



# REPORT from the CAPITAL

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

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**Cover:** Continuing opposition to the call for a Constitutional Convention is best evidence that state legislatures are hearing their constituents on that issue. The art by Clifford Stoltz, Boston graphic artist, was rendered some nine years ago when the Baptist Joint Committee was part of the group that warned against the dangers of a Constitutional Convention.

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## Celebrating the Constitution

September 17 marks the day 200 years ago when the Constitution was signed by the Framers. The document, unlike that of any other nation, belongs to the American people while offering protections even to non-citizens. Thanks to the Bill of Rights, adopted in 1791, freedoms for citizens and limitations upon government were spelled out in detail. This came about through the efforts of knowledgeable leaders in whose memories the painful experience of arbitrary government weighed heavily. Our cover this month graphically reminds us there is danger in turning the Constitution into a problem-solving device.

In REFLECTIONS, James Dunn compresses some 345 years (ages we won't sort out for you) of staff living into two columns of print, all in the endeavor to relate meaningful things about who we are and what we do. The occasion of this writer's sabbatical set him on that course.

It needs to be added, however, that James neglected to write about the Dunns. No less representative of the mix that makes up the staff, Texas-born and educated, with a pastorate and college teaching/student work thrown in, James expressed his primary interest in the church-state arena when under Dr. T. B. Maston he wrote his doctoral dissertation on J. M. Dawson. An ethicist, Dr. Dawson was the founder of the Baptist Joint Committee. Marilyn McNeely Dunn is a gifted vocalist. As a volunteer in the District's public schools, she spends hours with disadvantaged children. Both of the Dunns take active roles in Washington's First Baptist Church.

This contents introduction will be the last I'll be writing until next spring. Invitations to spend three months with *LICHT IM OSTEN* in Munich, Germany, and an equal time at Keston College, Bromley, England, take this editor on a six-month sabbatical. Both organizations represent local of activity over religious liberty and human rights issues, particularly in Eastern Europe among those affected by overly zealous state regulation. Editorial responsibilities in the interim will be handled by Vic Case (see REFLECTIONS), associate in Denominational Services.

In another move, REPORT loses the service of Marc Mullinax, who this month begins Ph.D. studies at Union Theological Seminary in New York. Marc took on the duties each month of preparing PROBE and proof-reading copy in addition to his yeoman service as assistant to James Dunn. □



Vic Case

Victor Tupitza



● **THE DIRECTOR OF** a day-care center operated by a Southern Baptist church has been fired and seven other staffers have resigned as the result of a new policy requiring all staff members to be Southern Baptists.

Arthur Ballard, pastor of First Baptist Church of Lutz, Florida, said he instituted the policy so his day-care center can be recognized as a "true ministry of the church."

Ballard's action followed a Supreme Court decision that churches can discriminate by favoring members of their faith.

● **A FEDERAL APPEALS** court has upheld the revocation of the Church of Scientology's tax-exempt status.

Concluding that L. Ron Hubbard, founder of the Church of Scientology of California, had "unfettered control" over millions of dollars in church assets, the U.S. Ninth Circuit Court of Appeals in San Francisco said there is evidence the late church founder held millions of dollars of church funds in private trust funds, Swiss bank accounts, and a file cabinet on his yacht.

The court also concluded a profit-making Panamanian company created by Hubbard and his wife in 1968 was a "sham corporation" that received more than \$3.5 million in church funds in 1971 and 1972.

As a result of the decision, the church will be required to pay \$1.43 million in back taxes and penalties accrued during its long-running tax battle with the government.

● **CHIEF JUSTICE WILLIAM H. Rehnquist**, acting on an appeal by the Reagan administration, has reinstated federal funding for religious organizations under a 1981 law that funds groups to counsel teen-agers to abstain from sex.

Rehnquist blocked a federal judge's April ruling that said giving federal funds to religious groups under the Adolescent Family Life Act violated constitutional requirements of separation of church and state. Rehnquist's order remains in effect until the full Supreme Court rules.

U.S. District Court Judge Charles R. Richey said in his ruling at least ten religious organizations had received federal funding for various

pregnancy-prevention programs. Richey enjoined all funding of religious organizations, saying such funds have been used by religious groups to teach religious concepts.

In staying the order, Rehnquist said, "The issue seems to me fairly debatable, and I believe that there is a fair prospect that the court will ultimately reverse" the ruling.

● **ALL LOCAL RELIGIOUS** organizations in Texas have been granted special treatment under the state's receivership statutes that formerly was accorded only to Christian churches.

The expansion of the benefit came about through an amendment to the Texas Civil Practice and Remedies Code introduced by Rep. Paul Colbert of Houston at the request of the Southwest Region of the American Jewish Congress.

Protection against posting bonds and surrender of assets to creditors formerly were granted to Christian churches, but not to other religious groups. The amendment extends protection to other religious groups and specifies that the receiver appointed to take charge of a congregation's property need not be a member of the same faith.

● **A FEDERAL APPEALS** court has ruled fixed membership fees to the Church of Scientology are tax deductible as religious contributions.

The Eighth U.S. Circuit Court of Appeals said "the Church of Scientology is a bona fide church which selected fixed donations as its mechanism for raising funds from its members."

In reversing a decision by the U.S. Tax Court, the appeals panel said, "The public benefit from religion remains and predominates regardless of whether church doctrines provide for traditional congregational worship or individual worship as in Scientology, or whether donations are voluntary or fixed."

● **THE CARTER COUNTY**, Tennessee, board of education has voted to bar CBM Ministries, Inc., from conducting Bible sessions for pupils in the county's public schools until a federal judge decides whether the classes are constitutional.

# The First Amendment and Its Religion Clauses

*In commemoration of the bicentennial of the Constitution*

September 17 is the 200th anniversary of the signing of what then was the proposed Constitution of the United States of America. As we all know, from what has been hammered into our consciousness since last New Year's Day, when the year of the Constitution's Bicentennial arrived, the document was the result of hard and compromising — and perhaps inspired — work by those so-called "Founding Fathers" who assembled that warm summer in Philadelphia. The signing by thirty-nine men from twelve states, with the attestation by the secretary, was not, of course, the consummation of the task. Ratification by at least nine states in convention was yet to be accomplished.

The intervening months were a period of uncertainty, for all were aware that in some of the state conventions there would be significant opposition, heated debate, and doubts about the wisdom of the proposed document and about what it would effectuate for the infant nation. In some states the voting indeed was very close. Massachusetts, New York, and Virginia were large and pivotal, and their joinder was needed. The final vote in Massachusetts was 187 to 168 in favor of ratification; a 10-vote shift out of 355 votes would have defeated it. In New York it was 30 to 27, a narrow escape by 2 votes. In Virginia it was 89 to 79.

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This article has been adapted from an address by Harry A. Blackmun, associate justice of the Supreme Court of the United States.

One of the reasons for hesitation, although only one, was the absence of a Bill of Rights, a statement of the type presented with such vigor and resolve in the Declaration of Independence and in some of our earlier source documents. Virginia, in ratifying, called for one. North Carolina, in fact, did not ratify (the twelfth state to do so) until 1789, after the Bill of Rights had been proposed in the new Congress. And Rhode Island came along only when a suggestion was made that it be treated as a foreign nation. But the Constitution *was* ratified and finally we had in place our "blueprint" for government. That is what we celebrate this month and throughout 1987.

Although the original Constitution is vital and fundamental, in many respects the first ten amendments, our Bill of Rights, ratified in December 1791, four years after the Constitution's signing, can be seen to be just as important, if not more so. We rightly regard the Bill of Rights now as an integral part of the original. We ought to celebrate all through the next four years. Thus, we have no less than three nationally significant dates late in the eighteenth century: 1776, 1787, and 1791.

## The First Amendment

We must acknowledge, of course, what the Constitution has meant to us and what it has become in these 200 years. But for me, that heritage glows all the more when we place almost any part of the Constitution and the Bill of Rights under the microscope of specific analysis and controversy. I thought it might be useful to focus my remarks on a single —

perhaps narrow but dramatically important — segment of our constitutional guarantees, and to use it as an example — just an example — of what it all means as we go along day by day in our national existence. I have chosen the First Amendment, and only a part of it at that, namely, the two Religion Clauses. What has been achieved in this particular area in the last two centuries? Perhaps more important, what remains to be done and what hope is there for its being done?

I might interpolate here to say that the Constitution itself hardly mentions religion. There are only two references. The first is in the Oath of Office Clause (Art. VI, Clause 3), where any religious test as a qualification for public office is proscribed, and the second is to the "Year of our Lord" in the Conclusion.

Let me present the First Amendment to you, and you read it slowly:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Forty-five simple words. But what do they really mean? Those forty-five words are the seeds of volumes of decisional law. They contain much material that we regard as fundamental to our life as a nation. If numbers are important, this is the *First* Amendment, not the Second or the Sixteenth, but the *First*. It guarantees religious rights, freedom of speech, freedom of the press, freedom of assembly,

freedom to petition. All this in forty-five simple words.

The language, moreover, is specific: "Congress shall make no law . . ." And the First Amendment, through the Fourteenth adopted in 1868, has been made applicable by court decision to the states as well as to Congress. So the First Amendment today really says not only that "Congress shall make no law" but also that a state "shall make no law."

Of course, while literally absolute, the words just cannot be interpreted as fully absolute, and never have been. Or can they? Or should they? I think that we all accept the fact — and the law — that one may not unnecessarily cry "fire" in a crowded theater. The First Amendment is not that absolute.

May I suggest that the Constitution of the United States plus the Bill of Rights constitute our roots for governance and for political freedom, that, despite their defects, we have every right to look to them with a measure of reverence and to celebrate them, and that we had better be about protecting them, every day and constantly.

### The Religion Clauses and their background

Let me turn to the two Religion Clauses of the First Amendment. Why are there two? The first states that Congress shall make no law "respecting an establishment of religion." The second says that Congress shall make no law "prohibiting the free exercise thereof." At first glance, it all seems so clear: We shall not have a specific religion formally established by government. (Five states at the time still had established churches — Massachusetts, in fact, until 1833!) Indeed, we shall have the very opposite — all of us shall be free to exercise our own religion if we care to profess one.

But is it really so clear? Is there not tension between the two Clauses in their application? Consider this: Almost everywhere throughout our fifty states, property genuinely used for religious purposes, such as an edifice for worship, is exempt from local real estate taxes. The Supreme Court has said that this exemption is constitutional. Surely, this exemption assists in the exercise of the congregation's religion. But can one also say that a property tax exemption places the state in the business of establishing religion? With tax exemption, funds of the congregation are not consumed by taxes; instead, they are available for religious endeavors, even though municipal services — fire and police protection, and the like — are provided the place of worship. The atheist and the one who wants nothing to do with any religion might think that tax exemption equates with es-

tablishment. In enhancing free exercise, are we not coming close to establishing?

Let us look briefly at the background of the Religion Clauses. It is safe to say, I think, that the historical record is ambiguous. There were at least three distinct and recognized approaches that influenced the Framers. The first was the so-called evangelical view, associated with Roger Williams, to the effect, it was said, that "worldly corruptions . . . might consume the churches if sturdy fences against the wilderness were not maintained." The stress was on protection of the church. The second was the Jeffersonian view that religion should be separated from the state in order to safeguard secular interests. Indeed, the "wall of separation" phrase was coined by Jefferson in a celebrated letter he wrote to Connecticut Baptists in 1801. The third was the Madisonian view that religious and secular interests alike would be advanced by defusing and decentralizing power so as to assure competition among sects rather than domination by any one of them.

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### *There were at least three distinct and recognized approaches that influenced the Framers.*

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Williams saw separation largely as a means for protecting religious groups from the state. Jefferson saw separation as a means of protecting the state from religion. Madison believed that both religion and government could best achieve their respective high purposes if each was left free from the other and allowed to flourish within its own sphere.

These three views, in some respects, are complementary, but in others they surely conflict. Their histories share certain essential elements. First, all three emerged as part of the background of the late eighteenth century in which they appeared. Second, they fix the ideas of Jefferson and Madison as the direct antecedents of the First Amendment and as particularly relevant to its interpretation. Third, they accept the postulate that a union between religion and the state inevitably leads to persecution and civil strife.

It has been said in recent scholarly literature (Mirsky, *Civil Religion and the Establishment Clause*, 95 *Yale L.J.* 1237 [1986]) that what emerges are two fundamental characteristics of the First Amendment: volunteerism and separatism. The Free Exercise Clause, at the very least, was designed to guarantee freedom of conscience by prohibiting any degree of

compulsion in matters of belief. It was offered by a burden on one's religion. The Establishment Clause can be understood as designed in part to ensure that the advancement of religion comes only from the voluntary efforts of its proponents and not from support by the state. Religious groups are to prosper or perish on the intrinsic merit and attraction of their beliefs and practices.

Separatism reflects Madison's view that both religion and government function best if each remains independent. This means more than institutional separation. It means that the state must not become involved in religious affairs, and that sectarian difficulties must not be allowed unduly to fragment the body politic.

### Categories of cases

It is impossible to cover in detail here the Religion Clause cases decided by the Supreme Court over the years. Were I to do so, it would be a tedious survey, indeed. There was little First Amendment case law on religion until the adoption of the Fourteenth Amendment in 1868. Since then, the cases have been many and varied.

Let me, instead, divide the Supreme Court cases into categories. First, some Establishment Clause cases. *Everson*, the reimbursement-for-transportation case, has been claimed by many to have been a breach in Jefferson's wall of separation. Surely, he would have thought so. That case was before my time. But are there not good arguments on each side? After all, why should parochial-school parents, who are subject to the taxes that support the public schools, not have just the same reimbursement — nothing more — as do parents who send their children to public schools?

But the Establishment Clause comes into controversy in other areas. There are the cases that may be said to involve religious expression through the medium of the state: prayer in the public schools; reading of scripture there; banning of the teaching of evolution; the creche at Pawtucket and the one at Scarsdale and the one on Boston Common. In some of these cases, the Court has clearly stated that government has no right to wrap itself in a religious symbol or to require a religious practice. In others, the Court has let the religious practice stand. Also, within the Establishment Clause purview are the many cases concerning government assistance, of one kind or another. May students be excused during school hours for religious instruction on or off the school premises? May a school board supplement salaries for public-school teachers who go to parochial schools to teach courses offered only in the public

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

## VIEWS OF THE WALL

Oliver S. Thomas  
General Counsel



First Amendment lawyers often speak of church-state separation as if it were a neat and tidy concept.

It isn't.

The religion clauses spawn some of the most difficult cases in the field of constitutional law.

Admittedly, there are some easy cases. The U.S. Supreme Court still renders an occasional unanimous opinion in the church-state field. But increasingly, the cases divide even the highest court in the land. They force us to make hard decisions that require balancing the religious interests of individuals and churches against the competing interests of society.

No sphere of church-state law is more fertile for the hard cases than that of private and parochial education. That's because education is one of the areas where the interests of the church and the state overlap. Both have a legitimate stake in the education of the nation's youth.

Should the state be permitted to regulate church schools, and if so, to what extent?

As always, there are a small number of purists on both sides of the controversy. One such group argues that private education is strictly a matter between the parents and the church, and the state has no right to interfere even at a minimal level. On the other end of the spectrum, some argue that church schools should be subject to all the same rules and regulations as the public schools.

For the vast majority who lives somewhere between these two extremes, the answer is not so simple. Yes, the church school is different from the public school and as a religious institution is entitled to the protections of the Free Exercise Clause, but no, the church school should not be completely insulated from state regulation.

Most Americans agree that students should be required to attend school a certain number of days per year regardless of their school's religious or secular affiliations. Most also tend to agree that even church schools should conform to health and safety regulations (e.g., building and fire codes) and that no school should be allowed to operate unless it provides children with the basic skills necessary to function in a democratic society.

Democracy demands a literate populace. Even the most tolerant state government cannot condone the operation of a

school whose graduates cannot read and write.

While there is general consensus on compulsory attendance, health and safety regulations, and a core curriculum that ensures literacy in science and the humanities, there is no consensus concerning mandatory teacher certification.

Should a state be able to require all teachers, even those at church schools, to obtain a teaching certificate? What appears to be a very simple and straightforward question has divided state and federal courts, and the U.S. Supreme Court appears unwilling to provide a "national" solution to the controversy.

A recent Michigan case is instructive on the complexity and divisiveness of the certification issue. The Sheridan Road Baptist Church had objected to the state's requirement that it hire only "government-certified teachers" in what the church considered to be part of its educational ministry. The state argued that certification was essential to ensure that students receive a quality education.

The First Amendment forbids the state from interfering with a church's ministry unless there is a compelling governmental interest of the highest order that cannot otherwise be accomplished. Even when its interest is compelling, the state must demonstrate that it has exhausted all other possible means of accomplishing its goal before it can burden the free exercise of religion.

Few would argue that the state's interest in educating its young is not compelling. In the landmark decision of *Brown v. Board of Education*, the U.S. Supreme Court described the state's educational interest: "Education is perhaps the most important function of state and local governments. . . . It is the very foundation of good citizenship. Today, it is a principal interest in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education."

Nevertheless, the state, if at all possible, must pursue its educational interests in a manner that does not burden the free exercise of religion.

The Sheridan Road Baptist Church said the state had not done this. According to the church, the state could accomplish its goal of assuring quality education by the

use of standardized student tests. The state argued that standardized testing was not an adequate safeguard, because problems would become evident only after they had occurred.

The trial court held for the church but was reversed by the court of appeals. An equally divided Michigan Supreme Court affirmed the judgment of the appellate court. The U.S. Supreme Court has refused to hear the case.

Apparently the U.S. Supreme Court has decided upon a policy of deferring to the judgment of the various states as to whether they will require teachers at church schools to be certified. Currently, the states are divided about evenly over the issue.

Should a state require certification for all teachers at private and parochial schools? In my opinion, no, not in the face of a sincere religious claim. Standardized tests seem to be a perfectly adequate means of ensuring quality education without the attendant burden on religion. This is particularly true if a state allows home schooling by noncertified parents. There is no reason why those same parents shouldn't be able to place their children in a church school with noncertified teachers. In both cases, if a child performs unsatisfactorily on tests, the state could require that the child be placed back in the public schools.

Having said that, I hasten to point out that what is good constitutional law may not be good church policy. It is difficult to understand why any church school in the name of religion would insist on hiring uncertified teachers. Similarly, why would any person of faith not wish to be the most qualified and well trained professional he or she could be?

Doctors, lawyers, accountants, and other professional employees of the church are also engaged in the church's ministry, but I know not one who is arguing that she should be exempt from the certification or licensure requirements in her respective profession. Are not those who teach the next generation of Americans in equal need of training, even though as religious persons they may reject some of what they are taught as being incompatible with their religious faith? How refreshing it would be to see church school teachers fighting for more training, not less.

Perhaps it is time for churches to redirect their energies away from litigating

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# Conformity or Freedom

Recently I read a 1985 volume by Norman Cousins, *Albert Schweitzer's Mission: Healing and Peace*, an account of Cousins's visit in Lambaréné and subsequent correspondence with Schweitzer, President Eisenhower, Prime Minister Nehru of India, and other world figures. The dust jacket summarized:

An entire new generation has come of age with little knowledge of the life and work of one of the major moral figures of the twentieth century. Physician, philosopher, organist, theologian, Albert Schweitzer was all of these and more. In his last years, Dr. Schweitzer set himself one

final task: the awakening of public consciousness to the need to prevent the folly of nuclear war.

This is a good book for those of us who are not in the "master-spirit" class.

My copy was the property of the public library, and I found it had been violated. A previous reader had recorded, in ink, disagreement with some of the views and conclusions expressed by both Cousins and Schweitzer. That the reader was a Christian might be inferred from the theological language used; but the method of "setting the record straight" was both un-Christian and uncivilized.

Perhaps, instead of superimposing thoughts on those of another, the reader

A good book is the precious life-blood of a master-spirit, embalmed and treasured up on purpose to a life beyond life.

JOHN MILTON

should have written a personal testament, buttressed by the kind of life that would draw attention to personal commitment. But no. The reader's mark was made by denigrating the beliefs of another. There is a lot of that going around.

The modern-day counterpart: those who will not be happy to learn from another, Christian or non-Christian, or to suffer another's testimony to stand, unless it conforms to their own special view. Is there no benefit to be derived from an idea that is not a carbon copy of one's own?

The pressure toward certain kinds of conformity might signal a new Dark Ages, were it not that most people resist the ones who wish to box them in irrationally. The freedom that Christians have in Christ should be both a light to awaken us and a restraint regarding judgment upon others.

Quotes from Cousins and Schweitzer might put in perspective a comparison with the reader who, with ready pen, disfigured public property.

*Schweitzer:* "I decided that I would

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W. Howard Bramlette has been a denominational (SBC) servant for over thirty years. A native of Texas, where he will make his home upon retirement, Bramlette began his ministry on the staff of the Texas Baptist state office. He has served as a director of campus student work, and more recently as editor of *The Student*, a publication of the Southern Baptist Sunday School Board.

## Quoting

Edwin Scott Gaustad  
"Religion, the Constitution,  
and the Founding Fathers"

As president, James Madison faced the same dilemma that confronted Thomas Jefferson: that is, the matter of executive proclamations in language that might be religious and for purposes that might also be religious. Jefferson solved the problem by simply refusing to issue any such proclamations. Madison was disposed to follow that same pattern, but an American public — denied any high priest for eight long years — was restive. When the War of 1812 was declared, Congress passed a resolution requesting the president to issue a proclamation. On the one hand, related as this request was to "his" unpopular war, Madison felt he could not ignore the resolution; on the other hand, he firmly believed if no legitimate part of the duty of civil government to set aside religious days. He compromised by issuing a proclamation as utterly nonsectarian as he could make it ("absolutely indiscriminate"), and by ensuring that it carried not the slightest hint

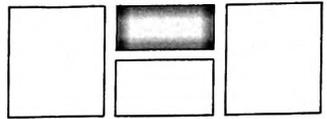
of penalty for failure to comply ("merely recommendatory"). But the whole exercise struck Madison as something that presidents of these United States simply ought not to be involved in. Having found himself in this awkward role, Madison now offered five reasons why religious or quasi-religious pronouncements should not be handed down from on high — why presidents should not be popes.

First, a declaration of a religious day of fasting or feasting or praying can never be anything but a mere recommendation, and "an advisory Government is a contradiction in terms." Second, neither the legislature nor the executive branch can in any sense regard itself as an ecclesiastical council or synod, with authority to address "the faith or the Consciences of the people." Third, such proclamations "seem to imply and certainly nourish the erroneous idea of a national religion." Here again Madison wondered if the American people were yet ready to take the idea of disestablishment seriously. Even if we were all of the same denomination and the same creed, any "universal act of religion . . . ought to be

effected thro' the intervention of" the religious and not the political authorities. But since we are not all of the same church, such national action by political leaders is "doubly wrong." Fourth, such proclamations tended to employ the language and theology of the dominant group or groups, with the consequent tendency that a conformity to the religious viewpoints of the majority would be surreptitiously encouraged. Fifth and last, such proclamations inescapably bent religious principles to political expediency. Religion became a matter of party politics, however great the effort to avoid that sad result. James Madison had probably never heard the phrase, "civil religion," but he was aware of its implications and found them in general to be illegal or inequitable or frightening. □

The above is an excerpt from the 1987 *Whitworth-Muldrow Lecture delivered at Shorter College in Rome, Georgia. The material will appear in October in Dr. Gaustad's new book, Faith of Our Fathers: Religion in the New Nation (Harper & Row). Reprinted by permission of the author.*

# News in Brief



## Group releases report on religion, curriculum

WASHINGTON

In the wake of reports issued by a broad spectrum of groups on the absence of religion in public school textbooks, the nation's largest educational leadership organization has called for an end to curricular silence on religion.

Releasing its own report on "Religion in the Curriculum," the 80,000-member Association for Supervision and Curriculum Development listed recommendations for correcting the "glaring omission" of religion in public school curricula.

The report — which advocated teaching about religion and its role in society, but rejected teaching of religious doctrines in public schools — included recommendations that:

— Educators at the local level involve religious professionals and other community leaders in curricular decision making.

— Education agencies conduct staff development sessions on religion in curriculum and provide guidelines for textbook selection committees.

— Publishers revise textbooks and other instructional materials to provide adequate treatment of diverse religions and their roles in American and world cultures.

— Local educators and their national organizations explore ways to garner public support for teaching about religion.

— Scholars and educators undertake a major research and development effort to develop new curricular materials and instructional methods for teaching about religion in various subject areas. □

## California board wants more religion in texts

WASHINGTON

In what is expected to have a nationwide impact, the influential California State Board of Education has told major publishers it wants more religion in textbooks.

The board advised publishers in a recent meeting that history and social science texts approved by the state should reflect the impact of religion on society, said Francie Alexander, associate superintendent for curriculum instruction and

assessment.

The meeting came three days after the state adopted a 263-page document, "History/Social Science Framework," that called for fuller treatment of religion in textbooks used by its elementary and secondary schools.

"We stressed to the publishers the importance of not ducking important and controversial topics such as the role of religion and its impact on historical events," Alexander said.

As examples, the board asked that textbooks address the contributions of religion to the development of the U.S. Constitution and compare religions in different societies, she added. □

## Report suggests option of investment income tax

WASHINGTON

A staff report issued by the House Ways and Means Committee and Joint Committee on Taxation suggests the imposition of a 5 percent excise tax on the investment income of tax-exempt organizations — including religious organizations — as a possible means of increasing revenue for the federal budget.

Such action, according to the report, would generate more than \$15 billion over a three-year period.

Under current tax law, private foundations generally pay a 2 percent excise tax on their net investment income. Although originally imposed to help offset the cost of administering tax laws relating to exempt organizations, the current tax now generates revenues exceeding the total Internal Revenue Service costs of administering the total exempt organization program.

The proposed 5 percent excise tax would be levied on the net investment income of all tax-exempt organizations, including religious, charitable, educational, and scientific organizations; social welfare organizations; and labor unions and trade associations.

In arguing for the proposal, the staff report stated in times of large federal budget deficits all organizations that benefit from federal government expenditures should be called upon to contribute to reducing the deficits. The report specified the proposed excise tax would not apply to noninvestment income, such as membership dues, charitable contributions, or related business income, and would be "sunsetting" so that it would

not apply once the budget deficit was reduced to a specific level.

The report conceded imposition of such a tax, which would break tradition with past practice relating to exempt organizations, would reduce the funds available to and needed by those organizations and thus adversely affect those benefiting from the organizations' programs. □

## Church recognizes Dunn with Brooks Hays Award

WASHINGTON

James M. Dunn, executive director of the Baptist Joint Committee, has been awarded the Brooks Hays Christian Citizenship Award by Second Baptist Church in Little Rock, Arkansas.

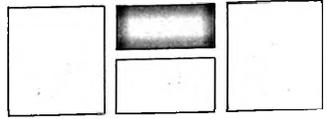
The award is given annually to a Baptist who has demonstrated outstanding concern and focus in a field related to Christian citizenship. Past recipients include Foy Valentine, former executive director of the Southern Baptist Convention's Christian Life Commission; Oren Harris, former U.S. congressman; Betty Bumpers, wife of U.S. Senator Dale Bumpers; and T. B. Maston, retired professor of Christian ethics at Southwestern Baptist Theological Seminary.

Brooks Hays, for whom the award is named, was a former eight-term congressman from Arkansas and served as president of the Southern Baptist Convention from 1957 to 1959. Hays, a moderate on racial issues, confronted then Arkansas Governor Orval Faubus during the 1958 Little Rock school desegregation crisis and subsequently lost his congressional seat to an avowed segregationist. Hays, who died in 1981, also was chairman of the SBC Christian Life Commission in the 1960s.

Dunn has served as BJC executive director since 1981. He previously served as executive director of the Christian Life Commission of Texas from 1968 to 1980. He was noted by the Little Rock church for his work in the area of church-state separation.

"I can think of no one at the intersection of religion and politics I'd rather be associated with than Brooks Hays," Dunn said of the award.

The recipient of the award is determined by the Little Rock congregation, where Hays was a member and Sunday school teacher. □



# Bork could affect church-state cases

WASHINGTON

If President Reagan's new choice for the Supreme Court, D.C. Court of Appeals Judge Robert H. Bork, is confirmed by the U.S. Senate, some changes in church-state law can be expected, especially in cases testing aid to parochial schools.

Although the sixty-year-old Bork has not had to handle a single major church-state controversy during his five years on what sometimes is called "the second most important" court in the land, some evidence exists to suggest he would look favorably on federal and state laws aimed at providing financial assistance to sectarian elementary and secondary schools or to parents who send their children to such schools.

Because the man Bork would replace — retired Justice Lewis F. Powell Jr. — accumulated a mixed record in such cases during his nearly sixteen years on the high court, a Bork-for-Powell switch likely would mean advocates of parochial aid would gain a stronger ally. And since a number of recent key cases in this field have been decided on 5-4 votes, some of which have struck down provisions for such assistance, the change could make the crucial difference.

But in other areas of church-state law — including religion in public schools and governmental intervention in religion — the switch of the ideologically conservative Bork for the more centrist Powell usually would not make much difference.

While much is known about Bork's views on a number of key social issues recently before the high court — including abortion, affirmative action, capital punishment, and obscenity — his approach to church-state issues is unclear. This is true in part, to be sure, because the D.C. Court of Appeals has dealt with no significant church-state cases during his tenure there.

Even before Reagan nominated him to that court in 1982, Bork apparently had little to say about church-state matters. The same has not been true with respect to other sensitive social issues addressed candidly by the outspoken judge in articles and speeches.

Between his 1953 graduation from the University of Chicago Law School and

1982 nomination to the federal bench, Bork practiced law in Chicago, taught at Yale Law School, was U.S. solicitor general under Presidents Nixon and Ford, and engaged in a Washington law practice. During that period, Bork became known as one of the nation's ablest exponents of judicial restraint.

In the church-state field, Bork generally seems to be more of an advocate of preferential treatment of religion and religious institutions such as parochial schools than was Powell.

One sign of such a view came in a September 1985 speech to a small group of religious leaders convened by the Brookings Institution in Washington. Speaking on the general subject of religion and politics, Bork made clear his view that nothing in the Constitution prevents government from providing nonpreferential financial aid to religious institutions, including sectarian schools. According to participants at the meeting, he also endorsed the view espoused by Attorney General Edwin Meese III and Chief Justice William H. Rehnquist that the nation's founders intended to do no more in the Establishment Clause of the First Amendment than prevent establishment of a national church or preferential treatment of one religion over another.

Although Powell's votes in the multitude of important church-state cases during his tenure on the court left no doubt he did not agree with that assessment, he nevertheless took the stance that government should display a "benevolent neutrality" toward religion. He also was a strong advocate of the other religion clause of the First Amendment — guaranteeing the free exercise of religion — except in those cases where a governmental interest in limiting free exercise was so overriding as to set aside the individual's claim.

In 1981, for example, Powell authored the court's 8-1 decision striking down a policy at the University of Missouri, Kansas City, banning on-campus meetings by student religious groups. That same year, he joined an 8-1 majority in ordering Indiana to pay unemployment compensation to a worker fired from his job in a foundry and machinery plant for refusing on religious grounds to accept a transfer to a department that produced

turrets for military tanks.

But Powell often sided with government and against individuals when he believed the governmental interest in limiting free exercise overrode the citizen's claim.

In 1977, he joined a 7-2 majority in ruling that companies are not obligated under the Constitution to provide workers with an absolute right to take off on their Sabbath, thereby discriminating against other workers who wanted off the same days. In 1981, he was one of five justices voting to uphold a policy of Minnesota state fair officials confining solicitation, even by religious groups, to fixed locations on state fairgrounds.

In future cases testing the limits of free exercise, Bork could be expected generally to come down on the same side as did Powell.

In the other major category of church-state cases — those testing the unconstitutional establishment of religion — Bork's views generally seem to square with Powell's, but with certain exceptions.

Based on his meager public statements on such issues, one can conclude Bork would have agreed with Powell's 1983 vote upholding the right of Congress and the states to employ legislative chaplains and his crucial vote the following year in a 5-4 opinion that cities may include a nativity scene in Christmas displays.

But Bork probably would not have voted with Powell in a pair of highly publicized cases involving religious practices in public schools. In 1980, Powell sided with the narrow majority in a 5-4 decision striking down a Kentucky law that required the posting of the Ten Commandments in every public school classroom in the state. And in 1985, Powell was one of six justices voting to strike down an Alabama law mandating silent prayer in public schools.

In a concurring opinion in the latter case, however, Powell stated his view that "some moment-of-silence statutes may be constitutional." One of those laws — from New Jersey — will be tested at the court during its upcoming term. As Powell probably would have done, Bork — if confirmed — could be expected to vote to uphold it. □

Stan Hastey

# The Living Water of Freedom

## A Sermon

On Long Island, New York, 3 million people drink from one well. But the water that is drawn today is the rain that fell fifty years ago. In the same way, living water, drawn from the past, sustains the present for millions of people.

Why have a "Baptist Heritage Sunday" in our denomination? Because all that has happened before is not lost or wasted. It is a reservoir of living strength and story "for the living of this hour."

Isn't that what the writer of Hebrews was getting at in that great litany of the faithful? Then he can say: "Compassed about with so great a cloud of witnesses . . . let us run with all patience the race that is set before us" (Heb. 12:1). With all this living water from the past, let us find strength and power to do our part, to run our race, to complete our task.

What is that reservoir, that collection of living memory, that deposit of spiritual genius that Baptists have contributed? That question is really easy to answer. And it can be answered in one word: freedom. For us it starts there and ends there. Freedom is what we have been; freedom is what we are; freedom is what we shall be.

Let me take you back to where the living water first fell for us. The year is 1612. James I is king of England, and he rules under the "divine right" of kings. The king told his subjects how to worship and pray and what to believe.

A man by the name of Thomas Helwys walked to see the king that year with a book under his arm he had written that challenged the king's authority in all matters of religious faith. Helwys, the founder of the First Baptist Church in

England, had written in the flyleaf: "The king is mortal man, and not God therefore hath no power over ye immortal souls of his subjects."

Thomas Helwys disappeared from the world that day. All the copies of his book were destroyed except four that survived. And one of them is the copy he gave to the king. If you go to the Oxford University library today you can see it and even handle it. And you can read the inscription: "The king is mortal man, and not God. . . ."

From Thomas Helwys in the seventeenth century to this very day the basic principles of Baptists have remained the same. There is great diversity among us in liturgy and theology. Ethically, economically, socially, and organizationally there is no common unity. What holds us together? We are Baptists because we believe in freedom. No king, no magistrate, no pope, no bishop, no preacher, no president, no creed — no human authority may stand between us and the grace of God.

No wonder that the Bill of Rights to the American Constitution was a Baptist cause. The person primarily responsible for persuading Madison to write the First Amendment into the Constitution was a New England Baptist then serving in Virginia by the name of John Leland. Listen: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

You would expect no less effort from the Baptists. Freedom: that is our badge and duty. A free church in a free land. That is our emblem.

It follows that if we are to claim freedom for ourselves we must be an advocate of freedom for all persons in matters of faith. Baptists today are guardians of that freedom. Not only do we insist that religion be forever voluntary and uncoerced, but we also contend with all

government power and authority against the establishment of religion.

To the question of prayer in public schools — there will always be prayer as long as teachers give exams. Taking God out of the classroom — no one can expel God from anywhere. To the question of reading the Bible as an extra-curricular book — that has never been denied for individuals or groups. To the question of teaching the Bible as literature — perfectly acceptable. To the question of state-mandated prayer — silent prayer, spoken prayer, written prayer — our Baptist heritage says "never"! Prayer must never be coerced or promoted or authorized in any form by government.

You see, Baptists know by the experience of once being a persecuted minority that our freedom requires the freedom of all. The freedom of the atheist, the Jew, the Muslim must be as dear to us as our own freedom. One Baptist of an earlier generation put it this way:

A true Baptist could not persecute others. If anywhere you find so-called Baptists persecuting Protestants or Catholics, Gentile or Jew, pagan, heathen, sinner, or anybody else, they are belying the age-long contention of our people.

We claim freedom for ourselves and others. A great cloud of Baptists have claimed freedom, from Thomas Helwys and John Bunyan in England to Roger Williams and John Leland and Martin Luther King Jr. in America.

Freedom means soul competence or soul liberty for the individual — each person free to pray, read the Scriptures, seek the leading of the Spirit with others.

Freedom means church competence for the congregation — no creed binds, no pope, bishop, or synod restricts us. We are responsible as a church to God — no one else is proxy for us.

Believer's baptism is a sign of freedom. No parent can bring us to be baptized. It must be a free choice of the heart. A personal decision for Christ and the church.

We have a great heritage. We are far from perfect. But from our heritage there is living water. We'll need it. Freedom is fragile. Don't take it for granted. It was the Russian philosopher Berdyaev who once said:

The time is coming, indeed it has already come, when freedom will be found only in Christianity, when the

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Thomas E. Clifton is the American Baptist pastor of the First Baptist Church, Penfield, New York, where he preached this sermon.

## The First Amendment, from page 5

schools? May the federal government make grants to denominational institutions so long as the funds are not used for sectarian instruction or to provide a place for such instruction? The list of Establishment Clause problems seems long, indeed.

What do we find when we turn to the Free Exercise Clause? The cases here seem to separate themselves into three primary categories. The first concerns the alleged right to speak or to be silent. May the distribution of religious literature be taxed or banned in any way? May school children be required to take the oath of allegiance — “under God” — to the flag? May a holder of a public office be required to declare belief in God? May New Hampshire insist that its automobile license plates bear the state's motto, “Live Free or Die”? May a state bar the clergy from holding public office?

The second category is that concerning personal religious autonomy: Sunday closing laws — the right not to work on one's Sabbath and, when discharged, to have a recognizable claim for unemployment compensation — the right not to engage in the employer's work that relates to the manufacture of weapons — the Amish claim not to have children attend school beyond the eighth grade — the question whether a conscientious objector, who performed alternative service, may be denied veteran's benefits.

The third category has to do with religious discrimination in employment — the duty of an employer to accommodate an employee's religious beliefs — the right of a denominational employer to hire only its own adherents, however secular in character their work may be. Here again, I think, it is safe to say that the Free Exercise Clause is constantly and intensely at issue.

Then there are cases concerning denominational autonomy. These usually arise in the context of internal disputes. The majority of a congregation, over opposition, seeks to secede from its denomination. Who then takes over its property? Here the Court has taken the position that the First Amendment does not require a state to defer completely to religious authority so long as it applies “neutral principles of law.” The Court steadfastly has refused, however, to engage itself in doctrinal disputes. Those are not for the judiciary.

If one looks at litigation in the state courts, one sees, I think, a growing tendency on their part to rely on state constitutions rather than on the First Amendment. Some of these are being interpreted to coincide with the federal interpretations, but others are not. There are cases concerning official prohibition

of religious dress by teachers. There are the so-called “cult” cases, where fraud and emotional distress and false imprisonment claims are advanced as well as allegations of kidnapping and deprogramming. These are difficult because they concern inquiries that courts seek to avoid, namely, the assessment of the validity of belief and defining the line between religious faith and mind control.

Our public life is replete with examples of an ambiguous religion. We pledge allegiance to a nation “under God.” We have a National Prayer Day mandated by federal statute, 36 U.S.C. §169(h). Our nation's motto is “In God We Trust,” 36 U.S.C. §186. This intersection of the religious with the political is evident in some of our most treasured public texts. Look at Lincoln's magnificent Second Inaugural Address, and look at Martin Luther King Jr.'s religious words in his “I Have A Dream” speech. There are a host of practices, texts, and symbols readily classifiable in both political and religious terms. We accord them some legitimacy. Is this wrong? Should we do away with

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*Let us search for [the Constitution's] meaning in the light of the wisdom of 1787 and in the light of what we have in 1987 and in the years ahead truly and conscientiously believe.*

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practices of this kind? Or can we live with them, be strengthened by them, and be legally and constitutionally principled about it? In other words, what does the Constitution say and demand?

### Conclusions

One could go on and on. But let me try to draw conclusions about this litigious area. I submit the following:

1. We operate in the belief — almost the conviction — that in the United States there is a wall between religion and the state. Jefferson's influence is very strong.
2. There are signs in the cases, however, particularly those at the Supreme Court level, that that wall has been crumbling a little of late — some would say it has crumbled a lot. Exceptions to complete separation have appeared and been upheld: legislative prayer, the creche on public ground, certain aids to parochial schools, tax benefits.
3. Yet, there still is a noticeable urge to keep that wall in existence and fairly strong. Is this insensitivity toward religion? There are some who think so.
4. There seems to be an increasing

tendency in current political thought to bring religion into government.

5. What will be the effect of the growing power of the religious right and its presence in the political-party structure of today? Or has it reached its crest and is receding?

6. The Religion Clauses are constantly in litigation. There is nothing quiescent about them. We have a long way to go and a lot to settle before a level of quiet and stability is attained. But may one not say the same thing about almost all the guarantees embodied in the forty-five words of the First Amendment?

What a living document we have in the Constitution and the Bill of Rights! It is protective, controversial, nonperfect, exciting. As Bill Moyers currently has phrased it, we are constantly in search of its meaning. It is a source of strength we would not be without. It is among our primary political roots. Yet it needs constant care, as precious and valued things usually do.

### To be a contributing American

What does it take to be a contributing American in 1987? To put it another way, what does it mean to be a contributing American in this year of the bicentennial? With diffidence, I offer the following:

□ I think it takes ideals, ideals of the kind that were set forth so ringingly in the Declaration of Independence — “a decent respect to the opinions of mankind” — “all men are created equal” — “they are endowed with certain unalienable rights” — “among these are life, liberty, and the pursuit of happiness.” And the willingness to “pledge to each other our lives, our fortunes, and our sacred honour.”

□ I think that being a contributing American today means that we need to get back to basics, to look again to the Constitution as our governmental roots, not only as a blueprint for the structure and operation of government, but, with the Bill of Rights, as a precious charter of liberty.

□ To be a contributing American today requires a realization that we are a multiple people, not all alike, not all in the middle of the road, but a nation just as diverse now as we were a hundred years or so ago when the great waves of European immigration struck our shore. We must have a belief, indeed a conviction, that there is room for all to live under that Constitution and its Amendments. What less than this is there for the Religion Clauses to stand for and to assure?

□ To be an American today worthy of the name requires courage, hard work, leadership, integrity, character, even a measure of patriotism, and a belief in the worthwhileness of all these.

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# INTERNATIONAL DATELINE



## Coptic Orthodox Church faces opposition

AKRON, PA.

A Coptic Orthodox priest — in a small Egyptian village where about one-third of the families are members of his congregation — wanted to build a church. Given verbal assurance that his application to put up a new building was approved, he began construction. But written permission had not been given, so police from the nearby town sledge-hammered the walls, slashed the temporary canvas roof, and broke the windows. He was detained three times for questioning.

In another of Egypt's delta towns, Coptic Orthodox Church leaders applied for permission to build a church nine times between 1947 and 1968. And each time, before permission was granted, local builders began constructing a mosque, always within 100 meters of the site the Christians had chosen. The Egyptian government has a rule stating that no church may be built within 100 meters of a mosque. The Coptic church leaders were eventually rewarded for their perseverance; the church they built is commonly referred to as "The Nine Mosque Church."

The Egyptian government gives mosque day care centers 4,000 Egyptian pounds (\$2,353) each year. Christian day care centers receive no money from the government and are frequently denied permission to operate. In Shoubra el Kheima, a northern suburb of Cairo where 360,000 Coptic Orthodox Christians live, Muslims own four or five big factories in which Christians are forbidden to work. Christians who own factories are required by law to hire Muslims.

Egypt is a Muslim country. Only 12 percent of its 50 million people are Christian, but the government sees the Christian minority as a threat, observed Vern Ratzlaff of Winnipeg, Manitoba, who recently completed a four-year term as a Mennonite Central Committee country representative in Egypt.

People in the Middle East feel that "fundamentalist Christians support the militancy of the Israeli state and are involved in Jewish extremist attacks on Muslim sacred shrines in the Occupied West Bank," Ratzlaff said. "People in the Middle East feel that fundamentalist Christians are influencing the policies of their Western governments. Muslims recognize and fear that power and suspect

that Egyptian Christians have similar positions."

Fundamentalist Muslims see the affluent West, identified as Christian since the Crusades, as an opponent of Islam and supporter of the Christian minority, Ratzlaff noted. Also until recently the Christians in Egypt have been better educated and have held economic and social power out of proportion to their numbers. This created resentment, Ratzlaff said.

"When the charismatic church leaders were able to attract hundreds, even thousands, of Christians to weekly religious meetings, the government became suspicious, wary, and paranoid," Ratzlaff said.

Local Christians, however, often "turn the other cheek" and have good relationships with Muslims. In the shell of the building that was sledge-hammered hangs a painting of the Virgin and Child, signed and donated by another villager, a Muslim friend of the Coptic priest.

The church's institutions and its leaders also seek to bring about some reconciliation between the two groups. In some of the more than thirty schools operated by the Coptic Evangelical Church, up to 90 percent of the students are Muslim.

In Beni Suef, about eighty-five kilometers (52.7 miles) south of Cairo, Bishop Athanasios sponsors an evening English-language program. He hopes the class will bring Muslims and Christians together. In some of these classes, more than half of the students are Muslim.

In another village, two elementary-age girls were refused entrance by the government school because the classrooms could not accommodate their wheelchairs. The principal of the local Coptic Evangelical school rearranged the classrooms in the building so the girls could get in. "The impact of this on the villagers was much more profound than any number of sermons would have been," commented Ratzlaff.

The Coptic Orthodox Church, with its 6 million members, is the largest Christian church in Egypt. It traces its origin to St. Mark, author of the second gospel.

At the Council of Chalcedon in 451 the Orthodox view of Christ's nature was declared heretical and the Orthodox Church found itself isolated from Christendom.

The council insisted that Christ had two natures, a human and a divine. The Orthodox church held, and still holds, that Christ was "God Incarnate with His divinity and humanity fully present and united without mixture, confusion, or change."

In the years after this council, mission agencies and churches from the West saw the Coptic church as a mission field, not as a sister church. These groups, finding work among the Islamic community difficult and usually forbidden, concentrated on building their memberships by drawing people from the Coptic Orthodox Church.

These experiences made those in the Coptic Orthodox Church understandably suspicious of the Western church, though in recent years the church in Egypt has become more open to the church in the West, Ratzlaff said. □

Charmayne Denlinger Brubaker

## Soviet Union to allow entry of Baptist Bibles

WASHINGTON/STUTTGART/AMMAN

Church-state authorities in the Soviet Union have confirmed earlier unofficial reports granting permission to the Baptist World Alliance (BWA) to donate 100,000 Bibles to the All-Union Council of Evangelical Christians-Baptists (AUCECB). The confirmation was communicated recently by BWA general secretary-treasurer Gerhard Claas. At the same time the United Bible Societies (UBS) in Stuttgart, Federal Republic of Germany, announced the cost for this largest-ever shipment of Bibles into the USSR will be divided between the BWA and the UBS. It is estimated that between \$400,000 and \$500,000 will be required for the total project.

The project was approved by the BWA General Council at its annual meeting in Amman, Jordan. The BWA men's department will raise the BWA portion of \$250,000 during the next few months.

The BWA action followed a motion by James H. Smith, president of the Southern Baptist Brotherhood Commission and former BJC member, at a conference of Baptist men the previous week in Cardiff, Wales. Smith urged that the BWA men's department take responsibility for the Baptist share of the project's cost and that the effort be a memorial to the late Owen Cooper, former president of the department.



The Russian Bibles will cost about five dollars each for paper, printing, and shipping. "Five dollars is a small amount to pay for a Bible anywhere," Smith said. "There has been so much talk in recent years about underground means [of getting Bibles into the Soviet Union], many people think that is the only way. Now here is a way to send the Bible through the front door. And since Baptists are a law-abiding people, we feel it's our responsibility to go through this open door."

The 98,000 Russian and 2,000 Ukrainian language Bibles will be sent to the AUCECB Moscow headquarters in four shipments, beginning in January, 1988.

The AUCECB obtained the import permit following several months of negotiations with the state. Alexei Bichkov, general secretary of the AUCECB, expressed his joy over the development, stating the permit was "a sign of growing openness in the situation in Russia."

The offer of the 100,000 Bibles was prompted by the 1988 celebration of 1,000 years of Christianity in Russia and of the founding of the Orthodox Church. The negotiations began with a letter of request last February from BWA's Claas to the chairman of the Council of Religious Affairs of the Soviet Council of Ministers, Konstantin M. Kharchev. The Orthodox Church has been granted permission to print an additional 100,000 Bibles within the Soviet Union itself.

Bichkov said: "A few years ago Soviet Baptists began praying to receive 2 million Bibles. Since 1976, through the Bible societies with BWA help, we already had been given more than 150,000 copies of the word of God. This latest development brings us fully one-fourth of the way toward achieving our prayer goal." □

## Catholics charged with plotting overthrow

### SINGAPORE

Ten Roman Catholics, including four full-time church workers and six volunteers, were among sixteen persons arrested as part of an alleged Marxist plot to overthrow the Singapore government of Prime Minister Lee Kuan Yew. In the wake of the arrests, Archbishop Gregory Yong has suspended four priests who had worked with the ten Catholics arrested earlier.

A key person in the alleged plot was Vincent Cheng, 40, executive secretary of

the Catholic Archdiocesan Justice and Peace Commission. Another full-time church worker detained was Kevin Desmond D'Souza, 26, of the Catholic Students Society of Singapore Polytechnic.

Archbishop Yong announced following a meeting with the prime minister that he accepted the evidence that Mr. Cheng and the others were involved in subversive activity. "The man himself admitted he was using the church," the archbishop said. "This is one of the biggest reasons why I have to accept the government's statement."

In a tough statement during the meeting with the archbishop, Prime Minister Lee declared the Singapore government will not tolerate the use of religion "as a cover-up for subversive activity."

Archbishop Yong later called eighty priests in the archdiocese to a meeting and issued a pastoral letter strongly opposing Marxism. He also instructed his priests to avoid public statements and sermons mixing politics and religion. "All I want is to make sure that there is no conflict between the church and state on this matter," Yong said. In response, four priests offered to resign "in order to avoid a conflict or collusion between church and state." The archbishop immediately accepted their resignations and suspended them two days later.

The government charged that Cheng and D'Souza had disseminated Marxist-Communist ideas during what were ostensibly Bible studies and religious discussions. A statement by the Ministry of Home Affairs said they "couched their radical ideas in theological language to convince the audience their ideas had a religious foundation. They distorted religious doctrines to suit their own objectives and turned religious discussions into Marxist indoctrination sessions."

As an example, the government cited a speech by a Filipino priest, the Rev. Carlos Abesamis, who urged Catholic students to champion "freedom of the poor and oppressed" as Catholics in the Philippines did in overthrowing the government of Ferdinand Marcos last year. □

## Philippine NCC seeks ban on vigilantes

### MANILA

The National Council of Churches in the Philippines (NCCP) recently asked

President Corazon Aquino to take steps to disband the anti-communist vigilante groups that are proliferating around the country with the support of the military and some local government officials.

The NCCP, which represents the country's Protestant churches, called the formation of armed anti-communist groups "a negation of attempts at building peace, justice, and righteousness" in the Philippines. It called the proliferation of such groups "a cause of great concern."

Citizen anti-communist groups have proliferated during the past year. The most prominent are Alsa Masa (Masses Rising) and Nakasaka (United People for Peace) on the southern island of Mindanao. Other groups exist in other parts of the country. Some work closely with conservative religious groups.

President Aquino has yet to take a stand on these groups. She does, however, encourage Filipinos to help the military by providing information on rebel movements. Secretary of Local Governments Jaime Ferrer is an outspoken supporter of what he calls unarmed vigilantes. Nakasaka, he says, is a positive model of such an organization. Observers in Mindanao, including some supporters of vigilante groups, disagree. They say that members of Nakasaka are often armed with machetes and homemade guns.

The military is less concerned about the armed nature of the vigilante groups. Secretary of Defense Rafael Ilto told reporters at a recent gathering of the Foreign Correspondents Association that as long as the weapons are legal and licensed he would encourage their use in the campaign. He said the police and Philippine constabulary are charged with enforcement of the law and with ensuring that the vigilantes abide by the law.

In a letter to President Aquino, NCCP general secretary La Verne Mercado outlined his group's position. He said the NCCP recognizes the right of citizens to "organize for self-defense to protect their lives and properties against hostile elements" so long as they don't violate the law.

"Security, military, and police action, if the situation so warrants, should be confined solely to professionally trained military and police personnel," wrote Mr. Mercado for the NCCP. He objected to the use of "untrained and unpaid civilians assuming armed counterinsurgency tasks and operations." □

## The First Amendment, from page 11

□ To be an American today requires that we recognize that the Constitution is not perfect. It never has been. That is an obvious fact. When it was adopted in 1789, it surely was not perfect. We all know — and it is proper that we emphasize it — that there were no less than three glaring and astounding deficiencies right on its face. The first was the complete exclusion of native Americans from Article I, Section 2, Clause 3, in measuring representation in the House of Representatives. The second was the compromise reached in the same Clause with respect to blacks, necessitated, I suppose, by human slavery's brooding presence. The third was the nonfranchisement of women, despite the valiant efforts of Abigail Adams and others as far back as 1787. The Constitution was not perfect at its inception. It undoubtedly is not perfect today.

□ To be an American today requires, I think, a realization that we are fallible.

## Ethics, from page 16

of God, the church assumes the demotion of the powers of this world and the supremacy of the Lordship of Christ. This kind of witness is costly and may lead to religious persecution, but as in the life of our Lord, it will also lead to life. If the church loses this eschatological and prophetic motif, it is in danger of succumbing to a watered down civil religion. Proper attention to our participation in the Kingdom of God (strand three) will serve as a corrective to this.

Finally, the baptist theme of liberty enforces the idea of separation of church and state. Its insistence on individual freedom of conscience helps to put the Christian's relation to the state into proper focus. The motif of liberty must not be allowed to drift into individualism in religion. Rather, it must be emphasized within the shared awareness of the present Christian community as the primitive community. McClendon will not allow the kind of Lone Ranger Christianity that is not responsible to a community of faith.

There is something in McClendon's book for every serious student of theology and ethics. The section that discusses the question "Is Jesus a Pacifist?" will challenge those of us who are more at home with Christian realism. Chapters on peacemaking and forgiveness as marks of the disciple communities are both thoughtful and challenging. The call for a more radical obedience to the claims of Christ is an important corrective to contemporary expressions of faith that re-

quire no discipline and no sacrifice. Benjamin Franklin knew this when he said that the Constitutional Convention had produced a Republic "if you can keep it."

□ To be a contributing American today requires a measure of faith, a measure of compassion, a measure of kindness, a measure of optimism, a measure of tolerance and understanding.

We have this little document. Let us not tear it apart. Let us cherish it and let us cure its ills, both the facial ones and those in its application. Let us interpret it truly. Let us interpret it lovingly. Let us search for its meaning in the light of the wisdom of 1787 and in the light of what we have in 1987 and in the years ahead truly and conscientiously believe. It can hold us together if we are willing and if we are fair.

If we are able to do this, then, I think, perhaps 200 years from now, in the year 2187, we shall be able to note and to celebrate a Quattrocentennial, and still other milestones 200 years after that, and 200 years after that. □

quire no discipline and no sacrifice.

Students looking for easy answers and moralisms for today's critical questions will not find them in this book. Instead, what is found is a call to a way of life that encourages the believer to accept as his or her way of life that which is exemplified by the first Christian community. One is invited to make the ongoing story of the people of God one's own story. The challenge to reclaim the baptist vision advocated by McClendon is more than just a contribution to theology and ethics. It may, indeed, help the church reclaim its proper vocation in the world. □

D. Glenn Saul

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## Views, from page 6

to escape certification and toward working to make their schools as academically sound as their secular counterparts. Many already are, but many are not. Hiring only certified teachers might be one step toward accomplishing that. □

## Living Water, from page 10

church of Christ will defend the freedom of man against the violence of the kingdom of this world.

So we run our race, the writer of Hebrews says. The race is hard and long. And the violence of the kingdom of the world threatens freedom. But we can run. A great cloud of witnesses surrounds us: Helwys off to see the king; Roger Williams founding Rhode Island, the first free colony in the history of the world; John Leland and the Bill of Rights; Martin Luther King Jr. in the nation's capital, proclaiming from the heights, "Let freedom ring from every hill and molehill." They are living water for us today. Today as we carry on the great tradition, the cry of freedom!

If someone ever asks you, "What do you Baptists believe, anyway?," you can give them this answer: "We believe in freedom." □

## Conformity, from page 7

make my life my argument. . . . I would attempt to have my life and work say what I believed."

Cousins: "He never thought much about happiness or unhappiness in terms of his own life. Generally, he thought of what had to be done and the time required for doing it."

"The biggest impression . . . was of the enormous reach of a single human being."

And the reader with the pen sought to improve upon that!

If Christians were as busy as we ought to be, doing what we already know to do, we would have little time to try to make others, living or dead, conform to a restricted image of truth. And the "judge not" of the Scriptures would mean more to us. □

The talented persons composing the staff have each come to an advocacy of religious liberty in his or her own way. . . .

## REFLECTIONS

Like several strands interwoven to make a strong cable, the diverse gifts, callings, and insights of individuals on the Baptist Joint Committee staff give the agency an unexpected strength. I reflect this month on the remarkable people who carry out the assignment of this Baptist venture. You, dear reader, are entitled to know them, and I have good reason to rejoice in my chance to work with them.

The trigger for this biographical outburst is the beginning of Victor Tupitza's study leave. The editor will be away for a few months learning about challenges to religious freedom in Europe. As he goes, I muse on the various routes that brought our team together. The talented persons composing the staff have each come to an advocacy of religious liberty in his or her own way . . . different experiences, a common commitment.

Victor came to his dedication to Baptist distinctives and sense of freedom as a fifteen-year-old BYF'er (Baptist Youth Fellowship) in a Russian-Ukrainian Baptist Church. This lay-led congregation of immigrants (and recent converts) joyously declared their new religious faith even as they treasured their newly gained political freedoms. He and Sallie have three sons and are active in the Calvary Baptist Church in Washington. Mrs. Tupitza is the Sarah Helen Shira (her maiden name) who serves as unpaid artist for *REPORT*. Before coming to this office nine years ago, Victor was a pastor in Philadelphia and for thirteen years worked in the Division of Communications for the American Baptist Churches in Valley Forge. He has just finished a stint on the pastor search committee at Calvary Baptist Church. They found one.

Victor's associate, Vic Case, will be carrying on in his absence. Case is a Baylor University and Southern Seminary graduate who traces his interest in church-state issues to days as a staff intern at the First Baptist Church, Waco, Texas. He invited James E. Wood Jr. of the Baylor faculty to speak to the church's college students and regards that as a focal point of interest in church-state relations. Vic is the son of retired pastor and director of missions J. V. Case, long a leader in Kentucky Baptist life. Vic himself has a fine record for such a "youngun," the only staff member in his twenties. He managed to serve on the executive council of the Baylor B.S.U. while doing enough homework to graduate Phi Beta Kappa. He has been a summer missionary in Kentucky and a minister to the staff at Glorieta Baptist Conference Center.

Another Phi Beta Kappan is Rosemary Brevard, who has been at the BJCPA for twenty years. She found her interest in Baptists and religious freedom in Training Union and tested it in the Episcopal school she attended from grades 5 through 12. Rosemary taught history and social studies in the public schools after graduating from the University of Texas (Hook 'em Horns). Her work for Jim Sapp and the late John W. Baker has made her an articulate advocate for church-state separation and a first-class paralegal. Mrs. Brevard is now director of "nuts and bolts" for outreach at the First Baptist Church, Silver Spring, but her first love is "team-teaching in the senior high Sunday school department," which she's done for twenty years.

Oliver Thomas, general counsel, heads the legal department. He and Rosemary not only provide the legal counsel for this Baptist voice, but they also coordinate research. Mr. Thomas, or "Buzz" as we know him, is an amazing mix of scholar-athlete, preacher-lawyer, incisive intellect-warm good-ol'-boy. He

James M. Dunn  
Executive Director



was first in his class at both the University of Tennessee and New Orleans Seminary, and third in his class at the University of Tennessee Law School, where he received the highest award for legal scholarship. An ordained minister, he's served churches in Louisiana and Tennessee. It was in seminary that he was "surprised and proud to learn of Baptists' role in the struggle for religious liberty and in shaping the First Amendment to the Constitution." Church history courses opened this world to him. Later, Buzz sat as a special magistrate in a church-state case that convinced him of the importance of what he's doing now as the full-time advocate of religious liberty for Baptists in this country.

Stan Hastey also found his "appetite whetted" for the cause of First Amendment freedoms in a history class, taught by Betty Scales at Oklahoma Baptist University. He later advanced that interest with his dissertation at Southern Seminary, *A History of the Baptist Joint Committee on Public Affairs*, and now as director of Information Services and as Washington bureau chief for Baptist Press. Dr. Hastey is an award-winning journalist. In 1985 he won the Lillian Block Award for Excellence in the Denominational Press to add to numerous Baptist honors. Those who know him also know his churchmanship. As a son of missionary parents, he grew up in Mexico. Two of his brothers are serving with the SBC Foreign Mission Board for whom his father, Ervin, was evangelism coordinator for seven years before retirement. Stan serves as deacon chairman at the First Baptist Church, Washington. All the above contributed, no doubt, to his receiving the Award for Outstanding Alumni Achievement from OBU in 1986.

Stan's associate in Information Services is Kathy Palen. She covers the Congress. What an assignment! Kathy is well equipped for the task, however, with five years on the OBU staff teaching journalism and as director of public relations. She, like all the rest of this talented crew, graduated from college, OBU, with honors, and has won awards for her work from the Baptist Public Relations Association. Interviewing Stan Hastey six years ago sparked her interest in the work of the BJCPA in proclaiming religious liberty. She teaches kindergarten age Sunday school and chairs the Board of Christian Education of the First Baptist Church, Washington.

Jeanette Holt — administrative assistant, financial officer, and my right hand — speaks for all of us to some degree when she says, "For good or ill I'm the product of the program of the Baptist church." Her growing up was in the Gambrell Street Church in Fort Worth, which she says is "permeated by the personality and philosophy of T. B. Maston." Jeanette also gives credit for her belief in soul freedom to her parents, both of whom were church staff workers all their adult lives. The Potter household was always a place for lively discussion and debate of the issues of the day. Mrs. Holt is a graduate of Texas Christian University and has worked on a church staff and on the staff of vice-presidents of El Paso Community College and the University of Texas at El Paso. Jeanette confesses that like her father, the late Carl Potter, she "has always been deeply involved in politics and religion and active at the intersection where they meet."

That's exactly where one finds the Baptist Joint Committee and what we must be about: affirming our Baptist heritage, the Christian gospel, and an authentic faith at the busy and sometimes dangerous intersection of church and state. □

# REVIEWS



## Ethics: Systematic Theology.

James William McClendon Jr. Vol. 1.  
Nashville: Abingdon Press, 1986. 400 pp.  
\$22.95.

James William McClendon Jr. is currently professor of theology at the Church Divinity School of the Pacific, a part of the Graduate Theological Union in Berkeley, California. Nevertheless, he has been a practicing Baptist for over fifty years. His roots are in Louisiana where he began his Christian pilgrimage and felt called to be a minister of the Gospel. McClendon taught for twelve years at Golden Gate Baptist Theological Seminary in the fifties and sixties. Since then he has taught at a number of universities — including Stanford, Notre Dame, and Temple universities and the University of Pennsylvania — before coming to his present position.

The book under review is the first volume of what McClendon proposes as a "baptist" theology. McClendon forcefully argues there has been a particular vision (the baptist vision) that has informed a way of life for various groups throughout the history of the church. This particular vision has been the guiding stimulus by which the common life of these groups has been shaped. Distinctive marks of the baptist vision include (1) Biblicism, an acceptance of the authority of Scripture for faith and practice; (2) Mission (or evangelism), the responsibilities to witness for Christ; (3) Soul liberty, the freedom to respond to God without coercion; (4) Discipleship, a life of service for Jesus Christ; and (5) Community, the shared life of the people of God (the church).

The baptist vision, according to McClendon, insists that the church that now exists is the primitive church of the first century. "The church is now the primitive church: we are Jesus' followers; the commands are addressed directly to us." It is this idea that best informs the baptist vision; it is the primary organizing principle for a baptist theology.

McClendon's approach to ethics can be called narrative ethics. Rather than re-

duce ethics to laws, principles, or moral relativism, ethics is to be understood from the life of a people bound together by shared commitments. The task of ethics, in McClendon's view, is to investigate, analyze, and criticize a way of life lived out in community. This story-formed way of life is focused on Jesus of Nazareth and the kingdom he proclaims. In light of his story, his disciples order their own life in a shared community of faith. Analysis of this way of life considers such things as the social setting, the development of character, and unique circumstances or incidents.

If Christians are a people formed by their shared convictions about God and neighbor, self and community, then ethics must reveal the structure of the shared story. McClendon does this by using the analogy of a three-strand rope. Each strand is separate, but woven with the others to make up the rope. The three strands for investigating ethics are our shared human nature as creatures made by the Creator (the Sphere of the Organic); the social culture and setting of our shared life (the Sphere of the Communal); and the eschatological aspects of our existence in the Kingdom of God (the Sphere of the Anastatic). In other words, there are three ways in which we experience the world: the world of the embodied self; the world of law, custom, and practice; and the new world being formed under the Lordship of Christ. Each of these must be taken into consideration to develop fully the various dimensions of biblical morality.

McClendon follows the method of his earlier work (*Biography as Theology*) by using a biographical study to illustrate the various strands of ethics. Readers may be surprised to find Jonathan and Sarah Edwards, Dietrich Bonhoeffer, and Dorothy Day used in a book proposed to

be a baptist theology. At a closer look, however, one discovers each of them living out certain convictions which make up one of the motifs of the "baptist vision." The Edwardses lived out a concept of embodied love, while Bonhoeffer's life and work speak to the morality of a practicing, convictive community (though it is negative in its results). Day was motivated by the vision of the Kingdom of God lived out as an alternate lifestyle. Thus, she is an example of the third strand or the eschatological emphasis of Christian morals. These three biographical chapters help to bring life to the theory of the book.

It is McClendon's belief that the content of the Christian faith must be lived out in the shared lives of its believers. By giving attention to persons who have lived out their faith in a unique or powerful way, religious convictions can be tested or verified. Biography thus serves not only to illustrate faith, but also to allow its contents to be evaluated. Such a method is a corrective to theology and ethics that often seem to be theoretical in their approach. One of McClendon's most useful contributions can be found in using biography in this way.

Issues of church and state do not occupy a place of prominence in this work. Some comments, however, can be made about the book's contribution to a baptist view of church and state. First, the experience of Bonhoeffer helps to inform us about the dangers involved when the church does not have an adequate social ethic (strand two). The church of Germany had no effective way of speaking to or resisting the totalitarianism of its day. The modern day church may find itself in the same predicament unless it develops the skills, convictions, and resources required to withstand intrusive governmental attacks on the life of the church. McClendon's second strand addresses this issue.

Second, the church must not neglect the witness of the church to the Lordship of Christ over all things (governments, nations, principalities, and powers). By its witness to the power of the Kingdom

Continued on page 14

### Reviewer

Dr. Saul is associate professor of Christian ethics at Golden Gate Baptist Theological Seminary, Mill Valley, California, and a former scholar-in-residence at the BJC.

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