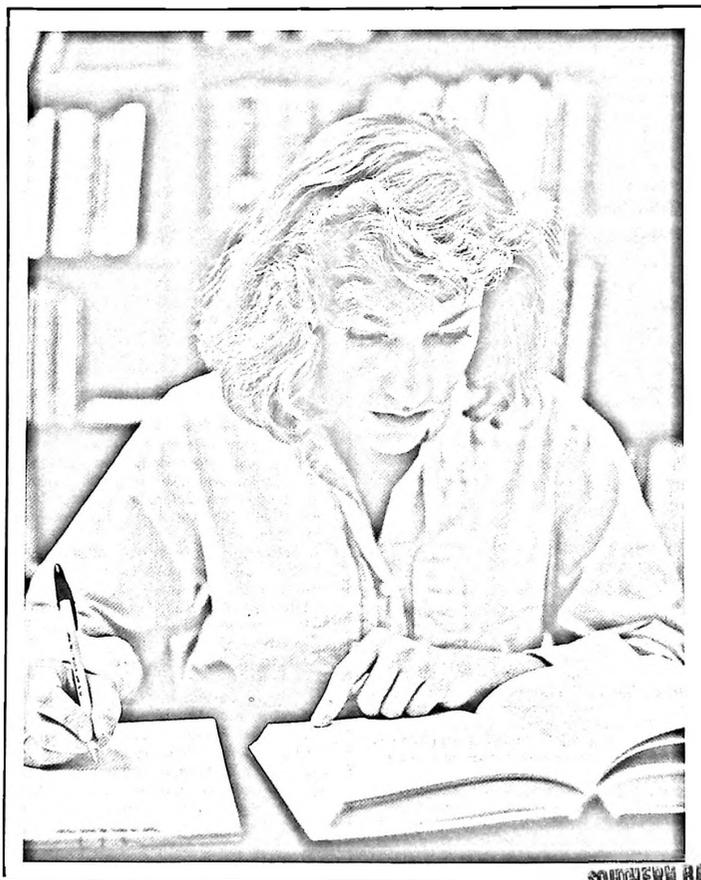


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REPORT from the CAPITAL



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Religion in Textbooks

REPORT from the CAPITAL

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

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Improving Textbooks

Textbooks rarely fall under the category of matters inspiring lively interest, but in the church-state arena these days, they have been the focus of studies, public debate, and litigation. Two earlier U.S. district court decisions in Tennessee and Alabama were overturned in August (see *News in Brief*), and the end of these headline cases is yet to come.

Significant disagreement remains in society about how these cases should be decided and about the conclusions each group of plaintiffs seeks to draw from the evidence. But strong agreement has been building over the last couple of years about some of the evidence cited in both of these cases: the dearth of information about religious issues in U.S. history and civics textbooks used in the nation's schools. The Baptist Joint Committee addressed this fundamental problem a year ago in a resolution that called upon textbook authors, publishers, selection committees, school boards, and all Baptists to remedy this inadequate treatment of religion in textbooks.

Most issues in the church-state arena involve prevention or protection, not improvement. But in the case of textbooks, positive changes have been sought and can be expected to appear in future editions. Recently a major association of professional educators has concluded in its own independent study that changes need to occur (see Kathy Palen's story, pp. 10-11). And perhaps more significantly, the California State Board of Education has said it wants textbooks that reflect the role of religion in society. Publishers like to make money, so when California talks, publishers listen.

For those who don't want to wait for systemic change, Charles Haynes in this issue offers some suggestions for supplementary materials for use in the classroom by individual teachers as part of his overview of the textbook problem.

Seeking to correct treatment of religion in textbooks is not a back door approach to promoting religious faith through the public schools. Those who affirm church-state separation cannot seek to advance religion in the classroom beyond a study of it as fact. Of course, Baptist Christians affirm their religion as faith that transcends fact, but the place to teach faith religion is in God's schools, not Caesar's.

Not all the blame for confusion and even ignorance about religious liberty and church-state separation can be left with the schools, especially when it comes to Baptists, for whom these issues are an integral part of their unique, if sometimes unknown, heritage. The Baptist Joint Committee has resources available to assist congregations in exploring their relationship to the state in both the past and the present. We would welcome the opportunity to assist you and your congregation by providing these materials. □

Vic Case



● **AN INITIALLY HOSTILE** discussion of tax provisions relating to churches ended on a positive note during the first meeting of a newly created Internal Revenue Service advisory panel on tax-exempt organizations.

Members of the Commissioner's Exempt Organizations Advisory Group began by sharply criticizing Internal Revenue Code provisions that relate to churches. But after hearing concerns raised by Oliver S. Thomas, Baptist Joint Committee general counsel, IRS Commissioner Lawrence Gibbs and other panel members indicated a desire to work with church representatives on reconciling issues of mutual concern.

Drawing early criticism were provisions that exempt churches from filing informational tax returns and protect churches from intrusive tax audits. One member charged that the provision exempting churches from filing information returns violates the First Amendment's establishment clause, while another suggested all churches should have to file such returns.

An IRS official also criticized churches' political involvement. He said since campaign contributions are not deductible but church contributions are, he is concerned churches could become a "national channel for channeling money into political campaigns."

Discussion within the group also charged Congress with limiting the IRS's ability to investigate churches. IRS officials told the panel that without legislative changes, abuses of the tax law by churches would continue.

Following the initial round of discussion, Thomas was given an opportunity to respond.

Thomas began by criticizing the IRS's failure to include even one church representative on the advisory group, which is made up of tax law experts.

"I am both surprised and disappointed that no representative of churches is on this advisory committee insofar as church concerns are a major item on your agenda," Thomas said. "I want you to know that churches are sensitive to the concerns that have been expressed around the table. We recognize the government's legitimate interest in preventing fraud, private inurement, and other misconduct."

But Thomas cautioned the group against intruding into the internal financial affairs of

churches.

"The First Amendment provides churches with protections against government intrusion and entanglement that are not available to secular organizations," he said. "Therefore, any change in existing law must be done carefully. We don't want to move precipitously in an area of law that has been carefully crafted over several decades."

Thomas told the committee that churches are concerned about public perception of misconduct by religious organizations. "Don't confuse mainstream religious America with what went on at the PTL Club," he said. "The vast majority of religious organizations are in perfect compliance with the tax codes."

He concluded: "We want to be constructive, but we do not want to be looking in from the outside. We need to be involved in the process."

Following Thomas's remarks, Commissioner Gibbs expressed his appreciation for the input and his desire for the IRS and the religious community to begin a "constructive dialogue" on issues of mutual concern. "I think we have ended on a very positive note," Gibbs said.

Several advisory group members also expressed their support for involving churches in deliberations with the IRS.

Thomas told the panel: "We've done this kind of thing before. The process we went through in solving the integrated auxiliaries problem is an excellent model for an ongoing dialogue between the IRS and the religious community."

After the meeting, Thomas sent a letter to Robert Brauer, IRS assistant commissioner for employee plans and exempt organizations, suggesting the creation of a study group comprised of representatives from the IRS, Treasury Department, and churches to explore the various questions raised during the meeting.

● **A FEDERAL APPEALS** court has rejected a claim that Congress's practice of opening each session with prayer discriminates against atheists with a moral message for lawmakers.

The panel ordered a lower court to dismiss the suit filed by Paul Kurtz, a college professor, who wanted to be allowed to deliver a "nontheistic" address to each house of Congress.

Religious Freedom: Teach It or Lose It

A textbook problem

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof. . . ."

The opening clauses of the First Amendment may be the most widely accepted but least understood words in the Bill of Rights. During the next five years, as we celebrate 200 years of constitutional government, Americans have a unique opportunity to focus attention on the nation's ongoing struggle to preserve religious freedom. Current battles in the public schools over textbook censorship, "creation science," state-sponsored religious exercises, and other controversial practices show that many Americans are either ignorant or confused about the meaning and significance of "no establishment" and "free exercise." These battles also show that we face a rising tide of religious intolerance and a serious erosion of support for the separation of religion and government.

Causes of Ignorance and Confusion about the Constitutional Guarantee

Why are so many people confused about the meaning of our first freedom? Many educators blame the ambiguities of recent Supreme Court rulings, the cries by some in the Christian community for adherence to their version of Christianity, and the media treatment of religious issues. The root of our problem, however,

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may be closer to home — in
the classroom.*

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Four recent textbook studies, including one of my own, conclude that widely used social studies texts largely ignore the role of religions and, consequently, the story of religious freedom, in American history and society. From this, we can also conclude that our heritage of religious freedom is not being adequately taught in the nation's schools. This lack of education about a vital dimension of our heritage must surely be a major contributor to the sad fact that many Americans neither fully understand nor accept

the principles of religious liberty embodied in the First Amendment.

These four studies provide irrefutable evidence that religion is badly neglected and poorly treated in social studies texts. This conclusion is a common ground shared by people on different sides of the debate about the role of religion in the schools. For example, the best known of the studies, a National Institute of Education report by Paul Vitz, represents a conservative Christian perspective that decries neglect of "traditional values," including religion, in the curriculum. Vitz views the poor representation of religion in textbooks as part of a deliberate secularization of the schools by, among others, textbook writers with a "liberal bent." Vitz's ideology, however, does not invalidate his basic finding about the absence of religion in the texts. Another study, sponsored by the advocacy group People For The American Way, while denying a secular conspiracy, arrives at the same conclusion.

Because religion is not discussed in the schools, students learn little about the history of religious freedom. My own textbook study, reinforced by meetings with teachers and students in schools throughout the nation, shows a shocking absence of religious freedom education in social studies curriculums. Beginning with U.S. history texts, I found, in agreement with Robert Bryan's study for

Dr. Haynes is project coordinator of the Campaign for Religious Freedom Education sponsored by the Americans United Research Foundation. This article appeared as "Religious Freedom: Teach It or Lose It" in *Educational Leadership* (Vol. 44, May 1987, pp. 18-20). Reprinted with permission of the Association for Supervision and Curriculum Development. Copyright © 1987 by the Association for Supervision and Curriculum Development. All rights reserved.

LEARN, Inc., that consideration of religion and religious freedom is usually confined to the colonial period. Moreover, even that discussion is frequently superficial and misleading.

In most U.S. history texts, religion virtually disappears after the Revolution, and the story of religious freedom ends with the passage of the First Amendment in 1789. Readers of these books learn practically nothing about the several great religious "awakenings" that influenced the direction of our history. The

Supplementary Resources for Teachers

Until better texts are written, teachers must rely on supplementary materials to integrate religious freedom issues into history, government, and civics courses.

To put needed materials into teachers' hands, I have compiled *Religious Freedom in America: A Teacher's Guide*, published by Americans United Research Foundation (900 Silver Spring Ave., Silver Spring, MD 20910; send \$2 for postage and handling). We have already sent over 25,000 complimentary copies to teachers throughout the United States. It contains descriptions of nearly fifty audiovisual and printed resources for use in high schools, plus an annotated bibliography and lists of field trips and helpul organizations.

The bicentennial of the U.S. Constitution has inspired a few new teaching resources that give an adequate presentation of the First Amendment's religion clauses. One of the better efforts is *The Constitution: Evolution of a Government*, published by the National Archives and Social Issues Resource Series, Inc. (Social Issues Resource Series, Inc., P.O. Box 2507, Boca Raton, FL 33427; 800-327-0513).

Of the films available, several reflect the educational community's general reluctance to discuss religious issues. Two of my favorite examples are one about the Leo Frank case that ignores anti-Semitism and one about the Mormon conflicts in the nineteenth century that ignores the religious beliefs of both the Mormons and their neighbors.

On the other hand, a number of films do fine jobs of presenting religious freedom issues. Three good ones are *In Search of Tolerance* (McGraw-Hill, P.O. Box 641, Del Mar, CA 92014); *The Schempp Case* (Encyclopaedia Britannica, 425 N. Michigan Ave., Chicago, IL 60645); and *The Bill of Rights in Action: Freedom of Religion* (Barr Films, P.O. Box 5667, 3490 E. Foothill Blvd., Pasadena, CA 91107). These films are available for rental or purchase. □

mentioning religion in the classroom. Moreover, many educators hold the mistaken notion that teaching about religion is unconstitutional, despite the fact that, in school prayer and Bible reading decisions, the Supreme Court strongly encouraged objective study of religions in the public schools.

Ironically, the avoidance of religious questions has itself created controversy! The neglect of religion in textbooks and in social studies courses, whether inadvertent or deliberate, has invited charges of

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proliferation of religious movements, the struggles of their members for liberty, and the *de facto* Protestant establishment during much of our history are a few of the more obvious areas of neglect. The story of religious liberty, perhaps the greatest American contribution to world civilization, is not told in U.S. history textbooks.

Most government and civics textbooks are equally deficient. The principle of church-state separation, one of the most remarkable achievements in history, is almost completely ignored in the texts I examined. "Good citizenship" is presented with little or no reference to the religious pluralism of our society or to the meaning of religious liberty and toleration. The evolution and workings of our government are explained without reference to the implications of the religion clauses for our constitutional system. These findings show why many Americans are bewildered by current church-state battles and fall prey to the many distorted interpretations of the First Amendment popular in the United States today.

Educators and Publishers Fear Controversy

In recent years, the fear of controversy appears to have played a major role in the decision by textbook publishers to neglect religion. In this respect, publishers mirror the reluctance of many teachers and administrators to risk community conflict by

Many educators hold the mistaken notion that teaching about religion is unconstitutional, despite the fact that, in school prayer and Bible reading decisions, the Supreme Court strongly encouraged objective study of religions in the public schools.

"censorship by omission" and "a secular humanist conspiracy."

The best answer to such charges is to offer textbooks that objectively and accurately portray the religious dimensions of American life and history. Such texts will help students to understand the significance and meaning of our long struggle to maintain religious freedom. And this understanding will, in turn, promote religious toleration and a full appreciation of America's religious diversity. This may not be what school critics have in mind, but it is the only constitutionally acceptable and educationally sound way to teach students about religion and religious freedom.

A balanced presentation of religions in history and government texts will not be easy, given our religious diversity and the complexity of the issues involved. Nevertheless, the difficulty of the task must not deter us from doing what must be done to give students a full and accurate education.

For nearly two centuries, the religion clauses of the First Amendment charted a course in freedom unparalleled in human history. The United States remains a nation where government and religion are separate and hundreds of religious groups flourish. We must ensure that the present generation of Americans receives the tools necessary to preserve and protect this freedom for the next 200 years and beyond. □

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

VIEWS OF THE WALL

Public debate is good for democracy. A robust exchange of views should expose all the facts relevant to an issue and make possible an informed if not intelligent decision by the public. But like everything else, the process doesn't always work like it should. When the debate is uninformed, or even worse, misinformed, the result is likely to generate more heat than light. This has certainly been the case with the proposed Civil Rights Restoration Act currently before the United States Senate.

The Restoration Act is a response to the Supreme Court's 1984 decision in *Grove City College v. Bell*. Grove City, a Presbyterian college, had sought to maintain its independence from federal regulation or control by steadfastly refusing all forms of federal assistance. But some of the college's students did receive financial assistance in the form of federal student loans and grants.

When the Department of Education requested that the college file compliance forms under Title IX showing that it was not discriminating on the basis of sex, the trustees refused, maintaining that the college received no federal assistance and therefore was not subject to Title IX.

The Supreme Court's decision in the resulting lawsuit consisted of two holdings. First, the Court held (unanimously) that student assistance, while indirect, nevertheless provided a benefit to the college and constituted federal assistance for the purpose of civil rights laws. That the money was paid to the students, who were then free to spend it at whatever college they chose, was deemed irrelevant. Second, the Court held (by a 6-3 majority) that the civil rights law applied only to those "programs or activities" of the college that actually received the federal funds. Thus, if the college discriminated against women in its school of business but the only federal funds received by the college were in the admissions department, the college's discriminatory action could not be used as the basis for the withdrawal of federal funds.

Prior to *Grove City*, three administrations (two Republican, one Democratic) had maintained that an entire institution must comply with federal civil rights laws even if only one program or activity received federal funds. By limiting application of these laws to the specific programs receiving these funds, the Supreme Court created an accounting nightmare for the individuals who are victims of discrimi-

nation. They now would have to prove not only discrimination but also that the particular program that discriminated against them was itself the source of federal funding.

The impact of *Grove City* on the enforcement of civil rights laws was devastating. The Department of Education's Office for Civil Rights alone was forced to drop or severely restrict seventy-nine pending cases, twenty of those involving discrimination against the handicapped.

Religious and civil rights groups were outraged, and influential members of Congress (foremost among them Senators Kennedy and Weicker) vowed to override the high court's ruling with appropriate legislation. The mechanism for this effort became the proposed Restoration Act.

The purpose of the Restoration Act, according to its sponsors, is to restore the status of civil rights laws as they existed one day prior to the *Grove City* decision. With such a laudable purpose, why the rancorous debate, with some calling this the most dangerous piece of legislation before the Congress?

Apart from the *illegitimate* reason of simply opposing any and all legislation designed to create equal rights for women and minorities that may lurk behind the "official" reasons of a few senators, there seem to be at least three *legitimate* reasons for concern.

First, the proposed act does nothing to restore the previous legal distinction between direct federal assistance to an institution and indirect assistance in the form of student aid. It seems patently unfair to treat a college that accepts a multi-million dollar federal grant to construct its new library in the same manner as a college that accepts a student who happens to be on the GI Bill. The former college has received a substantial federal subsidy or gift, while the latter has received nothing more than payment for services rendered to the student (i.e., an education). That the student borrowed or received money from the federal government should be immaterial.

Without the distinction between direct and indirect assistance, Baptist colleges are forced to choose between submitting to federal regulation or denying admission to many lower- and middle-income students who must rely on federal loans

if they are to receive an education. Because most colleges and universities are unwilling, or in some cases unable, to close their doors to these students, they are treated in the same manner as the institutions that receive direct federal grants. By treating these two groups the same, the Court has removed the incentive for religiously affiliated colleges to refuse direct federal subsidies. The result will be the diversion of more tax dollars to religious schools and a blurring of the line of separation between church and state.

Second, some accommodation should be made for religious organizations that practice sex discrimination because of sincere religious convictions. For example, one might strongly disagree with any Baptist college that would prohibit female students from enrolling in specified courses on pastoral ministry, but unless the college accepts direct federal assistance, it should be free to practice its religion without governmental interference.

Fortunately, provision is made for institutions whose religious tenets would be violated by the application of Title IX; however, the "religious tenets exemption" is available only to entities "controlled by" a religious organization.

The words "controlled by" are an immediate red flag to any Baptist. Baptist churches and agencies are not controlled by any outside religious organization. Baptist institutions typically are separate corporate entities subject to the control of their membership or board of trustees alone. Thus, the exemption would seem to create a statutory preference for hierarchical church institutions (which often are controlled by another religious organization) and to discriminate against their congregational counterparts.

To prevent this from occurring, the Department of Education has fashioned guidelines that broaden the definition of "control" beyond its usual meaning. If an institution follows the doctrines of, has its trustees appointed by, and receives a significant amount of money from a religious organization, that institution is considered "controlled by" the religious organization and may qualify for an exemption. Records indicate that every Baptist college that has completed the application process has been granted an exemption. Nevertheless, guidelines are subject to change, and the possibility for future problems exists.

Third, the Restoration Act raises poten-

Oliver S. Thomas
General Counsel



tial church-state problems for hospitals that maintain a teaching program (e.g., a school of nursing or a residency program for physicians) and at the same time maintain a policy that prohibits them from performing abortions. In 1975 the Department of Health, Education, and Welfare (now Health and Human Services) passed regulations that placed the termination of a pregnancy on an equal footing with every other medical disability. Under the new regulations, a hospital receiving federal funds conceivably could be sued for sex discrimination if it refused to perform abortions or to provide to its employees insurance benefits covering abortions.

Should a hospital that has scrupulously avoided direct federal assistance and merely has some interns who are the recipients of federal loans be forced to choose between abandoning its teaching program or its religious convictions? This is the dilemma many Baptist hospitals might face if the act is passed.

On the other hand, hospitals that accept Hill-Burton funds or other forms of direct federal assistance should expect to comply with all the applicable federal regulations. As the attorney for one Baptist hospital told me, "You take the money with strings attached."

The potential church-state dilemma for some hospitals can be solved through the religious tenets exemption described above. But for the hospitals that do not receive a significant amount of funding from the denomination or that have independent, self-perpetuating boards of trustees, the problem persists.

The solution proposed by many is the Danforth Amendment, which proponents say would make the Restoration Act "abortion neutral." The amendment would neither require nor prohibit the availability of abortions at federally funded hospitals, but would leave the decision to the hospitals themselves.

* * *

The *ideal* solution to these various problems would seem to be (1) a broader exemption for institutions whose federal financial assistance is limited to student aid and (2) no exemption for those that opt for more extensive federal funding. Unfortunately, the real world is rarely so clear and unambiguous. In the case of the Restoration Act, all religious institutions have been lumped together, whether their federal assistance is in the form of a student loan or a direct money subsidy. As a result, the Baptist Joint Committee has attempted to chart a responsible course that affirms the importance of the Restoration Act, but protects the treasure

Continued on page 14

The IRS and Churches

The news that the IRS has examined the financial records of the PTL Club and has recommended that it lose its tax-exempt status because it is not a church comes as a solemn warning to all religious groups about government tax regulations.

I do not wish to discuss the PTL-Bakker-Falwell matter; it has been worn out in the secular media. Yet, the situation prompts some sober considerations by Baptists and others about the way the IRS looks at religious organizations.

Most church members defend tax-free status for a church on the grounds that the power to tax is the power to control and even destroy. For a nation committed to a free church in a free state, the tax-exempt status is far more than mere financial relief for any worthy contribution the church makes to society.

Church-owned real estate is exempt from local taxes and should be, except that which is not used for religious purposes, or is income-producing in direct competition with secular businesses. If a church owns a building that it leases, or a parking lot that is used during the week by the general public for fees, or land that is not related to the function of the church, then taxes should be paid, both income taxes and any local real estate taxes.

The IRS is tightening up. The church house and related buildings used for worship, education, and benevolent purposes should forever be exempt from taxation, but when religious organizations get involved in enterprises comparable to secular entities, then they must be treated the same as secular organizations or businesses. In my lifetime, I have known of religious organizations owning a ladies undergarment factory, a winery, a bus station, and shopping centers. Such things have nothing to do with the Kingdom of God or the proclamation of the

gospel. They are often lucrative income-producers and should be taxed in the same way a secular business is taxed.

There is another dimension of the tax status of churches and religious organizations. The IRS regulations clearly state that organizations with a 501(c)(3) status (churches and religious organizations are included in this category) cannot be involved in partisan politics, endorsing or disendorsing a candidate or taking part in a specific election. If they do, they may be defined as political action groups, which are classified 501(c)(4). The difference is only one digit, but the two are worlds apart. Contributions to the former may be deducted from the individual's tax liability, but not the latter.

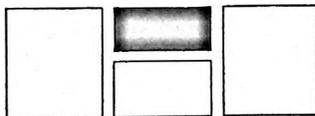
This means that under current law churches may deal to a certain extent in issues they consider moral matters, but churches cannot become involved in the political process with specific candidates and elections without endangering their tax status. This translates simply that no candidate can be endorsed by a pastor, either from the pulpit or in a letter on church stationery. Campaign posters and signs may not be placed on church property. Mailing lists of religious organizations cannot be used to promote or endorse a candidate. When a church or religious organization loses its 501(c)(3) status, the whole world has changed and a can of worms has been opened that probably can never be closed again.

Certainly, individuals who are people of faith and have moral values rooted in their religious beliefs have not only the right but the responsibility to become involved in the political process. They should be as informed, engaging, and persuasive as possible with others regarding the candidates and the issues.

Historically, Baptists have been patriots who loved their country and pietists who loved their church. In the American experience, these two are not diametrically opposed. We have enjoyed a free church in a free state; let us not jeopardize that marvelous status by the church needlessly violating its position. When the church loses its freedom, we are all losers! □

R. G. Puckett is editor of the *Biblical Recorder*, the news journal of the Baptist State Convention of North Carolina. The above is adapted from an editorial in that publication and is used by permission.

News in Brief



Nominee takes exception with church-state record

WASHINGTON

Federal Appeals Court Judge Robert H. Bork, President Reagan's latest nominee to the U.S. Supreme Court, has said he believes the high court's record in church-state cases has resulted in a "rigidly secularist doctrine."

Bork's views came to light in texts of speeches delivered at the University of Chicago in 1984 and the Brookings Institution in 1985 made public by the U.S. Senate Judiciary Committee, the panel that will decide whether to recommend Bork to the full Senate.

In an August 12 televised address to the nation, Reagan made Bork's confirmation a top domestic priority, asking for public pressure on the Senate to approve the sixty-year-old judge before the beginning of the high court's 1987-88 term October 5.

While noting in his Chicago address three years ago that church-state law "is a field of law with which I have had no great familiarity," Bork went on to say the high court's modern-day religion decisions are notable for "the extraordinary power and scope of the interpretations" of both the establishment and free exercise clauses of the First Amendment.

"The establishment clause might have been read merely to preclude the recognition of an official church or to prevent discriminatory aid to one or a few religions," Bork said. "The free exercise clause might have been read simply to prohibit laws that directly and intentionally penalize religious observance."

"Instead, both have been interpreted to give them far greater breadth and severity."

Regarding the establishment clause — repeatedly interpreted by the Supreme Court as requiring the institutional separation of church and state — Bork specifically took to task the three-part test devised in 1971 to determine if the law or governmental practice in question violates the Constitution. The test requires that the law or practice have a secular purpose, have the primary effect of neither advancing nor inhibiting religion, and not result in excessive entanglement between church and state.

"Those tests are obviously designed to erase all traces of religion in governmental action," Bork said.

He said further that "a relaxation of current rigidly secularist doctrine would . . . permit some sensible things to be done," including "the reintroduction of some religion into public schools and some greater religious symbolism in our public life."

He also endorsed nondiscriminatory aid to sectarian schools, aiming specific criticism at a 1985 high court decision outlawing the practice of sending public schoolteachers into parochial schools at taxpayer expense to provide remedial and other specialized instruction.

At the same time, Bork also criticized the court for expanding the free exercise clause in cases brought by citizens and religious groups against government.

"The exceptional sweep of establishment clause doctrine has led some to conclude that there is an anti-religious animus pervading the evolution of law," he said. "But that seems by no means a necessary conclusion, since the court has been almost equally assiduous in demanding religious freedom for individuals under the free exercise clause. That hardly bespeaks a hostility to religion."

As an example of what he called "the overly expansive interpretation" of the free exercise clause, Bork cited the 1972 decision in *Wisconsin v. Yoder*, a case brought by Amish parents challenging a state law requiring school attendance to age sixteen. In its ruling, the high court held on the basis of the free exercise clause that Amish parents could be exempted from the law and remove their children from school after the eighth grade. The state failed to demonstrate a "compelling interest" in applying the law to the Amish, the court ruled.

In his Chicago and Brookings speeches, Bork took the court to task for applying the compelling interest test, suggesting he favors instead a test that places less of a burden on the state. □

Stan Hasteley

Courts overturn rulings in two textbook cases

WASHINGTON

Separate federal appeals panels have reversed two U.S. district court judges who ruled earlier in favor of parents who challenged the use of textbooks in public schools on religious grounds.

Both panels — consisting of three judges each — unanimously set aside rulings by lower judges in Alabama and

Tennessee. Each of the cases likely will be appealed to the U.S. Supreme Court.

In a decision announced August 26, a panel of judges from the Eleventh Circuit Court of Appeals in Atlanta held that Alabama District Judge W. Brevard Hand erred last March by banning forty-four textbooks from Alabama classrooms on grounds they promoted the religion of secular humanism. Hand ruled the state had established secular humanism as an official religion in violation of the First Amendment. More than 600 parents of public schoolchildren in Mobile brought the challenge that resulted in Judge Hand's decision.

Writing for the appeals panel, Judge Frank M. Johnson Jr. held use of the challenged textbooks "has the primary effect of conveying information that is essentially neutral in its religious content . . . ; none of these books convey a message of governmental approval of secular humanism or governmental disapproval of them."

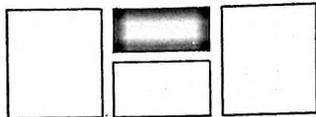
The Mobile parents, joined by several schoolteachers, had objected specifically to home economics, history, and social studies texts. During a trial last fall, most of the objections were aimed at the home economics texts.

Regarding those books, Judge Johnson wrote that the appeals panel's review "reveals that the message conveyed is not one of endorsement of secular humanism or any religion."

"Rather, the message conveyed is one of a governmental attempt to instill in Alabama public schoolchildren such values as independent thought, tolerance of diverse views, self-respect, maturity, self-reliance, and logical decision-making. This is an entirely appropriate secular effect."

He added: "Nor do these textbooks evidence an attitude antagonistic to theistic belief. The message conveyed . . . is one of neutrality; the textbooks neither endorse theistic religion as a system of belief, nor discredit it. Indeed, many of the books specifically acknowledge that religion is one source of moral values and none preclude that possibility."

Such governmental neutrality squares with "the separation of church and state mandated by the First Amendment," Johnson wrote. Quoting from the 1962 high court decision banning state-written prayers from public schools, Johnson added, "The establishment clause . . . stands as an expression of principle on



the part of the founders of our Constitution that religion is too personal, too sacred, too holy, to permit its 'unhallowed perversion' by a magistrate."

In the other decision, a panel of the Sixth Circuit Court of Appeals in Cincinnati reversed U.S. District Court Judge Thomas G. Hull in a highly publicized case pitting parents in eastern Tennessee against Hawkins County school officials. Hull ruled last October that protesting parents were right when they cited the First Amendment's free exercise of religion clause in demanding that school officials permit them to teach reading to their children at home. Requiring the pupils to read from the challenged texts amounted to a breach of free exercise, Judge Hull held.

But the appeals panel ruled, 3-0, that Hull too was wrong. Chief Judge Pierce Lively wrote, "The requirement that students read the assigned materials and attend reading classes, in the absence of a showing that this participation entailed affirmation or denial of a religious belief, or performance or non-performance of a religious exercise or practice, does not place an unconstitutional burden on the students' free exercise of religion."

Judge Lively also pointed to Tennessee laws that permit parents to send their children to church schools or teach them at home, options that would shield the children "from exposure to some ideas they find offensive." □

House panel OKs rules for tax-exempt groups

WASHINGTON

The House Ways and Means Committee has incorporated into its proposed budget-reconciliation package a bill that would make tax-exempt organizations more accountable for their lobbying and political activities.

The legislation, which would tighten guidelines governing tax-exempt organizations' political and lobbying activities, was sponsored by the two ranking members of the House Subcommittee on Oversight, which has held a series of recent hearings on tax-exempt organizations.

Under current tax law, the most stringent restrictions on lobbying and political activities are applied to religious, charitable, and educational organizations, which are exempt under Section 501(c)(3)

of the Internal Revenue Code and are eligible to receive deductible charitable contributions.

Those organizations are prohibited from engaging in political activities, which are defined as participation or intervention on behalf of any candidate for public office. They also are prohibited from devoting a "substantial" portion of their total activities to lobbying, which is defined as any attempt to influence legislation.

Currently, the only sanction for violation of prohibitions on political and lobbying activities is loss of tax exemption.

The Ways and Means bill would expand the definition of political activity to include actions undertaken to oppose any candidate. It also would make organizations and their managers subject to an excise tax if they engaged in political activity.

The legislation would broaden the definition of political expenditures to include money spent for speeches, travel expenses, polling, advertising, fund raising, voter registration, and voter turnout on behalf of any candidate for public office.

The bill would empower the IRS to revoke immediately the tax-exempt status of any organization the agency's commissioner ruled had "flagrantly" violated the rules on political activity. □

Info given in counseling session not protected

SAN FRANCISCO

(RNS) — Information obtained by a minister in a counseling session does not have the same legal protection as that given in a private confession, according to a California state appeals court ruling.

The ruling, issued in San Francisco, upheld the conviction of Sheridan Ann Edwards of four counts of grand theft in connection with the embezzlement of \$30,000 from St. Stephen's Episcopal Church in Belvedere.

In appealing the conviction, Edwards argued the comments she made to a priest in the church were privileged communications that the cleric was bound to keep secret.

Edwards had gone to William Rankin, a priest on the church staff, and told him about the embezzlement. She said she needed help in stopping payment on some church checks to charities until a loan she had arranged came through. The

priest discussed the matter with other church leaders and they in turn went to the police, who filed criminal charges against Edwards.

Rankin testified in court that he believed there was no church law requiring him to keep Edwards' revelation in confidence. He said he considered her revelation to have been made "in the nature of a secular or pastoral confession seeking counseling and not absolution." □

Appeals court overturns Chicago creche decision

CHICAGO

(Chicago Tribune) — Chicago no longer can display its much-debated Christmas creche in the City Hall lobby during the holiday season, ruled the U.S. Court of Appeals, which held the display violates the U.S. Constitution.

In a split decision, the three-judge panel overturned a lower court ruling that cited the Christian heritage of the United States as grounds for permitting the holiday.

Appeals Judge Joel Flaum wrote that because the creche was on display in a government building, passers-by would be left with the unavoidable impression that the city tacitly endorses Christianity.

"A creche in City Hall thus brings together church and state in a manner that unmistakably suggests their alliance," Flaum wrote.

"The display at issue in this case advanced religion by sending a message to the people of Chicago that the city approved of Christianity."

Appeals Judge Frank Easterbrook dissented in a twenty-four-page opinion that said the creche was part of a festive mosaic that includes two Christmas trees, a mechanical Santa Claus, a reindeer and sleigh, wreaths, and banners.

"Officials of Chicago will read with amusement the court's assertion that the city endorses whatever appears in City Hall," Easterbrook wrote. "Do they all believe in Santa Claus, too?"

"The holder of a nickel need not trust in God, no matter what the coin says and need not contribute the nickel or even three pence to a church. He may labor on Christmas if he likes — though Ebenezer Scrooge had to give Bob Cratchit that day off without governmental compulsion." □



Group Urges Inclusion of Religion in Curriculum

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 a number of recommendations for correcting the "glaring omission" of religion in public school curricula.

The association's executive director, Gordon Cawelti, said during a news conference that the disappearance of religion from public school curricula is not

a recent event, but has evolved over several decades.

Cawelti credited a misinterpretation of the concept of separation of church and state and an oversensitivity to community pressures on the part of school personnel and textbook publishers with contributing to the problem.

A member of the panel that drafted

the report said religion has been omitted from the study of literature, political science, and other fields of study, as well as from history — the area that has received the most attention in other recent reports.

The report stated: "The proper role of religion in the school is the study of religion for its educational value. The task is to teach about religions and their impact in history, literature, art, music, and morality. It seems natural that the art curriculum, for example, must pay attention to the impact of Christianity on the work of Michelangelo, just as a history class focusing on the colonization of America must pay attention to the religious upheaval in sixteenth-century Europe that fueled that colonization.

"Moreover, the impact of religion on the laws, values, and morals of the American people should be analyzed in social studies classes. World history courses should deal with such topics as the rise of Christianity in the Roman Empire, the Crusades, the Medieval Church, the Reformation, and the treatment of Jews and Muslims in the Spanish Inquisition. Literature students should read not only parts of the Bible but also passages from the Koran, the Gita, the Talmud, and other sacred writings for their literary, historical, and moral qualities. In addition, the creation stories of many societies could well be the subject of cross-cultural study. Finally, although the selections at choral performances should be chosen with an eye to the religious sensitivities of all students, to ignore the contributions of religious composers in music classes would be dishonest.

"Clearly, religious content can naturally and appropriately be included in several existing subject matter areas, but it should be included because of its educational, not its sacred, value. In addition, it is entirely appropriate for public schools to offer elective courses in world religions or religious literature or to include religiously sensitive issues in courses on contemporary social problems or family living."

O. L. Davis, panel member and professor of education at the University of Texas, said the absence of religion in curriculum has resulted in a "collapse and distortion of history." He pointed to such examples as the Crusades — which he said now are portrayed as little more than a "joy ride" or "exotic shopping trip" — and the life of Martin Luther King Jr. — which he said cannot be understood fully outside the context of the civil rights advocate's black Baptist roots.

Also absent, Davis said, are facts about religion's negative influences on

society, such as the religious justifications for slavery and housing restrictions aimed at Jews. "The whole story of the role of religions in this country needs to be illustrated, warts and all," he said.

Davis said teaching about religion also can help citizens in a diverse nation such as the United States better understand each other.

Recommendations

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

- Local decision making on the role of religion in the curriculum be exercised within the context of religious diversity at the local, state, national, and international levels.

- Educators at the local level involve religious professionals and other community leaders in curricular decision making, but without allowing the results of such deliberations to be shaped by particular ideological views.

- Educators at all levels be committed to the concept of a pluralistic and democratic society that accepts diversity of religious belief and practice as the norm.

- State departments of education address the issue of fair and factual treatment of religion in the curriculum by all local education agencies.

- Textbook selection committees at the state, district, and local levels require proper treatment of religion in all curricular materials. To assist these committees in their selections, education agencies and professional associations should conduct staff development sessions on religion in curriculum and issue specific guidelines concerning the treatment of religion in textbooks.

- Publishers revise textbooks and other instructional materials to provide adequate treatment of diverse religions and their roles in American and world cultures and to include appropriate religious and moral themes in literary and art history anthologies.

- 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, making sure to identify significant ideas, events, people, and literature that should be considered for inclusion in the curriculum.

- Teacher educators ensure that teachers acquire not only the substantive knowledge required to teach about religion in society, but also the attitudes and understanding necessary to treat the subject with sensitivity in the classroom.

- Teachers, administrators, and members of the public be aware of the impact of court decisions on the curriculum and recognize that teaching about religion is not unconstitutional.

- Teachers and administrators analyze both the hidden and the explicit curricula regularly to ensure sensitive concern for teaching about religion in society and for the faiths of individual students.

- Local educators and their national organizations explore ways to foster public support for teaching of rigorous, intellectually demanding accounts of religion in society, particularly in American society.

- National education groups aid educators in their deliberations on this matter by providing clear and accurate information on relevant court decisions, on curriculum development, on state and local textbook adoption criteria, and on policy issues affecting the role of religion in the curriculum.

Suggestions

The report also offered suggestions to help schools begin including religion in the curriculum. The report suggested that:

- Teachers must understand that although religion is a sensitive issue, it is not too hot to handle in an informed, descriptive, and impartial way.

- All educators must be committed to keeping individual religious beliefs and practices inviolate.

- Teachers and administrators must be open and honest with each other — and with parents and religious leaders — concerning what, where, and when the school teaches about religion.

- Teachers need to be objectively informed about different religions and how they function in the lives of their adherents; to be skilled and respectful in helping students identify the functions of religion; to help students understand that the ideals of religion direct people toward worthy goals; and to help students learn that religions have been both a force for conserving culture and a motivation for changing it.

- Teaching about religion requires textbooks and other instructional materials that are accurate, objective, honest, fair, and interesting.

- Educators must exert extreme care to avoid playing the role of the family and the religious institution in students' religious, spiritual, and moral education and development. The teacher's chief task in teaching about religion is to help students better understand faiths other than their own and the roles of religions in the life of their nation and that of other cultures. □

INTERNATIONAL DATELINE



Conversions bring arrest of Indian Catholic bishop

AMBIKAPUR, INDIA

(RNS) — Roman Catholic Bishop Pascal Topno was arrested here on charges of violating Indian laws relating to forced religious conversion of Hindus. Bishop Topno is said to be the first bishop to be arrested under the provisions of a state law in Madhya Pradesh that forbids forced conversion and obligates evangelists to inform government authorities of all their conversions.

The bishop is charged with converting members of two families to Christianity and failing to report the action to the authorities. He has been released but may have to stand trial in court. Although the families denied they were forced to convert, a district official reportedly ordered the bishop's arrest on the grounds that he failed to report the conversions.

Madhya Pradesh is an area where militant Hindus have persistently opposed conversion and the presence of foreign missionaries. Similar laws against conversion are in operation in a number of other states in northern and eastern India but not yet in any south Indian state.

Other bishops in Madhya Pradesh protested the arrest of Bishop Topno in letters sent to the state's chief minister, Motilal Vohra. They said it was "sad" that forces opposing the church are getting "bolder day by day," and asked, "What have we done to merit this kind of treatment?"

In Cochin, South India, the church daily *Kerala Times* said the real reason for Bishop Topno's arrest was Hindu "intolerance and ill will" against missionary activities that have helped tribal people escape from economic oppression by nontribalists. In an editorial titled "Persecution of Christians in Madhya Pradesh," the paper said that land serfdom and the Hindu caste system still thrive there and in neighboring states. It said the work of Christian missionaries is "enlightening" the tribalists, who were slaves under the caste system. □

Mother Teresa's nuns may go to USSR

NEW YORK

(RNS) — Soviet authorities are thinking of allowing four of Mother Teresa's Sisters of Charity to work in hospitals or

children's homes, following the Nobel Peace Prize winner's recent six-day visit to the USSR, according to Soviet sources quoted in recent reports.

"I have not asked, so the idea has been neither refused nor accepted," Mother Teresa said in August at the end of her trip. She met Russian Orthodox leaders and visited Ukrainian villages where people who were affected by last year's nuclear accident in Chernobyl have been resettled.

Soviet law bars religious organizations from charity work on the grounds that this could become a way of winning converts. □

S. Korean churches may be vulnerable

WASHINGTON

(RNS) — Three United Church of Christ (UCC) leaders who recently spent a week in South Korea say the country now has the best chance to become a democracy since it was founded in 1948. At the same time, however, they warned that the South Korean churches would be "very vulnerable" if democratic efforts fail, since many church leaders expressed sympathy for anti-government student demonstrations in June.

The Rev. Avery D. Post, president of the 1.7-million-member UCC, said the role of the church in South Korean society is that of a stabilizing force. He said the nation's churches have been supportive of the goals of labor unions, and reported that South Korean workers receive the lowest pay scales of those in any industrialized nation. □

Bishop optimistic about future of Chinese church

VIBORG, DENMARK

(RNS) — Chinese Protestant Bishop K. H. Ting told a crowd of about 500 people here that survival of the church during his country's ten-year Cultural Revolution "gives us ground to think that Christianity is not likely to be displaced by forces hostile to it." Speaking in English at a service this summer at the Lutheran Cathedral, Bishop Ting outlined briefly the history of Chinese Christianity, told of its struggle during the Cultural Revolution (1966-76), and talked candidly about the strengths and problems in the "post-denominational" church in China.

He estimated there are now 4 million Protestant Christians in China, more than a fourfold increase in the last thirty to forty years. The church in China is growing "at least twice as fast as the growth of our population," said Bishop Ting (pronounced "Ding"). He credited Christians' "Three-Self Movement" — self-governing, self-supporting, and self-propagating — for the church's survival and growth. "Christianity needs to be de-Westernized" for China, he said, just as in the first century Christianity needed to be "de-Judaized" for the Western world.

Bishop Ting, seventy, was consecrated an Anglican bishop in 1956 and is the head of the China Christian Council. The council does not include the Roman Catholic Church, regarded as a separate religion in China. He was invited to address the Lutheran World Federation Executive Committee here this summer and to attend the fortieth anniversary observance of the federation in Lund, Sweden.

In the Cultural Revolution, which Bishop Ting described as "something entirely anti-cultural," a threat was posed to the church as teachers, scientists, artists, and religious people suffered persecution. Churches were forced to close, and the Protestant seminary in Nanjing — of which Bishop Ting was president — became headquarters for the Red Guards, who destroyed 90 percent of the books in the seminary's library.

"During the Cultural Revolution, all our church organizations were disbanded . . . we didn't know what was going on," said the bishop. "It was later that I came to learn that Christians were meeting in homes all over China," he said, adding that twenty-five such homes existed in Nanjing alone. The Eucharist was simplified and named "thanksgiving or breaking of bread."

Without church buildings, the Chinese Christians learned that "the church can exist in all sorts of places wherever Jesus is with his disciples, particularly where he breaks bread with us." The Chinese church today is growing and revitalized, he said. "Since 1980 churches are being reopened or built at the rate of one per day" to the point that there are almost 5,000 places used for public worship, he reported.

There are "tens of thousands of groups meeting in homes, especially in rural areas," he said. Even with the Three-Self Movement, said the bishop, the Chinese church is grateful for the work of mission-



aries from the West. "When we say three-self, you may have noticed that self-isolation is not one of them . . . we want to remind ourselves that we are part of the church universal," he explained.

Since 1980, Bishop Ting said, the Chinese church has been able to print more than 2 million Bibles. The church also has three national Christian journals and ten theological training centers with 600 men and women students.

But even with those positive signs, Bishop Ting listed six areas of concern:

— A large gap in age exists between the current leaders of the church and its forthcoming leaders.

— There is a lack of personalized pastoral care in the churches.

— Only one of the ten theological training centers has a relatively complete, well-trained, full-time faculty.

— A number of Christian groups continue to live in isolation, which "makes for wrong and even heretical teachings."

— Even with religious freedom guaranteed by the national government, some officials are not enthusiastic about implementing the freedom.

— Although traditional denominational structures no longer exist, the church in China is still slow in coming. □

Hungarian gov't gives religious press guidelines

LONDON

(RNS) — A Hungarian government official recently gave representatives of the country's religious press "guidelines on how to present the news in the national interest," according to a report from Keston College, the British-based society for the study of religion under communism. Rezo Banyasz, chairman of the Information Bureau of the Hungarian Council of Ministers, told the journalists this summer that "in contrast to the nation's secular press, which periodically created problems for the authorities by straying from government guidelines, the religious press has hitherto maintained a good record," Keston College said.

The monitoring agency reported that Mr. Banyasz urged the religious journalists to "help treat the news in a way that contributes to social and political stability." It also reported that later in the summer the Central Committee of the Hungarian Communist Party said the nation's journalists "are expected to represent and explain the standpoint of the

party and the measures the government is taking; they should propagate experiences that are favorable and take us ahead, argue with wrong points, and . . . criticize practice which is in opposition to party policy." □

Religious advertising banned in Nigeria

NAIROBI

(RNS) — Nigerian authorities have declared an immediate ban on all religious advertising in newspapers and electronic media. The new rules also forbid the publication of any statement championing a religious cause, according to a report from All Africa Press Service in Nairobi, Kenya. A notification issued to media executives by Nigeria's federal government said the measure was intended "to check the abuse of fundamental liberty with its attendant consequences."

According to the government announcement, "Broadcasting houses should themselves produce religious programs to be broadcast only on Fridays and Sundays for Muslims and Christians respectively." Use of recorded broadcasts and publications sent to media outlets by foreign embassies should be discontinued since such materials are not produced and edited locally, the directive said.

Nigerian authorities issued restrictions applying to selected regions of the country earlier this year in the wake of religious riots in parts of Kaduna State. Religious broadcasts were temporarily suspended in five states. Restrictions imposed at that time on the religious activities of mosques and churches in four states remain in effect. □

Vatican daily and Craxi differ on church's role

ROME

(RNS) — The Vatican's daily newspaper and former Prime Minister Bettino Craxi exchanged criticism this summer over the proper role of the Roman Catholic Church in Italian politics. In a speech before a Socialist Party assembly, Mr. Craxi criticized Italy's bishops for the activist role they played during the national elections in June. During the campaign, the Italian Episcopal Conference made statements interpreted as urging support for the dominant Christian Democratic

Party. Mr. Craxi said the gains made by the Christian Democrats could be attributed to the bishops' actions and warned that "what happened must never happen again."

The Vatican daily, *L'Osservatore Romano*, responded to Mr. Craxi's accusations by saying that the Socialists were trying to muzzle the church and bully it into silence. "A warning with a threatening tone has been used," the paper said in an editorial. "But let us be clear, the church has never been willing to let itself be gagged. . . . No one can deprive it of its right to speak out in the course of carrying out its pastoral mission."

The following day the Socialist Party issued a statement expressing "maximum respect" for the church's right to spread its spiritual message. "But the freedom and autonomy of our citizens, the freedom and autonomy of Catholics, must be respected to the same degree," the party said. □

Pres. Aquino addresses Philippine Baptists

MANILA

(EBPS) — Philippine President Corazon Aquino this summer addressed the fifty-second annual assembly of the Convention of Philippine Baptist Churches. Her appearance represented a first in the seventy-seven year history of Philippine Baptists.

In her address President Aquino, while not a Baptist herself, said she has friends who are Baptists, and with them she shares "not only the same faith but also the same intense devotion to certain ideals." She also said she "would agree with your view that the nation is defined by its people, and a people rightly judged by the kind of society it has built."

Referring to the "Yellow Revolution" that has taken place here causing people to turn "from despair to heroism," she said "many people have experienced the light of the gospel in all the years of darkness. Now that light has been kindled, it continues to spread and grow, even in the noonday brightness of our freedom."

Concluding, President Aquino thanked "our Baptist friends for having been, and continuing to be, part of our inner revolution. . . . May Christ once again hold the floor and steer [the members of our government] to straight paths as they work to serve our people." □

CORRESPONDENCE

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

On the evening of July 3, I plugged in the *Religious Liberty in Review* [videotape], produced by the Baptist Joint Committee on Public Affairs. The production is superb. It communicates in very clear form the basic issue of liberty and how such relates to the specific sphere of religion. I thoroughly enjoyed reviewing this production and intend to share it with a number of my friends. I hope that the committee will do several productions of this type on various public affairs (issues).

Chriss H. Doss

Director and Adjunct Professor of Law
Center for the Study of Law and the Church
Cumberland School of Law
Samford University



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How deserving it is for you [James Dunn] to have been awarded with the Brooks Hays Christian Citizenship Award. Congratulations on receiving this high honor.

Jim Wright
The Speaker

U.S. House of Representatives

Your July Reflections article regarding television evangelists was/is one of the most incisive and cogent treatments of this subject that I have read. After reading it, I felt you had ministered to me. Thanks.

Connie Salios

Director, Development Department
North American Baptist Conference

Religious Liberty In Review



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Views, from page 7

of religious liberty. The solution we seek is not either/or, but both/and.

With these goals before us, we have worked diligently to ensure that the religious tenets exemption is applied in a way that would not discriminate against congregational churches and their agencies. Even after our investigations revealed that every college that completed the application process had been granted an exemption, we secured a promise from Senator Kennedy to convene hearings if one of our Baptist colleges is denied a letter of exemption. In addition, we have sought to provide accurate information and support to our various member denominations in order that they may respond individually to the very difficult questions concerning abortion that are raised by the act.

No one on the staff of the Baptist Joint Committee can guarantee that the decisions made by our constituents about the Civil Rights Restoration Act will be correct. We can, however, ensure that those decisions will be informed.

We hope we have done that. □

Reviews, from page 16

church and of the importance of public policy groups. Simon is to be praised for the realistic tone that runs throughout the book. He underscores the need for compromise in the political process and for the inevitable uncertainty that exists in the making of policy. Finally, and most importantly, the book offers hope for what one person can do in spite of the limitations. To offer but one illustration, he notes how exceedingly important one letter to Congress can be in the saving of human lives. The book effectively communicates the assertion that "you can make a difference" in the world of public policy.

Christian Faith & Public Policy is a concise, thoughtful, and encouraging book that challenges the general reader to move beyond despair and immobilization toward hope and confidence that faith can shape the course of future policy. The book successfully incorporates the issue of world hunger into the general discussion of policymaking and conclusively demonstrates that truly no grounds exist for a divorce between Christian faith and public policy. □

Roger Alford

An open letter to
a departed staff member

REFLECTIONS

James M. Dunn
Executive Director



Dear Marc:

We miss you. I've been reflecting for "Reflections" on why you matched this operation so well. It didn't hurt that you are sprung from the Bob Mullinax family of North Carolina Baptist leaders. Your willingness to do whatever chore needed doing was also an appreciated attribute. But your personality and mentality meshed with the Baptist Joint Committee endeavor far more precisely than we had any right to expect.

I suspect it has to do with the nature of our work.

You respected the *jointness* of the BJCPA. The commitment of the nine conventions and conferences to work together demands a certain spiritual maturity, sensitivity, and respect for diversity. In Baptist life, only here have groups so different in tradition, worship, polity, and collective social conscience engaged in a common program of work directly related to contemporary issues and problems. This rare bird has not been kept alive and flying with any one constituent group expecting to be the "most equal." Rather, there has been a remarkable mutual appreciation and willingness to learn from one another. You caught that spirit.

You understood the need to work happily within a *narrow agenda*. The Baptist Joint Committee does not address every issue that affects or stirs religious bodies. There is a temptation within Washington to have an opinion on its way to becoming a conviction on every issue of import. Those who want to know what Baptists think or the position of the Baptist Joint Committee increase that pressure. Yet, the BJCPA focuses primarily on religious liberty and closely related values. This limitation has proven wise to avoid needless duplication and costly overlap with agencies and programs in our supporting denominations. It has also minimized confusion and competition that could trouble relationships between Baptist bodies. But more important than the above, the carefully targeted program of work allows the small staff to concentrate on doing a few things well.

Next, while you were the first voice heard by those calling the BJCPA, you knew you weren't the voice of Baptists. *No one speaks for Baptists*, even one brand of Baptists, on any issue. The best we can hope to do is report what Baptists do and say, and report to Baptists what is happening in our areas of concern. The most we can do is speak to Baptists, not for them, and to work for Baptists doing research, resource referral, relationship-building tasks.

A tremendous amount of this agency's time and energy is spent enabling the conventions and conferences served by it to do whatever it is they choose to do in Washington. You weren't above running church-state errands, Marc, and since that's much of our job, you fit in well.

Then, though you, like most who work on Capitol Hill, are a creature of strong political passions, you accepted the fact that the Baptist Joint Committee has to be *nonpartisan*. In its history it has never endorsed candidates, dealt in personalities, or approved or opposed individuals under consideration for public office. At the very least, it would be imprudent for the one office in Washington serving 26 to 28 million Baptists to presume to give counsel on nominees. At worst, there is a real danger of violating an elementary Baptist principle: the competence of the individual. The integrity of our Christian witness requires great caution that we not confuse spir-

itual goals and values with political objectives and programs.

Further, Marc, you enjoyed *participating in coalitions* with all sorts of folks. In the rapidly changing kaleidoscopic political scene, one is always finding yesterday's opponents to be today's allies. Margins of defeat or victory for specific pieces of legislation are frequently narrow and determined by the lineup of groups "for" and "against." An essential principle is the maintenance of a creative tension between dedication to no establishment of religion and an equally strong resolve to protect the free exercise of all religion and freedom of conscience. Although that principle is shared by many groups who say they believe in church-state separation, the practical application of the concept spawns differences and disagreements. Some coalitions last for years; others for hours. Most working together in the tangle of the real political process centers on single issues or even single aspects of an issue or bill. So, we work with people of all religious persuasions and none. If a thing is true it doesn't matter who says it. Functioning thus in this flux takes more faith, not less; more hope, not less; more love, not less; than relating to the political process with a "go it alone," self-sufficient, parochial attitude.

Finally, Marc, you believed in what we are doing as an *advocacy agency*. From the beginning the Baptist Joint Committee on Public Affairs has existed to affirm religious liberty and its corollary, separation of church and state. That is our purpose. We are not a debating society. We are not a forum for discussion. We are not a graduate seminar. So our literature, programs, speeches, interviews, and articles reflect the nature of our being. Like Harry Truman, there are times when we have no use for "those two-handed fellars that always say, 'on the one hand, but on the other hand.'" We are no more interested in "balancing" our presentations for religious freedom than an evangelist is in having a few good words for sin, than a mission conference would be in making a place for the anti-missionary perspective, than a stewardship publication would be in providing room on its pages for the defenders of greed.

Just as we do not have the opportunity to present our perspective on aid to parochial schools in the conventions or periodicals of organizations advocating tax support for religious institutions, we do not propose to give space to that view except to refute it. Just as we have not been afforded television time on the programs of those advocating a revised view of the First Amendment that would allow government promotion and endorsement of religion, we do not anticipate presenting their case for them through our program. We are an advocate, a witness, with a specific message of good news: the American experiment is compatible with the Baptist vision of a free church in a free state. The goal is freedom, not toleration. The best thing government can do for religion is leave it alone. Separation of church and state protects both from domination by the other.

You understood all this, Marc. You did us good. Best wishes in your studies.

Sincerely,
JAMES

[Marc Mullinax worked at the BJCPA from January 1985 until September 1987, when he resigned to pursue a Ph.D.] □



Toward Benevolent Neutrality: Church, State, and the Supreme Court.

Robert T. Miller and Ronald B. Flowers. 3d ed. Waco, Texas: Baylor Univ. Press, 1987. 612 pp. \$39.00.

This book is a compilation of almost all the Supreme Court cases involving First Amendment issues up to 1986. The cases are divided by type (free exercise cases, establishment cases) and subdivided by subject (within the free exercise chapter are divisions among cases involving Mormons, Jehovah's Witnesses, conscientious objectors, and others). Professors Miller and Flowers attached introductory essays to each of the subdivisions, reviewing the history of the Court's involvement with the issue at hand and the legal principles and precedents involved in the Court's decisions. The book also contains the concluding essay "Continuing Church-State Controversies," reprints of Jefferson's "Bill for Establishing Religious Freedom" and Madison's "Memorial and Remonstrance," an extensive bibliography, a brief glossary of legal terms, and full indices for the cases.

It is hard to imagine a more helpful book. Several works give summaries of the important cases along with extended quotations, but this volume prints the cases entire. Thus, one can read in full the majority and dissenting opinions, a reading of which sometimes puts dramatic quotations into a context that mitigates their shock effect. The introductory essays are enlightening and balanced, giving the reader the historical and theoretical background needed to understand the Court's rulings. For example, the first chapter offers an interpretation of how the First Amendment came to be, an explanation of why similar wording was not included in the Constitution proper, and a discussion of the amend-

ment's incorporation with the Fourteenth Amendment, which makes it applicable to the states as well as to the federal government. Although the chapter is brief, it covers the major issues and provides a suitable introduction to the whole volume.

The descriptions of the tests and principles used by the Court are clear and useful; particularly interesting is the tracing of the wavering trajectory of opinion in establishment cases. Here the Court moved from a strict separationist point of view in its first establishment opinion (*Everson*, 1947) to a more accommodationist position (*Zorach*, 1952). Later the Court mandated the three-part Lemon test (1971), only to begin to step back from it in the 1980s.

Occasionally the authors give more background than perhaps is necessary to understand the cases: one need not know the whole history of the Amish to accept the Court's respect for them as a group with deeply rooted theological convictions. Occasionally the authors' judgments on the trends of the rulings appear, and these indicate, as the title does, that they would prefer the position of "benevolent neutrality," with more emphasis on the second word in that phrase than on the first. Most often, however, the judgments of good and bad are left to the reader.

This book deserves a place on the shelf next to Stokes's *Church and State*, and within arm's reach. □

Richard B. Vinson

Christian Faith & Public Policy: No Grounds For Divorce.

Arthur Simon. Grand Rapids: Wm. B. Eerdmans, 1987. 120 pp. \$6.95 paper.

Arthur Simon, executive director of Bread for the World, has written a lucid argument for Christians to be active in the political process. Against the back-

drop of one particular issue, world hunger, the book seeks to "encourage Christians to let their faith be more active in love and to provide a better foundation for such action." In short, it seeks to answer the difficult question, "How can my faith make a difference in the world of public policy?"

In seeking to answer such a question, Simon first addresses certain foundational issues that arise in his claim that faith and public policy do indeed intersect. Primary among these foundational issues is the need to justify political action on the part of the citizen and to discover certain biblical roots in which social concern might be grounded. Simon presents a good base for his argument as he eloquently addresses these two issues.

Especially helpful is the section "Finding the Right Policies," in which the author offers a methodology whereby the language of faith can be translated into the language of public policy. This translation is made by first understanding certain fundamental "revealed principles." Flowing from this are several "derived moral principles" that serve as guidelines in the construction of public policy. Finally, there is the third stage of public policy positions. This is not to say that Christians have a "word from the Lord" about which policy is correct, but by using this discernment process it is hoped, with some caution, that a correct policy may be chosen on a particular issue.

Far from being an ethereal discussion on methodology, however, the book very much seeks to offer hands-on suggestions for making one's faith consequential in public policy. The author offers insightful interpretations of the role of the

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Reviewers

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