief in the *imago Dei*, our being made in the image of God, is our ability to respond to the Divine. I'm convinced that we all understand religious freedom's foundation far better than we admit or articulate it. We are able to answer to heaven's urgings. We are responsible, responsible.

We know in our innards that our "response-ability" is devalued, cheapened and virtually meaningless unless we are actually free to make those responses. We accept without thinking the truism that we understand without ever having a course in theological anthropology that freedom and responsibility are inextricable. Responsibility implies freedom. Freedom demands responsibility. By whatever rational argument, fumbling philosophy or straightforward proposition we choose to express it, most of us concur in that commonsensical theology.

One of the annual promotions in the crazed commercialization of Christmas is the push of the baby doll of the year. The enormous success of this multi-billion dollar industry begs scientific investigation. Why have adults from time immemorial thrust effigies upon their offspring? That's another dissertation.

Each year we have to children that wet and cry and sleep. We've had a "magic skin" doll that felt like real baby hide to touch and some that walk and talk. One year "Chatty Cathy" came to our extended family. As I remember her she just said three words when physically prompted by yanking a cord in her back: "I love you."

The four-year-old who received Cathy into her surrogate family took to her with great enthusiasm for about fifteen minutes. Chatty's cord was pulled as fast as a fire alarm and as slow as molasses. She was tested in her talk while standing on her head, lying in her bed and in every other position that a fidgety four could figure out. Then, even before the mechanism broke, a short span for

Christmas toys, our little play-like mother lost interest in the doll-of-the-year and returned to playing with sticks and strings.

Then there was Dee Alexander. I was his pastor in Weatherford, Texas. Each Sunday morning as I stood at the door of the church "shaking them out" as is the custom of pastors everywhere, Dee would come out with his mother LaVerne and give me something to remember him by. He'd kick me, his teacher, preacher and friend, in the shins. Dee was a rather typical "Dennis the Menace" type, tousled-haired, dirty-faced, runny-nosed, sticky-handed, scuff-shoed kid. One reason I haven't forgotten the little shin-kicker, however, is that one Sunday he tugged at my sleeve, pulled me down to his level (where I should have been all along), hugged my neck and said, with the sincerity that can come only from the innocence of children, "Peacha, ah lub yuh."

The words are the same, "I love you" from Chatty and Dee. The responses, vastly different. The doll kept her child mother occupied for a few minutes. I have remembered Dee's childish affection nearly 30 years later.

Even the very young recognize the difference between words that are merely mechanical and without meaning and a genuine expression of human concern. The disenchantment with Chatty Cathy came, I think, from the instinctive awareness that a thing, not made like God, cannot communicate thoughts. It can only make noise.

On the other hand, one not touched by the tenderness of infant attempts to share love is one too cold for their own good. Because a little one can say "no," a favored expression, their "yes" takes on meaning. Because one can say, "I hate you," "I love you" are words worth hearing.

One need never have read Kant or Kierkegaard or Schleiermacher or consciously have engaged in philosophical challenges to be aware of their insights into the human condition. The idea that we all have some sort of "conscience," however hollow or seared, is not far from Kant's "categorical imperative." Who has not admitted the need for Kierkegaard's "leap of faith?" Surely everyone of us has reached at times, maybe often, the brink and in our extremities said "yes" to our total dependence upon God.

We are programmed, wired up, created as beings of free choice. I contend that we all know that, deeply, profoundly. We understand it in our insides. Further, we instinctively believe that being made in God's image means at the very least that our capacity to decide for ourselves is sacred, not to be tinkered with or treated lightly, not to be violated or overridden.

Religious freedom, then, is rooted in this fundamental freedom, related in some wonderful way to the person of God and our being replicas of the Divine. The term "free moral agency" may be a tad dusty. The reality is a lively imperative. □

# REVIEWS



## ROOTS OF RESISTANCE:

**The Nonviolent Ethic of Martin Luther King, Jr.**

By William D. Wateley. Valley Forge, PA: Judson Press, 1985. 159 pp, \$12.95

William Wateley, author of *Roots of Resistance*, writes from the perspective of one who has been intimately involved in the rich history of the black church tradition, while at the same time drawing from his seasoned scholarly research and reflection on the subject of King's nonviolent ethic. In this light, the author comes to his task demonstrating his genius for academic discipline and his sensitivity to the variegated interpretations of this subject matter.

His objective is clearly indicated in the title: to delineate the roots of Martin King's resistance which provided the basis for his Christian prophetic witness in a world dominated by the principalities and powers, e.g., political, social and economic realities. To make this journey with Wateley is to travel along the rural roads of the south and the city streets of the northern urban centers. It is to enter into the experiences of the planners and participants of the protest marches with the conviction that "nonviolence for King was more than a strategy or a methodology for addressing racial issues; it was a personal and social ethic."

In Wateley's attempt to trace the development and application of King's nonviolent ethic to the crucial issues of his day he identifies the formative factors which were most influential in King's life and thought. Of utmost importance were the black religious experience, which was the cradle of his existence and the hallmark of his life, and evangelical liberalism and personalism, which helped to format his philosophical understanding of life. He follows King's gradual involvement with the philosophy of nonviolence back to his prior exposure to the Christian love ethic. This journey continues on to the campaigns from Montgomery, Albany, Birmingham and Selma to King's campaigns for economic justice and international peace. An evaluation of these campaigns is significant to any understanding of the manner in which King's nonviolent ethic evolved, developed and matured.

Another major objective in Wateley's work is that of assisting socially sensitive readers in the process of making meaningful application of King's ethics and

methods of contemporary struggles against the forces of violence, inequality and injustice. Writing in a style that proves to be contagious, a style that invites the reader to continue on to the next page and the next chapter until the book's end, Wateley accomplishes his purpose. Not only does he inform his reading audience of the origin and development of the nonviolent ethic which aided King in his attempt to bring to bear the power of soul force upon the evils created by secular forces, but he also identifies the six principles of King's nonviolent ethic. These principles help the Christian with a sense of prophetic consciousness to realize that evil and injustice must be resisted, and that the means of resistance must be theologically and ethically consistent with the Christian Gospel and the desired ends. □

V. DuWayne Battle

## COUNTING THE COST:

**The Economics of Christian Stewardship**  
By Robin Kendrick Klay. Grand Rapids, MI: Wm. B. Erdmans, 1986. \$8.95

Despite the subtitle, this book is *not* a ranking of denominations by member giving, or the like. Instead, Robin Kendrick Klay sees stewardship as a key dimension of Christian ethical thinking about major issues such as domestic and international poverty, the use and abuse of environment and land, the role of government, international trade, military spending, and others. Stewardship, for Klay, combines knowledge of facts, disciplined analysis, and moral awareness. An economist, she approaches each topic by providing the reader with essential economic principles, some of the most important data, and a survey of major recent research findings. Klay also orients the reader, who is presumed to be a Christian layper-

son, towards the scriptural, theological or ethical themes that may enlighten thinking about each issue. However, her heaviest emphasis is on the social science.

This book sails in the mainstream of economics. Klay emphasizes the economic role of markets, but enumerates both the strengths and weaknesses of markets. Her treatment of government is equally balanced. The economic principles she emphasizes are widely viewed within the profession as the key ones, and her references are from respected sources. When there is no economic consensus, Klay does not imply that one exists.

Her social ethic is within the Protestant mainstream. She sees scripture informing Christian values, yet without providing stock answers. She allows for ethical ambiguity, and for the possibility that Christian thought does not necessarily produce unique answers to important social issues. For example, she says, "there is no economic ideology or system which is singularly Christian" (p. 162). Throughout the book, it is clear where Klay's Christian conscience leads, but other positions than Klay's are treated fairly.

If there is a problem in a book like this one, it is that reliance on economics, the science of limited resources and trade-offs, focuses our ethical gaze on what is quantitative, and subject to the balancing out of pluses and minuses. But sometimes God's will may force us beyond a prudential framework. For example, this book examines military overspending, but the Christian conscience must consider whether the threat of violence inherent in any level of military spending is consistent with one's faith. Economics does well in spelling out the possibilities that exist within a frame of reference, but faith often requires a change of the frame of reference. Despite this observation, this is a good book and covers its ground well. Perhaps Prof. Klay will someday write a companion volume elaborating the nature of moral judgments that move beyond or even against the prudential considerations epitomized by economics.

Donald E. Frey

## Reviewers

Dr. Frey is Chairman of the Department of Economics, Wake Forest University. Dr. Battle, a Baptist pastor, is a member of the adjunct faculty of Shaw Divinity School.

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