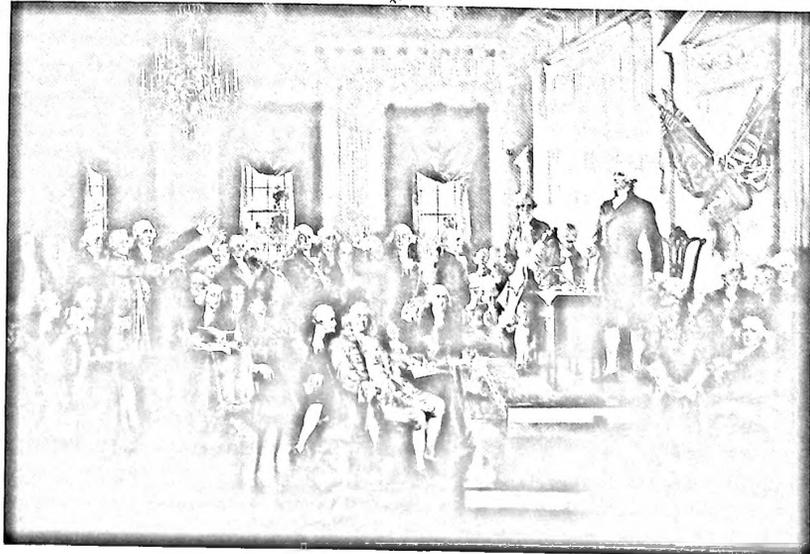


February 1987

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# REPORT from the CAPITAL



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

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**Cover:** "Scene at the Signing of the Constitution of the United States." The painting was purchased in 1940 by the 76th Congress and is used through the courtesy of Florian Thyane of the Office of the Architect, U. S. Capitol.

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# The Best of Intentions

**L**iberty and Equality — that's really what it's all about. The feature article, by noted historian Henry Steele Commager, continues our discussion over original "intent" but in the context of the broader vision the founders held in framing the Constitution.

On this, the 200th anniversary of the Constitution, Americans will have their attention drawn to the pioneering document that set the nation on its course. It immediately becomes obvious that had it been set in concrete, as today some strongly argue, equality and justice would have been mere words for about 35 percent of the population (to use the word "citizen" would be taunting) denied basic citizenship rights.

Commager agrees with others who view the Constitution as evolving in interpretation and dynamic in nature as opposed to one static and unyielding. He says it's a "dynamo" and not a straitjacket, siding with Jefferson — it belongs to the living and not to the dead — and reminds us that it had been left as a legacy to posterity. Commager also dismisses the notion put forth by those who would piecemeal the nation on the basis of states' rights with the reminder that the states are a creation of the people in whom all rights finally reside.

The pursuit of freedom, especially religious freedom, fixed in the hearts and minds of Baptists tyrannized by state-controlled religion, brought Swedish Baptists to America and found expression in the Baptist General Conference. (The BGC is one of the nine cooperating national member bodies composing the Baptist Joint Committee). Denominational executive John Anderson writes in "That Indomitable Spirit" of those Baptists, of their experiential and theological roots. An outstanding family in that history are the forebears of J. Wesley Forsline, current chairman of the Baptist Joint Committee.

The church's mission and who is competent to define it surfaces in another case that reached the nation's high court. Oliver Thomas' **VIEW**s holds that the lives of each and every employee in some way strengthens or weakens the public testimony of the employing church body. Thus, he argues for the right of religious organizations to hire only those persons who "contribute to the agency's corporate witness by embodying the teachings of the Christian faith." Thomas' article summarizes the amicus brief of the BJCPA to the U.S. Supreme Court in a case he believes misinterprets the establishment clause and jeopardizes the autonomy of religious organizations.

Control of the Senate and the election of new House leadership, writes Kathy Palen, suggests that the lack of attention given to state-church questions may be exceeded only by the paucity of legislation that might be enacted in that area. Yet, as in others years, similar bills permitting school prayer have already been introduced in both the Senate and the House. This assures us that Dunn is correct in his **REFLECTIONS** of the historical Baptist engagement in dissent. The question of authority — of faith or state — has been resolved by Baptists in favor of faith. But the problems of nonconformity have not and perhaps may never be resolved once and for all times. □

Victor Tupitza

**Acting in a closely watched case involving religious exercises in public schools,** the Supreme Court has announced it will review a New Jersey law requiring a daily "moment of silence" in the state's public school classrooms at the beginning of each school day.

The law, enacted by the New Jersey legislature in 1982, states, "Principals and teachers in each public elementary and secondary school ... shall permit students to observe a one-minute period of silence to be used solely at the discretion of the individual student, before opening exercises of each school day for quiet and private contemplation and introspection."

Two years ago, the high court struck down an Alabama law that required a one-minute period for silent meditation or prayer. But in that 6-3 decision, at least two justices voting with the majority indicated they might approve a law that did not specifically require silent prayer.

When it hears the case next term, the high court will review decisions of two lower federal tribunals that struck down the New Jersey statute. A U.S. district court rejected state legislators' claim that the purpose of the law was secular, not religious, holding the claim was an after-the-fact rationalization and a pretext.

In addition, the district court held the law violated two other standards used by the Supreme Court since 1971 in that it had the primary effect of advancing religion and would foster excessive governmental entanglement with religion.

A second panel consisting of three judges of the 3rd Circuit Court of Appeals in Philadelphia agreed with the district court, 2-1, that the purpose of the New Jersey law was religious. But all three judges disagreed with the lower panel on the other standards. The state then appealed to the Supreme Court.

Because the high court already has scheduled arguments in all cases it is able to hear during the current term, the New Jersey case will be held over for the 1987-88 term. A decision in the case might not come down until the spring of 1988. ●

**President Reagan, delivering his sixth State of the Union address,** renewed his oft-repeated plea for "voluntary prayer" in public school classrooms.

The president made his pitch for school prayer toward the end of the 30-minute address in the larger context of an appeal for educational excellence.

As he concluded that section of the speech, Reagan said, "Finally, let's stop suppressing the spiritual core of our national being. Our nation could not have been conceived without divine help. Why is it that we can build a nation with our prayers but we can't use a schoolroom for voluntary prayer? The 100th Congress of the United States should be remembered as the one that ended the expulsion of God from America's classrooms." ○

**Larry Baker, vice president for academic affairs and dean of the faculty** at Midwestern Baptist Theological Seminary in Kansas City, Mo., has been elected executive director of the Southern Baptist Christian Life Commission in Nashville, Tenn.

Baker, who will assume his new post in mid-March, succeeds Foy Valentine, who will move into a development position with the agency in mid-April. ●

**Richard Land, vice president for academic affairs at Criswell College** in Dallas, Texas, has been named administrative assistant to Texas Governor-elect Bill Clements.

Land, who has requested a leave of absence from Criswell College, is to serve as Clements' adviser on church-state issues, right-to-life concerns, anti-pornography and anti-drug abuse programs, and "traditional family values" issues. ●

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# LIBERTY AND EQUALITY IN THE AMERICAN FOUNDING

**T**homas Jefferson, in his First Inaugural Address, said, "Every difference of opinion is not a difference of principle. We have called by different names brethren of the same principle." That was true during George Washington's administration; it is not true today.

In the summer of 1985, Attorney General Edwin Meese called for a "jurisprudence of original intention." Perhaps a more appropriate wording would be that which Finley Peter Dunne put in the words of his fictional Mister Dooley: "The Constitution was what some dead Englishman thought Thomas Jefferson was going to mean when he wrote the Constitution."

The issue in the debate of how to interpret the inevitably ambiguous words and phrases of the Constitution and who should do the interpreting is much more than simply the difference between broad and narrow interpretations of the Constitution. It is the great and permanent issue, which Jefferson put in the form of a question: "Does the earth belong to the living or the dead?"

Original intention means the intention of those who were living in 1787. Concealed in Mr. Meese's seductive and extraordinary phrase is also the question

that Justice Oliver Wendell Holmes raised when he assured us that "the life of the law has not been logic, it has been experience." The felt necessities of the time, the prevalent moral and political theories, intuitions of public policy, even the prejudices that judges share with their fellow men, all have had a good deal more to do than syllogisms in determining the rules by which men should be governed.

For their writing of the Constitution, the Framers were instructed — in a brief statement from the declining Congress of the Confederacy and authorizations from the states — to take adequate steps "to meet the exigencies of union." The members of the Constitutional Convention were mandated to meet those exigencies, and they did. We, too, must continue to do what is necessary to meet the exigencies of union. The Constitution has always proved adequate to that task because it is a dynamo, not a straitjacket.

The Preamble of the Constitution explains what the Constitution was about and what it was to do. The Constitution was to create a more perfect union, justice, domestic tranquility, common defense, general welfare, and secure the blessings of liberty, not only for the founding generation, but for posterity.

When we look for original intention in the body of the Constitution itself, we do not find confusion, obfuscation, or contradiction. We find clarity and specificity, wherever these are called for, and broad general terms, wherever those were called for. We find the sagacious understanding of the true nature of federalism: the essential distinction between things of a general nature that had to be assigned to the national government and things of a local nature that could be managed by the state and local governments. We also find that realization that these distinctions were not and could never be

[T]he prevalent moral and political theories, intuitions of public policy, even the prejudices that judges share with their fellowmen, all have had a good deal more to do than syllogisms in determining the rules by which men should be governed.

clear, nor were they, nor could they ever be, fixed and rigid.

The Founding Fathers created the first federal system by not only conforming to reality, but by including language in the Constitution that permitted continuous readjustment to reality, and by creating a system of dual citizenship, dual government, and dual courts, with the national courts as supreme. On questions of jurisdiction, they lodged ultimate authority in the courts.

For all the Constitution's comprehensiveness and clarity, it does, however, contain inevitable ambiguities, some of which were included quite deliberately. When members of the Constitutional Convention could not agree on something, they took refuge in ambiguous words. Even today there is no agreement on certain words in the Preamble: "justice, domestic tranquility, defense, welfare, liberty." The Founding Fathers had the good sense to leave to posterity the task of working out the meanings of many of the key words in the Constitution. The generation of the Founding Fathers always invoked posterity. The word appeared nine times in one of Washington's addresses. Neither John Adams nor Jefferson could write a letter without using the word. Today, we have abandoned the concept of posterity, possibly because we do not believe there will be any.

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Henry Steele Commager is a professor of history at Amherst College and the author of numerous books, including *The American Mind*. This article was adapted from his lecture commemorating the two-hundredth anniversary of the United States Constitution. Reprinted by permission of the *The Center Magazine*, a publication of The Center for the Study of Democratic Institutions.

Baptist Times  
London

[T]he most elementary fact of our constitutional system: . . . states do not have rights — people have rights. The states, like the nation itself, have only those rights given to them by the people, who are citizens of both state and nation.

We seem to know almost at once what is meant by "common defense." But what is meant by "general welfare"? Both terms are inextricably united in the same phrase twice in the Constitution: in the Preamble and in Article I, Section 8. So, logically, Congress can tax anything for general welfare that it can tax for common defense. Both terms have exactly the same Constitutional status.

The Founding Fathers were not afraid of ambiguity. They trusted the courts to work out the meanings of these ambiguous words in the light of history and of the exigencies of the time. Indeed, they even required the courts to interpret the meanings of the phrases of the Constitution in accordance with experience. This is a job the courts have taken on and largely fulfilled. Furthermore, because the Founding Fathers foresaw the vast changes in the future and had confidence in posterity, and because they knew, as John Marshall said, that the "Constitution was intended to endure for ages to come and be adapted to the various crises of human affairs," they accepted the key word "adapted" as a natural term for interpretation of the Constitution. "Adapted" is still the key word today.

Presidents and Congresses, Presidents and Supreme Court Justices, Presidents and attorney generals have often differed in their interpretation of what might seem to be simple and elementary features of the Constitution itself. The elementary conclusion is that there is no single, authoritative original intention. Justices Learned Hand, Oliver Wendell Holmes, and Louis Brandeis all disagreed on interpretations of the Constitution. Chief Justice Earl Warren and his associate justices were consistently astigmatic in their reading of the Constitution, whereas ex-Chief Justice Warren Burger and his associate justices always seem to have had twenty-twenty vision in their reading of the Constitution.

The real issue in this debate that Mr. Meese has somewhat recklessly launched is not over the concept or the technique of

original intention or any grammatical, rhetorical, or legal issues; the argument concerns political and philosophical issues. Mr. Meese approaches the Constitution not as an erudite scholar searching for the origin and history of each word, but as a politician. He champions jurisprudence of original intention, not out of consummate respect for historical accuracy, but as a weapon in a political contest. Mr. Meese is persuaded that a jurisprudence-of-original-intention interpretation of the Constitution should, might, and probably would sustain states' rights.

Almost the entire conservative camp refuses to recognize the most elementary fact of our constitutional system: states do not have rights — people have rights. The states, like the nation itself, have only those rights given to them by the people, who are citizens of both state and nation. The people not only made the Constitution the supreme law of the land for the original thirteen states, they called into being, in the overwhelming majority, thirty-seven existing states, no one of which had any claim to be originally independent. In other words, states were creatures of both the United States and the Constitution, both of which are themselves creatures of the people.

Finally, Justice Joseph Story wrote: "No man will pretend to say that the affection of the state governments has been sensibly diminished by the operations of the general government. If the latter has become more deeply an object of regard or reverence, of attachment and pride, it is because it is the parental guardian of all our public and private rights, and the natural ally of all the state governments in the administration of justice and the promotion of the general prosperity. It is beloved, not for its power, but for its beneficence; not for its commands, but because it protects; not because it controls, but because it sustains the common interests and the common liberties and the common rights of the people." □

We have discovered that we are more racist than we thought in our professions, our unions, our police and — yes in our churches: and most of all in our personal prejudices.

Our justifiable alarm at the rapid increase of drug addiction blinds us to the worse alcoholic addiction through which tens of thousands are killed and injured on our roads every year and our industries suffer through spoiled work, absenteeism and illness.

Modern life presents us with ever more temptations and tens of thousands cannot cope. They find themselves in debt through the use of credit cards and easy offers of loans.

Meanwhile millions remain unemployed, multitudes are homeless and the gap between haves and have nots becomes wider and embraces more of our families.

How to present the Good News and make it incarnate in our own lives and in our society is something we need to relearn and attempt together. □

Alan Boesack  
CWS Connections

What is apartheid doing to black people? If you see the oppression, if you see those concentration camps euphemistically called resettlement camps, if you see what the pass laws are doing to people, if you see the breakup of black family life, if you see as I have had to how the police at 3 o'clock in the morning will come and break down the shacks of people in Crossroads, in Cape Town — how they will cart off the mothers and separate them from the children so that we from the churches spend weeks after such a raid trying to find the children and the mothers and trying to bring them together, if you see all of this, then you must ask the question, "Is there a moment that for the church you must say, 'This is enough?'" You cannot allow someone to continue with this kind of policy and still say, "We're doing it in the name of Jesus Christ."

I would like to say to American Christians, "Be wary of a government who fights communism with the methods of communism." Let me give you an example. We say that in Russia, or in communist countries, there is no freedom. Well, black people have no freedom in South Africa. We say that in communist countries people are being thrown in jail without reason and without trial. That's what happens in South Africa. We say that in communist countries there is no democracy. Well, in South Africa there is no democracy. We have an illegitimate government who does not represent 80%, more than 80% of the South African population. □

## VIEWS OF THE WALL



Oliver S. Thomas  
General Counsel

Should Baptist agencies be allowed to hire only Baptists?

Should churches be forced to hire non-Christians to perform work connected with activities that a court might consider "non-religious"?

"Yes" and "no" respectively, said Congress in 1972 when it amended Title VII of the Civil Rights Act of 1964 to exempt religious employers from all prohibitions against religious discrimination in employment. "No" and "yes," said the United States District Court for the District of Utah recently when it struck down the amendment as violating the establishment clause of the First Amendment to the U.S. Constitution.<sup>1</sup>

As originally adopted, Title VII exempted religious organizations from its prohibitions against religious discrimination in employment only with respect to the organizations' "religious activities." As a result, churches had been forced to hire non-Christians who were otherwise qualified for any positions that might be considered "non-religious" by secular authorities. The 1972 amendment struck the word "religious" from the act, thereby broadening the exemption to include all the activities of a religious employer.

The original Act had put the government in the untenable position of examining and evaluating the beliefs and practices of religious organizations for the purpose of determining which of their activities were "religious." It took Congress eight years to recognize that government was wholly incompetent to make such determinations and that any attempt to define the church's religious mission was constitutionally problematic. In short, Congress realized that it is impossible to separate the religious and non-religious functions of the church and that government had no business trying.

In the words of one of the amendment's sponsors, the late Senator Sam Ervin of North Carolina, "We ought not to let Caesar undertake to control what belongs to God."

While acknowledging that the purpose of the '72 amendment was to avoid governmental interference and entanglement with religion, the District Court held that the direct and immediate effect of the broader exemption was to advance religion in violation of the establishment clause of the First Amendment.

The District Court is mistaken.

The establishment clause was adopted to prevent "sponsorship, financial sup-

port, and active involvement of the sovereign in religious activity."<sup>2</sup> This great clause secures the separation of church and state which is the institutional guarantor of our religious liberty.

On the basis of the establishment clause, the Court has struck down numerous attempts by government to breach the wall of separation by aiding or advancing the cause of religion. Notwithstanding, it is well established that not every law that confers an "indirect," "incidental," or "remote" benefit upon religion is unconstitutional. In order to violate the establishment clause, an otherwise valid law must have the "primary effect" of advancing or inhibiting religion.

In keeping with these principles, the Court has upheld numerous laws that confer indirect or incidental benefits upon religion. More importantly, the Court has upheld statutory exemptions for religious organizations from otherwise neutral legislative acts. Property tax exemption for churches and exemptions from military service for those who object to war for religious reasons are notable examples. The Court has indicated that other statutory exemptions expressly for religion would be permissible though not required under the First Amendment. At times the Court has even created its own exemption when none was expressly provided in the statute.

In like fashion, a majority of states and local governments by statute or judicial decision exempt churches from prohibitions against building in neighborhoods zoned "residential." Although some courts have held that a municipality is not required to provide such an exemption by the free exercise clause, the writer is aware of no decision striking down such an exemption as violative of the establishment clause.

The various exemptions cited above reveal a correct understanding on the part of many governmental agents of the proper relationship between church and state. These governmental agents have recognized that while the separation of church and state protects against governmentally established religion, it prohibits governmental interference with religion as well. Exemptions that prevent governmental intrusion into religion, excessive entanglement between church and state, and conflicts with legitimate free exercise not only are consistent with these principles of non-establishment, they are es-

sential to the institutional separation of church and state.

Some of the statutory exemptions for religion undoubtedly confer an indirect or incidental benefit upon religion. The benefit may vary from being quite significant as with exemptions from property tax to being relatively minor as in this case. However, any such benefit manifests no more than the occasional tension between the religion clauses.

Viewing the application of §702 to religious groups as a whole and not solely to the facts in this case, the exemption for religious employers does not have the primary effect of advancing religion. To the contrary, one must strain the analysis to discover any benefit at all to religion. No public support, whether financial or otherwise, has been received. No sponsorship or promotion of religion has occurred. No governmental assistance of any kind has been rendered. Congress simply has refused to force religious organizations to hire individuals who do not subscribe to their particular religious viewpoints. Such a decision on the part of Congress is not only lawful, it is laudable. By eliminating governmental interference in religious affairs, Congress has strengthened rather than weakened separation of church and state.

\* \* \* \*

Courts and other governmental agencies must realize that the purpose of a church agency is not simply a specific task such as health care or recreation. Central to the church's religious mission is providing a corporate witness to its religious faith. That witness should extend from the director of an agency to the maintenance engineer whose Christian commitment is equally important if the church is to fulfill its religious mission. From top to bottom, it is a church agency's religious obligation to ensure that each of its employees contributes to the agency's corporate witness by embodying the teachings of the Christian faith.

As Baptists, all that we do is related in part to Christ's commandment to "Go ye therefore, and teach all nations, baptizing them in the name of the Father, and of the Son, and of the Holy Ghost." Any attempt by the state to force Baptist agencies to hire non-Christians or even non-Baptists diminishes our corporate witness and hampers this evangelistic task. In the words of one Baptist educator, "An atheist who scoffs at Christianity might be a competent maintenance engineer, but if

# Church-state debate may abate in Democrat-controlled 100th Congress

he despises and scoffs at Christians and Christian values, he might defeat the mission of a Baptist college [or agency] to create a Christian atmosphere on the campus and instill and strengthen values in our students, teachers, administrators, and other employees."

The insurmountable problems that are created by the District Court's decision become even clearer when the decision is applied to other church agencies. Consider the following: a mathematics teacher at a Baptist college; a stenographer at the Southern Baptist Foreign Mission Board; House Counsel at the Baptist Joint Committee; a custodian at a local church; the director of a day care center at a Baptist agency; the director of recreation at a local church; a nurse at a Baptist hospital; the controller of a church pension board; and the librarian at the American Baptist Board of National Ministries. The court might well consider all of these positions to be unrelated to the religious activities of the church, yet each and every one is integral to its religious mission. They are all part of the unified witness of Baptists.

\* \* \*

The Baptist Joint Committee on Public Affairs has as one of its mandates the obligation to respond "...whenever Baptist principles are involved in, or are jeopardized through, governmental action...."

Among Baptists, religious liberty is a fundamental and sacred principle. Baptists are deeply committed to the principle of non-establishment, or church-state separation, as the institutional guarantor of this liberty. The Baptist commitment to non-establishment was evidenced by their enthusiastic support for both the Virginia Act for Establishing Religious Freedom and the First Amendment. Indeed, it is not overstatement to suggest that without the efforts of Baptists there would be no provision for church-state separation in the Constitution.

Because of its commitment to religious freedom for all citizens, the Baptist Joint Committee throughout the years has opposed governmental efforts to breach the wall of separation between church and state by aiding or advancing the cause of religion. At the same time the Committee has been zealous in its defense of church autonomy and the free exercise of religion.

The Baptist Joint Committee believes that the principle of religious liberty as embodied in the First Amendment to the

With a shift in the control of the Senate and the election of new House leadership, speculation swirls around how church-state questions will fare during the 100th Congress. As congressional agendas are set, the question is perhaps not whether any of those issues will result in actual legislation during the next two years but whether they will receive much attention.

Members of the 100th Congress, apparently preoccupied with fiscal and foreign policy questions, may be less willing to spend time addressing church-state issues than were members of the 99th Congress — who addressed a wide range of such issues but failed to reach consensus on most of them.

The single piece of legislation receiving perhaps the most national attention during the 99th Congress also posed the greatest challenge to the religious community. The Tax Reform Act of 1986, which provided the most dramatic revision of the federal tax code in more than 40 years, threatened to strip the tax-exempt status of church pension and welfare groups.

As signed into law, the sweeping tax revision retained the tax exemption of such groups. Had the legislation included the House's original provision to strip that exemption, however, Congress in effect would have exposed to taxation the part of the church's ministry that provides pension and welfare benefits to ministers and other church workers and their survivors.

The new tax law — which took effect Jan. 1 — also included other provisions affecting churches, church-related insti-

tutions and their employees. Among those provisions were the restoration of ministers' eligibility to declare mortgage interest and property tax deductions in addition to their tax-exempt housing allowances and the revocation of non-itemizing taxpayers' eligibility to claim deductions for charitable contributions.

Although only one reached a floor vote, several proposed bills that would have affected public schools also raised church-state questions.

Senate majority leaders said they would bring a proposed constitutional amendment authorizing silent prayer in public schools to a vote by the full Senate during 1986. That vote never materialized.

The proposed legislation — S.J. Res. 2 — was approved 12-6 by the Senate Judiciary Committee in October 1985. Its supporters said it was needed to nullify a 1985 Supreme Court ruling that struck down an Alabama law requiring a moment of silence for prayer or meditation at the beginning of each school day. Opponents argued such an amendment was unnecessary since silent prayer already is lawful in light of Supreme Court decisions and since such a measure, lacking any secular purpose, simply would promote religion.

In September 1985, the Senate rejected legislation to remove state laws authorizing devotional exercises in public schools from the jurisdiction of federal courts, including the U.S. Supreme Court. The bill, introduced by Sen. Jesse Helms, R-N.C., drew opposition from senators all along the ideological spectrum.

Two proposals were introduced in an attempt to create a voucher program that would allow public funds to be spent in private — including church-related — schools. Although differing in detail, each of the proposals would have allowed parents of educationally disadvantaged children to obtain vouchers that could be "spent" at the school — public or private — of the parents' choice.

The first — known as The Equity and Choice Act (TEACH) — was introduced by U.S. Secretary of Education William J. Bennett and backed by the Reagan administration. The other — dubbed the Children's Options for Intensive Compensatory Education Act (CHOICE) — proposal was introduced by seven Republican congressmen in an effort to respond to the criticism directed at the TEACH plan by both Democrats and Republicans.

Continued on Page 14

Constitution of the United States has been seriously damaged by the decision of the U.S. District Court for the District of Utah.<sup>3</sup> The court has misinterpreted the establishment clause so as to jeopardize the autonomy of religious organizations and the healthy separation of church and state. Hopefully, the Supreme Court will correct this error □

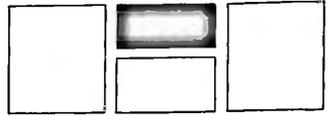
## Endnotes

<sup>1</sup>The establishment clause reads as follows: "Congress shall make no law respecting an establishment of religion,...."

<sup>2</sup>Waltz v. Tax Commission of the City of New York, 397 U.S. 664, 668 (1970).

<sup>3</sup>On January 5 the Baptist Joint Committee filed a friend of the court brief with the Supreme Court in this case, *Bishop v. Amos*, Nos. 86-179 and 86-401. This article contains some of the arguments advanced in the brief.

# News in Brief



## BJCPA asks court to uphold employment exemption

WASHINGTON

Siding with the Mormon Church and the Reagan administration in a key church-state test, the Baptist Joint Committee on Public Affairs has asked the Supreme Court to uphold a congressional exemption in the Civil Rights Act that allows churches to decide for themselves whom to employ in any position.

The high court agreed last November to review a U.S. district court decision that sided with seven employees of Mormon Church-owned businesses fired after they failed to meet requirements that would have qualified them for the privileged church status of "temple recommends." The term refers to a relationship within the Mormon Church that qualifies members to participate in secret rites conducted only in Mormon temples.

The lower court decision held unconstitutional a provision of the Civil Rights Act of 1972 exempting churches from a ban on religious discrimination in employment. The 1972 provision amended the original ban on religious bias in hiring practices adopted by Congress in 1964, when the first Civil Rights Act was enacted.

Under the 1964 law, religious employers could restrict employment to "individuals of a particular religion to perform work connected with ... (their) religious activities." But in 1972, when it rewrote and extended the law, Congress deleted the single word "religious" from the exemption in an effort to prevent governmental entanglement with churches in deciding which of their activities were "religious."

In a brief filed in January, the Baptist Joint Committee urged the Supreme Court to side with Congress and reject the district court's finding. James M. Dunn, BJC executive director, said the case "offers an excellent illustration of the inextricable relationship of church-state separation and the free exercise of religion."

"Those who would denigrate the separation of church and state need to remember that separation is the principal guarantor of religious liberty, that it is none of the business of government to define, prescribe, supervise or regulate the mission and purpose of the church."

The BJC brief, one of several from the

nation's religious community siding with the Mormon Church, also puts the agency on the same side with the Reagan administration. The Justice Department joined the Mormon Church last fall in asking the high court to review the lower decision.

BJC General Counsel Oliver S. Thomas, who wrote the agency's brief, defended the 1972 amendment as consistent with the high court's three-part test to determine the constitutionality of laws or governmental policies when measured against the First Amendment's prohibition of an establishment of religion.

Although the U.S. District Court for Utah found the 1972 amendment did not violate the secular purpose prong of the test, it struck down the amendment for violating the primary effect and entanglement requirements.

In his brief, Thomas wrote that the history surrounding the 1972 amendment "clearly demonstrates that a legitimate secular purpose existed for its adoption," namely, "to avoid governmental interference and entanglement with religion."

On the question of the amendment's primary effect, Thomas urged the high court to reject the lower tribunal's finding. He cited previous Supreme Court decisions in arguing that "not every law that confers an 'indirect,' 'incidental,' or 'remote' benefit upon religion is unconstitutional."

Thomas also argued the amendment does not violate the high court's ban on excessive entanglement. "Congress merely has adopted a hands-off policy that allows religious organizations to discriminate on the basis of religion in their employment," he said.

Noting the fired Mormon workers' successful district court challenge to the 1972 amendment was based on the claim that one of them performed "religious" duties for the church, Thomas pointed to Baptist doctrine that everything a church does is related to Christ's great commission to make disciples and help them grow in the faith. "Any attempt by the state to force Baptist agencies to hire non-Christians or even non-Baptists diminishes our corporate witness and hampers this evangelistic task," he insisted. □

## Judge strikes down plans for capitol prayer room

CHICAGO

A federal judge has struck down plans to establish a prayer room in the Illinois State Capitol on the grounds it would violate the First Amendment's establishment clause.

U.S. District Judge Marvin Aspen noted a resolution passed by the Illinois House of Representatives last year said the room would be set aside to enable legislators to "seek God, the comfort of His presence, the light of His guidance and the strength of His love."

"From the face of the statute," Aspen said, "we can only conclude that the purpose of the legislation ... was to endorse a religious presence in the Capitol."

Although lawyers for House Speaker Michael Madigan and other supporters of the prayer room argued it would allow legislators and the general public to "reflect and think in peace and quiet without interruption," Aspen said the legislature should have passed a bill "unencumbered with the unequivocal religious language" of the resolution in question. □

## Poll reflects support for religious studies

WASHINGTON

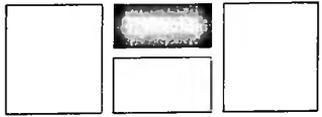
Three-quarters of the American people favor the study of religion in public schools, a recent Gallup Poll shows.

Conducted late last year, the survey asked respondents if they would object to public schools' teaching about the world's major religions, using the Bible in literature, history and social studies classes, making facilities available for use by student religious groups or offering elective courses in Bible studies.

In all four categories, respondents overwhelmingly endorsed the concept that the public school is a proper forum for such studies.

On the question of teaching about the world's major faiths, 79 percent said they would not object, with only 16 percent saying they would. On using the Bible in literature, history and social studies classes, 75 percent answered they would not object, with 20 percent opposed to the idea. The same margin — 75-20 — favored offering elective biblical studies.

Indicating that a large majority of the public favors the concept embodied in the 1984 Equal Access Act, respondents by a 74-21 margin said they do not object to



providing student religious groups with use of school facilities after hours.

Only 5 percent of those surveyed indicated they had no opinion on each of the four questions posed. □

## Panel rules Nashville parsonages tax exempt

NEW YORK

A Tennessee tax panel has ruled clergy parsonages are exempt from taxation, despite a claim by Nashville's city-county government that they should be taxed when not used for religious activities.

The ruling by the state Assessment Appeals Commission overturned a tax appeal judge's ruling.

The Tennessee legislature decided in 1984 that parsonages should be exempt, but Nashville—calling the state law unconstitutional—attempted to add 147 parsonages to the tax rolls during 1986.

Nashville still may appeal to another board and then to a court. The city-county government could gain \$130,000 annually if parsonages eventually are declared not to be tax exempt. □

## School board prohibits teaching of creationism

ST. CLOUD, Minn.

The St. Cloud Board of Education has decided creationism no longer can be taught with the theory of evolution in public schools here.

The six-member board unanimously voted to accept the recommendation of Superintendent Ron Jandura that the teaching of non-scientific theories be banned from biology courses. Jandura earlier had accused Randall Hedtke, a biology teacher, of violating the separation of church and state by teaching creationism to 10th grade students at one of the city's two public high schools.

The Minnesota Civil Liberties Union, applauding the board's decision, announced it will seek court action against any public school district that refuses to stop teaching about scientific creationism. □

## Families receive awards in Tennessee textbook case

NEW YORK

Seven fundamentalist Christian families in Hawkins County, Tenn., have been awarded \$50,521.59 to reimburse them for their expenses in a federal law-

suit over their objections to public school textbooks.

U.S. District Judge Thomas G. Hull earlier ruled the county's public schools must excuse children from reading books their parents find objectionable and permit the parents to teach reading to their children at home. Seven children were expelled from the county schools in 1983 when they refused to use the required texts.

Hull set the financial award to reimburse the families for both their trial expenses and costs of sending their children to schools outside the county system. □

## Utah town stops subsidy for lighting of temple

NEW YORK

The city of St. George, Utah, has decided to stop subsidizing the lighting of the exterior of the St. George Mormon Temple. The temple is located on a hill above the city.

According to news reports, the city took the action after two suits were filed, charging the energy credit violated the separation of church and state. One suit was brought by a local attorney and the other by five Baptist ministers and a Catholic priest.

The subsidy had been in effect since 1942, when the city decided the lighted hilltop temple could help draw tourists to St. George, which was the home of Mormon patriarch Brigham Young. □

## Group opposes company's required prayer meetings

PHOENIX

The American Jewish Congress has challenged a manufacturing plant's policy of holding mandatory religious meetings for employees.

In a friend-of-the-court brief filed in federal court here, the organization said the Townley Engineering & Manufacturing Co. was in violation of Title VII of the Civil Rights Act of 1964.

The case grew out of a suit filed by the federal Equal Employment Opportunity Commission on behalf of Louis Pelvas, who lost his job as a supervisor with Townley because he objected to attending the prayer meetings.

The company has argued it is a "religious corporation" and therefore exempt from the civil-rights legislation. The

AJC brief, however, noted Townley's major function is the manufacture of mining equipment and its profit-making nature "is flatly inconsistent with its status as a religious corporation." □

## 'Natural' healers lose Supreme Court appeal

WASHINGTON

A husband and wife convicted of reckless homicide and unlawful practice of medicine in the death of an Indiana woman have lost a final bid at the Supreme Court to have their convictions set aside. Their appeal was based in part on religious arguments.

Harry and Ellen Graham were convicted three years ago in connection with the death of Sybil Bennett, a victim of breast cancer. Before Bennett's death in September 1983, the Grahams treated her at an establishment set up in their home, the Hoosier Health House, where they also sold vitamins, minerals and health foods. According to the Grahams, treatment at the establishment was based on the teachings of Ellen G. White, acknowledged as a prophetess in the Seventh-day Adventist Church. Both Grahams and Bennett belonged to the same Seventh-day Adventist congregation.

In their appeal to the nation's high court, the Grahams claimed the Indiana Medical Licensing Law "unduly" restricted their right to free exercise of religion.

Indiana Attorney General Linley E. Pearson disputed the free exercise of religion claim, noting the Grahams had not raised the issue in their earlier appeals. Further, he wrote, the Seventh-day Adventist Church "does not encourage its members to reject medical care." □

## Scholar describes 'being religious' in America

MINNEAPOLIS

After more than 200 years, Americans are more divided than ever over what it means to be religious in America, a specialist in contemporary religious movements has said in a new book.

Erling Jorstad wrote that Americans are bitterly divided over whether their freedom depends on the United States being a Christian nation. He suggests the current revival of patriotism has brought an overlap between nationalist and church rites and symbols. □

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# That Indomitable Spirit

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**A**long with biblical piety and world-wide evangelization, religious liberty has emerged as a central tenet in the life of the Baptist General Conference.

A general introduction to the denomination's history provides the context for understanding its early experiences with religious persecution and its resulting commitment to religious liberty. In what ways have religious, political, and social factors in the past shaped the present ministry of the BGC? How has this denomination become what it is today?

#### Who are these people?

The Baptist General Conference, with headquarters in Arlington Heights, Illinois, currently lists 753 churches and 132,546 members. In 1985, the related Baptist General Conference of Canada chose to become a separate entity rather than an organic part of the BGC/USA. The BGC outreach programs includes missionary efforts in ten nations as well as the USA, with personnel numbering approximately 300; it owns and operates Bethel College in St. Paul, Minnesota, and Bethel Theological Seminary in St. Paul and in San Diego, California. It maintains cooperative affiliations with the Baptist World Alliance, the Baptist Joint Committee on Public Affairs, the National Association of Evangelicals and the American Bible Society.

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Dr. John Anderson, Executive Minister of the Minnesota Baptist Conference, has served the Baptist General Conference in a variety of positions. He began his ministry with pastorates in Minnesota, and then at First Baptist, La Crescenta, California.

*Though we have  
become a multi-ethnic  
group of believers,  
we shall always remain  
members of one body  
and of the family  
of God.*

WARREN R. MAGNUSON  
GENERAL SECRETARY  
BAPTIST GENERAL CONFERENCE

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Issues of denominational purpose, identity and mission have been addressed in recent years. Change and expectancy have been affirmed official in denominational votes, resulting in organizational centralization, personalization of mission and agency support, and multi-cultural/racial representation.

Dr. Warren R. Magnuson, who has served as General Secretary for seventeen years and will retire in 1987, gave a word of direction in his most recent annual report:

We recognize that some things must not change. Though we have become a multi-ethnic group of believers, we shall always remain members of one body and of the family of God. To fulfill God's plan to propagate and demonstrate the good news of His Kingdom must remain our one reason for being.

#### BGC roots and religious liberty

As a Minnesota farm boy I often walked by the rural cemetery where my Swedish Baptist ancestors are buried. Until recent years I never fully appreciated the significance of the tall obelisk marked with a tribute to F. O. Nilsson. This Swedish Baptist church planter was banished from Sweden by King Oskar in 1853 for preaching and baptizing people by immersion. Adolf Olson in his *A Century History*, indicates F. O. Nilsson came with six other families to the Mississippi Valley area of Houston, Minnesota, where my own spiritual journey began.

To understand the background of the Baptist General Conference, one must be aware of the religious history of Sweden in the 19th century. In 1527, King Gustavus Vasa introduced Lutheranism as the state church. "By the middle of the 19th century, ecclesiastical power had so circumscribed individual freedom that there were few areas where the average citizen was a free agent."

To be a good Swedish citizen meant to confess the evangelical Lutheran faith as it was formulated by the Church of Sweden. Orthodoxy and civil obedience had become almost synonymous.

Underlying the experiences of the Swedish Baptists in their early history was the state's assumption that Baptists were cultic heretics. This affected prevailing attitudes and actions against Baptists by those who held civil and ecclesiastical power.

Dr. Virgil A. Olson, a leading BGC church historian, cites five historical roots that influenced the developments of the Conference.

#### 1. Roots in State Lutheranism

Lutheranism had positive and negative effects on the Swedish Baptists. On the one hand, the state church was responsible for religious training in the public schools. In the elementary grades all students learned Luther's catechism and Bible history. Thus, immigrants to the United States were religiously literate upon their arrival. The Swedes could argue theology and interpretation of the Scriptures with considerable intelligence.

On the other hand, however, the Swedish Baptists rejected the formalism of the Lutheran Church when they established their own churches in America. Liturgical formalism in their experiences symbolized coldness of spirit and carnality. These immigrants also remembered with acute pain that it was the vested, orthodox clergy who encouraged the civil authorities to punish the Baptists as heretics with fines, imprisonment and even banishment from the kingdom.

#### 2. Roots in Pietism

Religious life in Sweden during the 18th and 19th centuries was strongly impacted by pietism. The Moravian revivals of Germany and visits to Herrnhut by Swedes hungering for spiritual renewal contributed to this vitality. By the mid-19th century, there were increasing numbers of people meeting in private homes for Bible study without clergy present. The groups resisted civil and religious authority and followed what they came to believe was their God-given right to read the Bible and obey the ordinances of believers' baptism and the Lord's Supper.

Called Lasare (Readers) because of their love for the Bible, these people depended more on the Scriptures than on the edicts and confessions of the Church. They stressed born-again experiences, the priesthood of all believers and a life of holiness. This pietistic spirit accompanied the immigrants to the new world where it influenced church life.

#### 3. Roots in Revivalism

Swedish Baptist pioneer preachers in America, most of whom were without much formal education, proved to be fervent and successful evangelists. These rugged pioneer preachers traveled through forests and across prairies by foot or by horseback to Swedish settlements where they met in the shanty, as

they called it, of some homesteader. There they preached the good news of salvation. The results were significant both numerically and qualitatively.

#### 4. Roots in Poverty

Seeking a way out of their misery, many persons left Sweden during the financial crisis of the 1870's and 80's. Several years of famine had produced poor crops. Nearly 325,000 young Swedes, seven percent of the nation's population, left the shores of Svea for the land of promise, America. They never forgot their experiences with poverty. In fact, countless suffered extreme poverty in their new settlements in the wilds of Minnesota and Wisconsin.



that indomitable spirit which caused our forebears to say "no" to the confessional and "yes" to the priesthood of all believers must be preserved.

#### 5. Roots in Religious Oppression

Baptists in Sweden suffered considerable persecution for their faith. Stiff fines were levied against those who defied the Conventicle Act which forbade people to assemble in homes for religious purposes. Many were imprisoned; some were kept on a bread and water diet for 100 days. Those who followed their biblical convictions and were baptized by immersion became the objects of ridicule and punishment.

America, with its promise of religious freedom, was for the immigrants a welcome relief. BGC history is replete with stories that illustrate the connection between the struggle for religious liberty then and the spirit of the Conference today. An example is that of the Forsline family.

In 1852 in Orsa, Sweden, Pastor Dardlova, a lay preacher of Baptist convictions, and his brother refused to go to confession before taking communion in the state church. They were sentenced to payment of one cow and twenty days in

jail in Falun. A second trial was held for "Preacher" Dardlova at the cathedral for refusing to participate in the confessional and for teaching the simple, biblical concept of the priesthood of the believer.

Now, generations later, the descendants of the Dardlova brothers cherish the religious freedom of the United States and hold dear the tenets of faith. The ten children of Hans and Mable Forsline (grandchildren of Davdlova) of Cook, Minnesota, exemplify this love of freedom and firm biblical faith of the Swedish Baptist heritage. Seven of these third generation children are active in the Baptist General Conference, and three are members of the American Baptist Churches, USA, including the Baptist Joint Committee's board chair, the Reverend J. Wesley Forsline.

#### From past to future

To explain more fully how the Baptist struggle for religious liberty in Sweden informs the BGC consciousness today would require much more writing about significant leaders, institutions and ministries. The BGC has experienced many changes - the evolution from the Swedish language to English, the consistent priority upon educated pastors, the expansion from a homogeneous Swedish population to a multi-ethnic constituency, the passion for the Great Commission - all are keys to understanding the transition from past to present.

Some Conference constituents feel that our heritage matters little. They would agree with Henry Ford when he said, "History is bunk." Others, however, are rediscovering the richness of their roots and are seeking to apply the basics of Baptist faith grounded in Holy Scripture to communities and peoples across the world. They maintain certain stubbornly-held convictions:

- that indomitable spirit which caused our forebears to say "no" to the confessional and "yes" to the priesthood of all believers *must be preserved*.

- the courage which enabled these same people to go to prison rather than buckle to religious or civil authority *must continue*.

- the fervency which motivated these people of the Word to witness and preach the gospel until the whole world knows *must be kept alive*.

The future of the Baptist General Conference will have significance as these ideals are lived out in compassion for the poor, proclamation of the gospel to all people, and religious liberty for every person on the face of the earth. □



## Believers, others greet Russian Christian poet

LONDON

When Irina Ratushinskaya, the 32-year-old Christian poet released after four years in a Soviet prison, arrived in London, it was not just the literary set that showed up to cheer her freedom.

Christian and other believers were among the throng. And even some hardened media types shed a few tears.

The emotion was understandable, for her life — particularly the four years of confinement — is a story of profound faith.

"God doesn't send us such difficulties that we cannot stand," Ms. Ratushinskaya told a press conference. "Sometimes I asked my Lord, wasn't it time for me to die?"

Ms. Ratushinskaya, young-looking for her age despite her ordeal, was sentenced in 1983 to seven years in a strict regime labor camp and to five years of internal exile for alleged anti-Soviet propaganda. Her crime was writing poetry that described a world that included God and la-

mented the repression of religious and artistic life in the Soviet Union.

Throughout her confinement she continued to write and to believe. "I used to write with a little piece of match on the stove or on a piece of soap. I wasn't afraid of them (her guards). I didn't consult them, and they couldn't stand it."

She said she wrote about 150 poems during her imprisonment, many of them on a bar of soap. She memorized them and then washed them off the soap.

She said that she was aware of the prayers and concern of Christians throughout the world, although her guards told her she was forgotten and abandoned.

"Refusing to give up my beliefs — they were always wanting me to sign a paper saying I didn't hold my beliefs any longer...then they would let me go. But I wouldn't do it," she said.

"My husband and I will not go back to Russia until they [thousands of believers] are set free; we do not intend to return to the USSR until our country observes human rights. We have written to Gorbachov asking him to release all political prisoners." □

nonite Central Committee (MCC).

As a sign of this the agency pointed to a spring 1986 tour of western countries, including the U.S. and Canada, by leaders of the Catholic, Eastern Orthodox and Evangelical Lutheran churches of Ethiopia.

The church leaders who rarely cooperated in the past, came to jointly thank western Christians for their relief efforts and to request long-term assistance.

Five-hundred metric tons of wheat were shipped to local Ethiopian Orthodox Christians during the crisis. □

## Independents challenge 'mainstream' to renewal

BIRMINGHAM

Christian groups from all over Britain, many of them flourishing independently outside the mainstream denominations, say that a new form of church is needed if it is to be effective in the present age.

The groups say in a collective report: "The church listens and responds with only a limited degree of openness and interest and is often deaf and blind to the urgent need for its own renewal."

The report, titled "Towards a New Vision of Church," published by the National Center for Christian Communities and Networks, based at a complex of theological colleges in Birmingham in the English Midlands, sees a particular role for small groups in the renewal process.

"The church," it says, "was born of small groups meeting wherever opportunity permitted. Throughout its history the church has been revitalized and reformed through renewal movements at the heart of which lay the small Christian cells....Today, there is a new upsurge of small Christian groups across the world."

The National Center for Christian Communities and Networks, set up in 1981, is a rare ecclesiastical organization that attempts to embrace the unorganized. Currently, it has links with nearly 400 non-traditional groups.

They follow primitive, unstructured yet disciplined lifestyles, are predominantly ecumenical and boast a steadily growing membership at a time when all traditional denominations here are experiencing numerical decline.

The movements' report says the groups see themselves as part of three movements, far wider than themselves: "the movement to heal the church, the movement to renew the church, and the movement to undertake these tasks in small local groups." □

## BWA's world relief officer honored by Hungarians

HUNGARY

The Theological Academy of the Reformed Church in Hungary recently awarded Baptist World Alliance officer Archibald Goldie an honorary doctorate. Dr. Goldie heads Baptist World Aid, which directs Baptist response to international human needs.

He was recognized as "an outstanding ecumenical personality in the field of interchurch aid, publication activity analyzing ecumenical relationships, and scientific theological dialogue."

Attention was specifically given to Dr. Goldie's aid in procuring a heart-lung machine for local clinics and arranging the contribution of \$10,000 toward construction of the House of Reconciliation in Bereckurdo. □

## West German churches support ministry in East

BERLIN

East German Protestant churches receive more than 200,000 West German marks or \$50,000 a year from sister churches in West Germany. Half or more

of the amount goes for new church construction, since such building is government approved only if paid for in West German marks.

But subsidizing of church budgets poses a greater concern, although not a universal problem. Mostly unsubsidized is the Lutheran Church of Saxony, the largest Protestant church, while East Berlin churches are dependent on West German marks for half their funds.

Reasons given for the latter extreme in East Berlin are high secularization of the population, large church staffs to maintain Christian witness in the capital, and high start-up costs for new congregations. □

## Cooperation in Ethiopia serves to break barriers

WASHINGTON

During Ethiopia's devastating famine two years ago, the role of church-related relief and development agencies in saving the lives of hundreds of thousands of people there became widely known.

Less known, however, is that these same relief agencies helped break down the barriers which have historically divided churches in Ethiopia, according to a report by the Akron, Pa.-based Men-



## So. Africa Baptists form multi-racial opposition

LONDON

Thirty-two South African Baptists in December began a multi-racial group in Praetoria, South Africa to promote opposition to apartheid.

According to member Errol Nourse, the Fellowship of Concerned Baptists seeks to motivate Baptist churches to oppose in practical ways the evils of apartheid, to heighten awareness of the actual state of affairs in South Africa, and to give Baptists of various races and cultures the chance to meet and seek reconciliation.

The *Baptist Times* reported news of the group gained during Mr. Nourse's recent trip to Britain. Nourse, a black campus minister, also related that efforts toward a merger between the South Africa Baptist Union and the black Baptist Convention of South Africa are currently "stalled." □

## Africa office in Capital disputes report of exodus

WASHINGTON

A *Washington Times* article reported that while Archbishop Desmond Tutu was on a 12-day tour of Australia, the Anglican Church in South Africa experienced an exodus of both black and white members angered by his calls for economic sanctions.

The report was disputed by Larry Gilley, religious coordinator of the Washington Office on Africa, a coalition of religious and secular groups.

The *Times*, owned by the Unification Church, has been a critic of efforts to impose sanctions on the white minority regime. A January article focused on the parish of Klerksdorp in the Transvaal, formerly headed by Archbishop Tutu before he became primate and moved to Cape Town.

The article reported about 10 percent of the Klerksdorp parishioners have broken away to form a separate congregation affiliated with a splinter group known as the Church of England. The break-away movement is gathering momentum among both blacks and whites.

Mr. Gilley, however, asserted any break from the Klerksdorp parish, the only one cited, would represent a "miniscule percentage" of the Anglican Archdiocese of Johannesburg, let alone the entire Anglican Communion.

He added that defections to the small, conservative Church of England in South

Africa have been slight and, in any event, are due far more to differences other than political. Mr. Gilley said he "seriously doubts" any blacks are leaving the church because of the archbishop's stands. □

## Israeli minister resigns over conversion ruling

NEW YORK

Yitzhak Peretz has resigned as Israel's interior minister to protest a December Supreme Court ruling that converts to Judaism cannot be identified as such on their identity cards.

The ruling was made in the case of Shoshana Miller, an immigrant from Colorado who had been converted to Judaism in the United States by a Reform rabbi. Israel's Orthodox establishment does not recognize any conversions not carried out under Orthodox auspices.

Peretz, who is an Orthodox rabbi, in an interview with Israeli Radio said, "The High Court of Justice demanded that I list a non-Jew as a Jew. As a Jew and a rabbi loyal to the tradition and Bible of Israel, I have declared and declare again that my hand will never ever sign for a fraudulent conversion that was not conducted according to the Halakha [traditional Jewish law]". □

## Resist Muslim separatists

PUERTO PRINCESA, PHILIPPINES

Christian leaders here are resisting demands that their province, Palawan, be included in an autonomous or independent Muslim state. Only about six percent of the population is Muslim.

According to the Moro National Liberation Front (MNLF) Palawan was part of the original Sultanate (an area ruled by a Muslim leader) of Sulu along with Mindanao and Sulu, three areas claimed by the modern MNLF separatists. □

## An impossible dream

MANILA

An all-out war on "hard core communists" should there be a breakdown in current peace talks has been promised by Cardinal Jaime Sin. The rebel National Democratic Front and the government of President Corazon Aquino are honoring a ceasefire. Cardinal Sin predicted that Filipinos will reject communism because it is a "godless ideology." He said it is an "impossible dream" to "officiate the marriage" between Christianity and communism. □

Increasing interest in religion among Eastern European young people is interpreted to reflect their disillusionment with Marxism. William Echikson in a *Christian Science Monitor* article touches on the search for values beyond those offered by communist ideology. In Czechoslovakia and Hungary, government holds a tight reign on free religious expression while at the same time using every occasion to turn this renewed interest to their own advantage . . . . Closer to home, Mexico has moved to silence religious activists who speak up on political issues. It raises the question over the fine line separating acceptable religious activity and that considered interference with the political process . . . . The Baptist Union of Yugoslavia, composed of more than sixty congregations, at its recent Triennial Congress, elected Andrija Franka as its president. He is the first Slovak in thirty-five years to hold that office . . . . Having guided the International Baptist Theological Seminary through a critical financial crisis due partly to the decrease in the U.S. dollar exchange rate, Altus Newell resigned its presidency to pastor a local congregation in Birmingham, AL. The Rüschiikon, Switzerland, seminary is best known for its work among students from Eastern European countries . . . . It remains to be seen how far reaching will be reforms currently under way in the Soviet Union. The newsletter "USSR News Briefs" report of arrests and trials suggests little easing of the tension. A case against the Russian Social Fund to Aid Political Prisoners and their Families (religious offenses are treated as political) attempts to connect and repress that group along with the beleaguered Helsinki Watch Group. Russian Criminal Code outlaws such financial support. Among those associated with the Fund is recently exiled Yury Orlov . . . . How effective an influence is international public opinion in behalf of dissidents in Eastern-bloc countries? A recent "Meeting Report" of the Kennan Institute on the situation among Soviet writers explains, "The Soviet Regime cares greatly about its international reputation, and has always prided itself on writers of major stature." This writer, after having been challenged and then permitted by customs to bring a Russian language Bible into the country, was asked with evident chagrin, "Do you think poorly of us? Opinion matters!" □

The 99th Congress also saw Senate confirmation of the nomination of Frank Shakespeare Jr. as new U.S. ambassador to the Holy See. Appointment of Shakespeare — who formerly served as ambassador to Portugal — came despite protests from a number of religious and church-state organizations and an unsuccessful attempt to convince the Supreme Court to hear a case challenging the constitutionality of such a diplomatic appointment to the Holy See, also known as the Vatican.

Other proposed pieces of legislation in the church-state area came in reaction to two recent Supreme Court decisions.

In 1986, Congress for the third consecutive year failed to pass legislation to overturn a 1984 Supreme Court decision on sex discrimination. In *Grave City College v. Bell*, the court held that colleges and universities — including those affiliated with religious bodies — must comply with Title IX of the Civil Rights Act forbidding sex discrimination. The court ruled, however, that only the specific program within a school that discriminates against women — rather than all programs — will lose federal funding when discrimination is proved.

Two separate bills were introduced to overturn a 1986 high court decision that denied the right of an Orthodox Jewish Air Force officer to wear his skull cap while on duty. Neither of the measures reached a floor vote.  Kathy Palen



• Historian Henry Steele Commager discredits the resurrected notion that the Constitution is a happy hunting ground for those who would read into it their political agenda. What value is there in living under an ambiguous Constitution? Discuss how that ambiguous document can help better to meet the "exigencies of the union today." Would those who want a more rigid interpretation tend to be more liberal or more conservative in today's political atmosphere?

• Weaving a history of Swedish Baptists, John Anderson highlights the thread of religious liberty in that fabric. Swedish Baptists represent the epitome of why religious liberty ranks so important: the rights of a few to practice minority-status faith. Review how your Baptist roots resonate with the history of the Baptist Gen-

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eral Conference. What religious minority in your area seeks to practice a faith which seems alien to the majority?

• "Commitment to Christ will always lead the church into dissent," writes James Dunn (REFLECTIONS). The question becomes, does a history of honest dissent lead to more dissent, or to a new level of credibility, or even both? What dangers await those who emphasize only dissent, on the one hand, or only credibility, on the other? What happens when either dissent or the drive for credibility is absolutized?

• Oliver Thomas (VIEWS) writes that the separation of church and state is the institutional guarantee of our religious liberty. Government has disqualified itself in the First Amendment from arbitrating actively in religious affairs. How does a hands-off attitude on the part of government help religious organizations? Churches are generally for civil rights of the minority, but how is a church better off if it is exempt from such civil rights laws? Justify such exemptions using Thomas' views.

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James M. Dunn  
Executive Director

## REFLECTIONS

**B**aptists are dissenters. From our beginnings we have been tagged nonconformists, separatists. The legal position taken by the first English Baptists, defined in the Elizabethan Act of 1593, was as "seditious sectaries and disloyal persons."

To say "Jesus is Lord" can amount to a subversive doctrine, but radical dedication to the lordship of Christ has always been a mark of Baptists at their best. Thomas Helwys' 17th century argument is still powerful: "[M]en's religion to God is betwixt God and themselves; the king shall not answer for it, neither may the king be judge between God and man."

Any pattern of behavior based on loyalty to the "Crown Rights of the Redeemer" unflinching infuriates those who are more concerned about relations with earthly rulers. Commitment to Christ will always lead the church into dissent. To expect less is to suggest that our society is unblemished, that our leaders are faultless, that our political process is pure and that our economic system is just and compassionate.

From the first the Baptist Joint Committee has to some degree been an institutional expression of the Baptist distinctive of dissent. Its focus on religious liberty and separation of church and state, its image as a "watch dog" regarding government, and its functions of reporting, educating, lobbying and interpreting the law all tend to reinforce and amplify the BJCPA role.

Defining Baptists as dissenters seems timely and useful:

- \* to know who we are, affirming our identity,
- \* to be who we are at all costs, maintaining our integrity,
- \* to say who we are believably, guarding our credibility,
- \* to stay who we are consistently, assuring some continuity, and to allow others to be who they are, evidencing some humility.

Nothing less than the very identity of Baptists is bound up in our nonconformity. Jim Wallis plainly says, "The church's service and mission in the world is absolutely dependent upon its being different from the world, being *in* the world but not *of* the world." If there is something valuable to the whole church in that part of it which is called "Baptist" it is clearly in our rejection of paralyzing, mindless conformity.

Judge Learned Hand spoke words of wisdom for the Baptist family today when, in 1952 and in a different context, he said: "That community is already in the process of dissolution where each man begins to eye his neighbor as a possible enemy, where nonconformity with the accepted creed, political as well as religious, is a mark of disaffection; where denunciation without specification or backing, takes the place of evidence, where orthodox chokes freedom of dissent. . . ."

Baptists are dissenters out of loyalty to the absolute authority of Jesus Christ. Our nature rejects churchliness and creed, rules and regimen, dogma and dictation. It is a matter of integrity to maintain the right of dissent.

Ralph Waldo Emerson said, "Whoso would be a man must be a nonconformist." Yet, people are hungry for authoritarianism. There has definitely been a turning away from the questioning spirit. In church and state the climate favors leaders who gain and preserve their power through

impassioned appeals to the emotions and to prejudice. Many who cannot convince seek to coerce, and failing to persuade they choose to punish.

One reason for reviving the dissenter model in Baptist life is to examine again this difference between authoritative and authoritarian. The need for faithful dissent cuts across denominational lines. The urgency of dissent spills over into politics as well. President Kennedy said: "Let us not be afraid of debate or dissent—let us encourage it. For if we should ever abandon these basic American traditions in the name of fighting Communism, what would it profit us to win the whole world when we have lost our soul?"

The credibility to communicate convincingly, to say "who we are" and be believed, is always difficult in a political atmosphere. The staff of the Baptist Joint Committee have been given the task of safeguarding Baptist credibility in Washington for fifty years. Two members of Congress reflect on that assignment. Recently the Hon. Carroll Hubbard (D-KY), member of the House of Representatives from the 1st District, could write, "During my twelve years in the U.S. Congress I have enjoyed working with the Baptist Joint Committee. It is very beneficial to us Baptists to have the effective BJCPA at work in our nation's capital. And it's useful to have one voice for the different conventions of our Baptist family in a city so important as Washington." Hubbard, the son of a Baptist pastor, is one of those rare members of Congress with a 97.9% attendance record in the last session.

The Baptist insistence on religious freedom is known by others. Sen. John Danforth (R-MO) says, "The Baptist Joint Committee on Public Affairs has been a forceful voice for the principle of church-state separation. That principle is a cornerstone of American democracy. All of us want a greater role for religion in our lives and in our values. However, that religion must spring from the depths of our faith and not be imposed by government authority."

Not all who object, differ, complain and protest are dissenters. Some continuity through the years marks the true dissenter. We identify with the biblical metaphors: aliens, exiles, sojourners, pilgrims, strangers, salt and light. We live on a timeline and see ourselves as in the traditions of John Milton, John Bunyan, Roger Williams, Isaac Backus, Walter Rauschenbusch, George W. Truett and E. Y. Mullins.

The continuity of our dissent is not negative and destructive. It is the dissent that allows for growth and progress, that asks questions, that maintains a creative tension in the search for truth, that serves as an antidote to smugness and self-sufficiency, that stands as a check against culture religion. The convinced dissenter must and will afford the same freedom to others. The acid test of sincere dissent is its enthusiastic extension to others.

One is not to trespass upon the "Crown Rights of the Redeemer." The humble acknowledgement that the competency of the individual *before* God leaves much room for human error. One may be so "bulldogmatic" that freedom is denied to self and others. However sound in doctrine, if one absolutizes theology then it becomes Lord and violates the Lordship of Jesus Christ. A genuine Baptist dissenter expects others to be just as free. Baptists *are* dissenters, so far. Thank heavens! □

# REVIEWS



**RELIGIOUS FREEDOM IN AMERICA: A Teacher's Guide**  
By Charles C. Haynes. Silver Spring, MD: Americans United Research Foundation, 1986. 108 pp., \$2.00.

A response to the recognition that religious liberty is a neglected topic in public education, this teachers' guide provides historical and legal background to the subject as well as an annotated resource list for instruction.

A reprinted article by Robert T. Handy outlines the various forces contributing to religious freedom in early America and describes the synthesis of "Protestant pluralism" and culture in the 19th century as the source for church-state issues in the 20th. Isidore Starr in two reprinted articles surveys church-state legal issues and court decisions.

The final portion lists classroom audio-visual and printed materials and background reading suggestions in the areas of historical development of religious freedom in early America, religious diversity and intolerance, and church-state court cases.

While aimed at secondary school educators and not focusing on Baptist contributions, the book can serve for church educators as a primer on religious liberty and a resource guide for courses on the historical basis for the First Amendment guarantees or on the larger issues involved in church-state court cases. □

(V.C.)

## 10 SUPER SUNDAY SCHOOLS in the Black Community.

By Sid Smith. Nashville: Broadman Press, 1986. 178 pp., \$5.95 paper.

This book could just as easily have been called "Ten Super Black Pastors" because the majority of the text is composed of brief biographies of pastors whose churches and Sunday schools have shown remarkable growth. If these pastors have any shortcomings, they are not mentioned here. In addition to the Sunday school, the author describes many of the program ministries of the ten Baptist churches selected.

As a consultant for the Black Church Development Section of the Southern Baptist Sunday School Board Dr. Smith has studied more than 300 black churches in the last six years.

Hope is a precious and powerful com-

modity. Many struggling churches and Sunday schools will find great encouragement from hearing that there are young churches like Emmanuel Baptist, San Jose which was started in August 1965 and now has 4,000 members. St. Stephen Baptist in LaPuente, Calif. began with 35 members in 1970 and now has 2,000 with 1,100 of them enrolled in Sunday school. The only "small" church studied is Mission of Faith Baptist in Chicago which has only 450 members. But 430 of them are in Sunday school—90 percent!

One of the more interesting experiments is the Saturday Church School of New Shiloh Baptist in Baltimore which includes a wide variety of courses beyond the traditional Bible instruction.

The findings are based on interviews with the pastor and the education director and summarized in the last chapter. The author spells out several limitations of his study. It is not conceived as an in-depth study and its suggestions may not be applicable in small churches. The same techniques may have been used unsuccessfully in other churches. Yet it should light the fires of revival for many a tired church school worker.

Key findings are that Sunday school growth of this magnitude requires the active support of the pastor. Sunday school growth must be a top priority for the congregation. There must be willingness to start new classes. Workers should be carefully selected and trained and expected to attend weekly workers' meetings. There must be a systematic approach to identifying and enlisting new members and an effective visitation program. In-depth Bible study is the foundation of the curriculum and the classes should provide opportunity to minister to the total needs of persons.

It is good reading whether your interest is in Sunday school or the rare opportunity to see some of our great black churches described in print. □

(G.F.)

## REVIEWS

Carroll Arnold is a retired American Baptist Pastor now assuming a variety of writing assignments out of his home in Tucson, AZ. Vic Case and Gayl Fowler are BJCPA staffers.

**RELIGIOUS LIFE and the Poor**  
By Alejandro Cussianovich. Maryknoll, NY: Orbis, 1979, \$6.95.

Alejandro Cussianovich, a Roman Catholic priest, born in Lima, Peru, studied theology at Lyon, was ordained in 1965. He worked primarily with youth groups in South America. His book is written as a kind of text-book for religious (that is priests, nuns, and some lay workers) in the theology of liberation. It is beautifully and clearly written; even the footnotes are fascinating and important.

The book flows out of Vatican II and the great Medellin Conference of 1968, which is still the deep well from which the sweet water of liberation has sprung and developed, giving new life and vision to the Catholic Church throughout the world.

The author freely acknowledges that the Roman Catholic Church in Central and South America has always, heretofore, been on the side of the rich and powerful people and their interests throughout Latin America. The role of clergy has been one of asceticism, the consecrated life, and has always carried with it the connotation of separation from people and escape from real life.

Cussianovich wants to change that, following the instructions of the bishops at Medellin, and in response to the desperate conditions of poor people in Latin America. He urges all "religious" to take up the "option for the poor," which is obviously present in all the teachings of Christ. However late, now is the time, for in the poor and their struggle for freedom from poverty, for justice, and equality is to be seen the face of Jesus, the Christ.

This is a "radical" book, a beautiful book, a scholarly book, a book of truth and hope and promise. Every Christian who is serious about following our Lord ought to read it. There is something even redolent about it, of days long gone when Baptists were poor and struggling for freedom, when their faith was in God and not in big bucks and big buildings. □

O. Carroll Arnold

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