

REPORT from the CAPITAL



The BJC Meeting

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REPORT from the CAPITAL

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

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Cover: Scenes from the meeting of the Baptist Joint Committee at First Baptist Church, Washington, D.C., October 5-6, 1987. Photos by Kathy Palen.

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The Papal Visit

Pope John Paul II's recent visit to the United States, like so many other events in public life, was met by a variety of Baptist responses. Baptists concerned with church-state separation protested government expenditures for the visit. These Baptists believed the tab for the church leader's visit should have been paid completely by Catholics, not shared by Baptists, Methodists, and other taxpayers.

Such a concern is just and appropriate. But another issue related to the visit for Baptists to consider is what the pope and U.S. Catholics can teach Baptists about themselves.

During the papal visit, U.S. Catholics made clear that some disagree with the pope on a number of issues of church teaching, and the pope made equally clear his judgment that dissent from church authority is unacceptable, a "grave error." The pope stated:

It is sometimes claimed that dissent from the Magisterium [the church's divinely inspired authority] is totally compatible with being a "good Catholic" and poses no obstacle to the reception of the sacraments. This is a grave error that challenges the teaching office of the bishops...

Within the ecclesiastical community, theological discussion takes place within the framework of faith. Dissent from church doctrine remains... dissent. As such, it may not be proposed or received on an equal footing with the church's authentic teaching.

Baptist Christians can be grateful they do not suffer the doctrinal strictures of an outside authority, having rejected the binding role of both creeds and clergy more than four centuries ago. Local church autonomy, priesthood of the believer, and soul liberty are foundations of Baptist origins and identity. The Baptist affirmation of individual liberty and responsibility before God allows the freedom to dissent, whether from the views of one's pastor or from those of any government establishing religion or dressing its policies in religious symbols and language. Baptist Christians can celebrate that their tradition is one not of required conformity but of autonomous responsibility.

Among Baptists, to regard dissent as a grave error is itself a grave error. Raising the issue of dissent in this context is not an expression of anti-Catholic sentiment but an affirmation that Baptists are not in the same situation as Catholics concerning church authority and doctrinal conformity.

With dissenting minds and voices, may Baptists continue to cherish their heritage as they seek with humility to follow their own consciences in serving God.

Vic Case

● **A FINAL SENATE** vote of 58-42 ended the confirmation hopes of Robert H. Bork as a Supreme Court justice.

During the record twelve days of hearings that preceded the Senate vote, Bork set forth a broad outline of his views on church-state relations for the Senate Judiciary Committee.

A member of that panel, Sen. Paul Simon, D-Ill., said he wanted a justice on the high court "sensitive to our traditions of separation of church and state."

Simon said further: "I have an understanding of the yearnings people have for values in our society and I want to preserve those values. But I also recognize there are things that government can do well, like providing student aid. There are things that government cannot do well and one of those things is to promote religion. I want to make sure the nominee is sensitive to our traditions in that field."

Later, Simon questioned Bork about his criticism of some church-state decisions by the Supreme Court. Bork called a newspaper account that he endorsed school prayer in a 1985 speech "entirely false."

"I have never taken a position on school prayer," the former law professor said. "I have never taught school prayer cases. I have never written about them. I have never even thought my way through the problem."

Bork said further, "There are only two church-state cases I have ever criticized . . . and they are both very marginal cases." In one of the two, a 5-4 decision rendered in 1980, the court struck down a Kentucky law requiring the posting of the Ten Commandments on public school classroom walls. The other case, testing the constitutionality of a New York City program that sent public schoolteachers into parochial schools to provide remedial instruction, resulted two years ago in a 5-4 decision against the practice.

Responding to Simon's stated concern about his overall view of church-state relations, Bork said, "The only thing I am convinced of is that the principle of non-establishment of religion is essential. I know the Framers of the Constitution thought so and particularly with the memory of religious wars in Europe . . . I think the principle of free exercise is also vitally important."

As to how he would approach church-state cases on the high court, Bork said he would make up his mind on a case-by-case basis.

● **TWO BAPTIST PARTICIPANTS** in a recent meeting with Secretary of State George P. Shultz have expressed hope that a general amnesty for 265 religious prisoners in the Soviet Union will be a subject of ongoing discussions with the Soviet Union.

Both President Reagan and Shultz said the U.S. secretary of state raised the issue with Soviet Foreign Minister Eduard A. Shevardnadze during a three-day meeting in mid-September and both expressed hope of ongoing discussions with the Soviets on the amnesty issue.

The Baptists who met with Shultz for forty-five minutes on the eve of Shevardnadze's visit to Washington said Shultz indicated an immediate and enthusiastic eagerness to pursue the matter with his Soviet counterpart.

Olin Robison, president of Middlebury College in Vermont, led the three-person delegation that met with Shultz. He was accompanied by James M. Dunn, executive director of the Baptist Joint Committee, and Rabbi Arthur Schneider, president of the Appeal of Conscience Foundation. Robison, a life-long Baptist, is one of the country's acknowledged experts on the Soviet Union.

Dunn, whose organization since its founding in 1936 has brought pressure on numerous governments to recognize religious freedom as a fundamental human right, underscored the importance to Baptists of the amnesty proposal. Baptists have a "disproportionate interest" in the outcome of the Shultz-Shevardnadze talks on the matter, Dunn said. "Because 116 of the 265 religious prisoners of conscience currently held are Baptists, Baptists in this country and elsewhere have a special obligation to pray and work for their release at this opportune moment."

He added the Soviets need to move beyond "the occasional and heralded release of a few celebrities" to a new policy. "If Soviet leaders have a genuine commitment to a new openness and a genuine respect for religion as they are now professing, they should grant a blanket amnesty," Dunn said.

The BJC Meeting

SBC members recommend dissolving ties with BJC

The Southern Baptist Convention's representatives to the Baptist Joint Committee on Public Affairs have recommended the SBC "dissolve its institutional and financial ties" with the BJC.

The SBC Public Affairs Committee (PAC) voted eight to four to suggest the SBC sever ties with the BJC, composed of nine Baptist bodies. The vote, taken October 6 following the BJC's annual meeting, also asked for \$485,200 to fund and staff the PAC "as the agency of the Southern Baptist Convention to deal with First Amendment and religious liberty issues beginning October 1, 1988, or at the earliest possible date. . . ."

The action does not mean Southern Baptists will "defund" the BJC, said PAC member Richard Land of Dallas. "This is a dissolution of institutional and financial ties, not defunding," he said. "Churches may still contribute" to the BJC.

The PAC met before and after the BJC meeting in Washington October 5-6. The motion to dissolve ties mirrored a motion made in the preliminary meeting of the PAC October 4. That motion would have asked the SBC Executive Committee to "immediately withdraw funding" of the BJC if it failed to provide certain financial information, professional staff correspondence, and access to staff for evaluation interviews. The PAC instead passed a substitute motion that included the original requests but did not specify withdrawal of funding.

The PAC's motions stemmed from the BJC executive committee's previous refusal to grant a similar request. Following up on an SBC motion, the PAC has been attempting to analyze the BJC, including its accountability to the SBC.

When the BJC convened the following day, it set in motion its own staff evaluation process, granted the PAC only part of the information it requested, and denied unilateral PAC access to the staff for evaluation.

Marv Knox is feature editor for Baptist Press, the news service of the Southern Baptist Convention. Greg Warner is associate editor of the *Florida Baptist Witness*, the newspaper of the Florida Baptist Convention.

Reactions, interpretations of BJC members differ

Severing Southern Baptist ties with the Baptist Joint Committee on Public Affairs is the best thing for all involved, including the eight other Baptist groups that constitute the BJC, said the chairman of the eighteen-member Southern Baptist contingent.

"I really do feel we have done the right thing," Samuel T. Currin of Raleigh, North Carolina, told fellow members of the SBC Public Affairs Committee (PAC).

Currin and seven other members of the committee voted October 6 to ask the Southern Baptist Convention to dissolve the fifty-year relationship between the SBC and the Baptist Joint Committee on Public Affairs. Four PAC members voted against the action, five were not present for the meeting, and one has resigned.

"I think the Lord had his hand in this," Currin later told Baptist Press. "The other eight [BJC bodies] are going to be much happier."

Members of four of those bodies disagreed with Currin's prediction, however, saying the departure of Southern Baptists would be tragic, disappointing, and damaging to the work of the BJC.

The vote to sever SBC ties followed a two-day meeting of the BJC in which repeated initiatives from Southern Baptists on the committee were defeated by the full board.

"I got a message they really do not want us," Currin told Baptist Press. "The meeting was so fractious, I did not even feel comfortable [with the other members] during the break times."

"The Public Affairs Committee felt that it really had no choice in the matter. The Southern Baptist members of the Joint Committee clearly perceived that their views and their trusteeship on the Joint Committee were not welcomed by the other eight member bodies."

"This has nothing to do with being welcome," said John Binder, executive director of the North American Baptist Convention. Southern Baptist members were welcomed by the BJC, Binder said, but created tension by trying to run "roughshod" over other committee members.

"I presume they had made their decision [to disassociate] before they came and were just trying to justify it," said Warren Magnuson of Aitkin, Minnesota, a representative from

The BJC voted twenty-four to seven, with only members of the Southern Baptist delegation dissenting, to request the BJC executive committee evaluate the staff on behalf of all nine member denominations and report back to the full BJC at its next meeting in October 1988.

Immediately following that vote, Southern Baptist Norris Sydner of Mitchellville, Maryland, asked the BJC to grant the PAC's request for eight items: (1) a breakdown of the 1986-87 budget and the proposed 1987-88 budget; (2) staff salaries and benefits for the past five years; (3) a list of the staff's organizational memberships paid by BJC funds; (4) itemized expense accounts for the past five years; (5) a copy of the BJC constitution and bylaws; (6) a roster of BJC committees; (7) copies of correspondence to and from the staff for the last three years; and (8) approval of PAC interviews with the staff October 7-8.

The BJC granted access to five of the items but contested the PAC's right to expense accounts, correspondence, and independent staff evaluation.

Land recounted how the PAC previously had sought the

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the Baptist General Conference.

In recent years, disagreement among Southern Baptists over the work of the Baptist Joint Committee has brought calls from some — including members of the PAC — for withdrawal of SBC funding from the agency and establishment of an SBC-only public affairs organization.

"This vote by the Public Affairs Committee is going to relieve a major source of tension in the SBC," Currin predicted. "Establishing a separate public affairs agency will give us better representation and will remove us and remove our convention from all controversy associated with the Baptist Joint Committee."

Although the SBC committee would not allow reporters to quote members' comments during their meeting, some members spoke to reporters afterward and allowed some of their comments in the meeting to be used "on the record."

Lloyd Elder, a PAC member and president of the Southern Baptist Sunday School Board, said severing ties with the BJC negates Southern Baptists' renewed commitment to cooperate with other Baptists on the Baptist Joint Committee.

Continued on page 10

In previous meeting, SBC committee disputes funding, endorses Bork

A dispute over who will control funding of the Baptist Joint Committee from the SBC highlighted the first meeting of the newly reconstituted SBC Public Affairs Committee (PAC). The committee, during its first meeting in August, voted to ask the SBC Executive Committee to provide a written clarification of whether the \$448,400 allocated for the BJC in the 1987-88 SBC Cooperative Program allocation budget is to go directly to the BJC or is to be channeled through the PAC.

PAC Chairman Samuel T. Currin said he believes the revisions in Bylaw 18, adopted at the 1987 annual meeting of the SBC, created a Public Affairs Committee to "operate separately, but also as part of the Baptist Joint Committee."

The revision of the bylaw revamped representation on the PAC and encouraged it to continue to function in relationship with the BJC, while suggesting it also operate separately. The bylaw change increased members on the PAC (and SBC members on the BJC) from fifteen to eighteen and reduced the number of agency executives serving on the committee from nine to five. Historically, the PAC has been the means by which the SBC names members to and provides funding for the BJC.

Currin, who told the PAC he was in Israel during the 1987 annual meeting of the SBC, said, "I believe messengers at the convention thought they were funding the Public Affairs Committee and not the Baptist Joint Committee."

Confusion about the implications of the revision apparently centers on the action that instructs the PAC to function "separately" from the BJC and the line item in the SBC Cooperative Program allocation budget designated "Public Affairs."

Gary F. Young of Phoenix, chairman of a special nine-member fact-finding committee of the SBC Executive Committee that proposed the bylaw change, briefed PAC members about the work of the special committee. Young said the fact-finding committee did not recommend or intend to

recommend that funding go to the PAC. "Placing the funding directly in the hands of this committee would ruin the jointness of the Baptist Joint Committee," he said. "Our report to the SBC concluded that there is enough strength in jointness that we should try to make it work." (Another member of the fact-finding committee, Paul Pressler of Houston, contacted after the PAC meeting, said use of the funds never was discussed per se by the fact-finding committee during its deliberations. But Pressler said that PAC determination of use of funds was implicit in the change in the bylaw giving the committee the ability to act separately from the BJC.)

Despite Young's interpretation, committee members were divided over how the funds should be handled and members returned to the issue several times during the two-day meeting. Thomas E. Pratt of Brighton, Colorado, moved "that this committee express its strong sentiment to the [SBC] Executive Committee that we believe funding for the Baptist Joint Committee on October 1, 1987, should be funneled through this committee," but later modified it to indicate the BJC should be funded "with the approval of this committee." The action was adopted by an eight to two vote.

In other action, the committee, by a seven to five vote, adopted a resolution that commended President Reagan's nomination of Robert H. Bork to the U.S. Supreme Court and strongly urged the Senate Judiciary Committee and the full Senate to confirm the nomination. The resolution also strongly urged the BJC "to issue a similar recommendation and to direct its staff to lobby on behalf of the Bork nomination."

In its September meeting, the SBC Executive Committee responded to the PAC funding motion by appointing a five-person committee to study the issue. The ad hoc committee will report back to a subcommittee in January and to the entire SBC Executive Committee at its February meeting. □

—from Baptist Press reports

VIEWS OF THE WALL

Oliver S. Thomas



Minister beware. Counseling may be hazardous to your health.

Nally v. Grace Community Church, the first clergy malpractice case in the history of American jurisprudence, is back in the news. The California Court of Appeals in a two to one decision has reversed a lower court's dismissal of the case and ordered it set for trial.

The facts, tragic by any standard, no doubt influenced the court's decision.

Ken Nally, a bright twenty-four-year-old with a promising future, committed suicide. He had attended a large evangelical church and had been counseled extensively by several of the ministerial staff for depression. After his death, Nally's parents learned their son had told his counselors (none of whom were trained therapists) he intended to commit suicide, and the counselors had neither informed the family nor seen to it that Nally saw a psychiatrist. The parents responded by filing a multimillion-dollar lawsuit against the church and its ministers for outrageous conduct and negligent failure to prevent their son's death.

As a judicial remedy, the California Appeals Court's decision creates a duty for all nontherapist counselors, including clergy, to refer suicidal counselees to trained therapists. But what appears to be a simple duty raises many constitutional and ecclesiastical problems.

Before one can refer, one must determine whether the counselee needs referral. Is the counselee suicidal? It is the minister's duty to make that determination.

Legion are the parents who have failed to detect suicidal tendencies in their own children living under the same roof. The average pastor is probably no better equipped to make such evaluations. Each time a parishioner commits suicide, the question will arise, Did the pastor at any time counsel this person? If the answer is yes (it often will be), the stage will be set for a lawsuit — the issue being whether the minister should have detected the parishioner's suicidal tendencies.

The duty becomes even more complex. The minister must not only refer the suicidal counselee to a trained therapist, but must also take steps to ensure the instructions are followed. Because many suicidal persons will not see a therapist voluntarily, the minister may be obligated to inform responsible family members of the counselee's condition.

No similar duty is imposed upon physicians under California law. The state protects the confidentiality of communications made to physicians under the physician-patient privilege. The remarkable result is that physicians (protected only by a state statute) are exempt from the duty to inform family members of a counselee's suicidal tendencies, while clergy (protected under the First Amendment to the U.S. Constitution) enjoy no such exemption.

Ministers aren't the only ones in California with a newly created duty. *Nally* obligates churches to equip their ministers to discharge this additional legal obligation. Failure to adequately train ministers to recognize suicidal tendencies, make referrals, and take necessary steps to ensure compliance may expose a church to liability.

The low point of the opinion is the attempted explanation of when these duties arise. What does it take for a person to become a "counselee" and thus be entitled to the additional legal protections?

The court's answer is one of the most confusing pages of legal jargon I've seen. Particularly bad is the part that explains when the duty does not arise. Designed to relieve anxieties, the section is a church's or counselor's nightmare.

We emphasize this duty does not extend to personal friends [whom] emotionally disturbed people may consult for advice and counsel about their problems. Unlike counselors — therapists and nontherapists alike — the ordinary person has not held himself out as possessing any expertise in treating emotional problems and invited a special relationship of dependence with seriously disturbed individuals. Similarly, it is easy to distinguish "teen hotlines" or analogous services which only offer short-term "band aid" counseling since they have not undertaken a sufficient "special relationship" with the counselee to justify imposition of a duty to prevent foreseeable suicides. Nor do we hold a duty arises when a parishioner approaches a pastor after morning services for some casual advice about his emotional problems.

The key to the puzzle seems to be a "special relationship." Unfortunately, the court doesn't explain what that is.

Consider the church elder who tries to help a struggling couple with its failing marriage, or my church's deacon family

ministry plan in which each deacon assumes responsibility for the spiritual, emotional, and physical needs of a specified group of church families. Presumably, either situation could give rise to a "special relationship."

Most troubling is the court's cavalier treatment of the church's argument that the decision places an impermissible burden on the free exercise of religion. Not so, says the court. No one's religion prohibits that person from referring a counselee to a psychiatrist.

The court appears oblivious to the fact that the decision may have a devastating effect upon a church's pastoral ministry.

Half the pastors in some Baptist conventions have not been to college, much less seminary. Can we expect these ministers to detect suicidal tendencies and refer their parishioners when appropriate? Should such a minister be subject to a lawsuit for failing to do so? The problem is further complicated in rural areas, where a trained therapist may not be within a hundred miles of the church. Even if one is available, some members may be unable to afford the therapist's services.

Faced with such a high stakes dilemma, many pastors will simply give up pastoral counseling. Churches, in order to protect themselves, may force other persons in positions of church leadership to do likewise. As a result, the only solace thousands of disturbed Americans have may be taken away. That's too high a price to pay for compensating the occasional "victim" of pastoral counseling.

One point bears mentioning here. The ministers at Grace Community Church were not operating a counseling clinic where services are sold to the community. These ministers were providing their services free of charge as a part of the mission and ministry of a local church.

A court of law is no more competent to establish standards of professional conduct for ministers than it is to determine whether prayer is efficacious for healing the sick. Ministers must be free to give spiritual counsel without the fear they will be sued in the event of a suicide. Courts have recognized this fact for more than 200 years. I hope the California Supreme Court will do likewise and reverse what may be the most dangerous church-state case in recent times.

In the meantime, Reverend, I suggest you call your insurer. □

House Subcommittee Reviews Tax Exemption of TV Ministers

A House of Representatives subcommittee looked at the application of federal tax rules to television ministries during a hearing that featured tax administrators and religious broadcasters.

In addition to testimony by Internal Revenue Service and Treasury Department officials, the House Oversight Subcommittee also heard from some of the best-known names in television ministries, including Jerry Falwell of the Old Time Gospel Hour, D. James Kennedy of Coral Ridge Ministries, and John Ankerberg of the John Ankerberg Evangelistic Association.

Subcommittee Chairman J. J. Pickle, D-Texas, said the hearing was scheduled to help answer questions raised during recent months about the tax-exempt status of television ministries. He emphasized the need to consider the IRS's administration and enforcement of present tax law and television ministries' interpretation of and compliance with those rules.

"I want to make it clear that the subcommittee is not undertaking to investigate any specific television ministry or tax-exempt organization," Pickle said. "We are not questioning religious practices or beliefs. The subcommittee will be addressing only those issues relating to the federal tax rules."

Lawrence Gibbs, IRS commissioner, described the difficulties his agency has in administering tax rules when a television ministry claims exemption as a church rather than as a religious organization. Gibbs called the lack of a statutory definition of the term "church" as the "first and most basic problem in administering the tax laws in this area." He said Congress has left the determination of whether an organization is a church to the IRS, the courts, and the organization itself.

Although he said some television ministries do not claim church status, Gibbs testified that special exceptions created by Congress make classification as a church more favorable than classification as a religious organization. Churches and

organizations that claim church status are exempt from applying with the IRS for federal income tax exemption, from filing annual information returns with the IRS, and from being subject to regular audit reviews by the IRS, he said.

"In my discussion of these rules, I fully appreciate the sensitivity of the issues and the difficulty of establishing statutory rules that protect the independence of churches while also protecting the interests of all taxpayers from the few who would abuse these protections," Gibbs said. "However, I wish to emphasize that the rules pertaining to churches are very

difficult to administer. This is true not only because of the sensitive legal and constitutional questions or interpretation that we are regularly required to make, but because the service does not have ready access to basic information that provides the foundation for our examination program of both taxable and other non-taxable organizations."

Gibbs listed the need for public confidence in tax administration as the "most compelling reason" for a public record in exempt organization matters. He said since church organizations are exempt

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NRB Letter Revealed during Hearing

A fund-raising letter disclosed during the closing minutes of a House Oversight Subcommittee hearing on television ministries could shift the mood of the members of that panel.

Subcommittee Chairman J. J. Pickle, D-Texas, interrupted the hearing's final two witnesses to announce he had been handed a "shocking" letter sent out by the National Religious Broadcasters and signed by the group's executive director, Ben Armstrong, who had testified earlier that day.

The letter, which harshly criticized the hearing, also asked for contributions to a \$1 million "war chest" to defend television ministries. The letter described the hearing as part of an attack by the "liberal element in our society" and said the NRB views "this move by Congressman Pickle and others as another sly way to harass ministries one by one until we are forced out of existence — one by one."

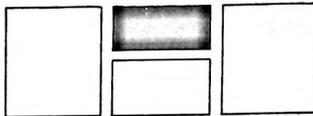
In an angry outburst, Pickle questioned why Armstrong, who by then had left the proceedings, had told panel members he thought they were "doing a fine job" while at the same time he was launching a national campaign

against the panel's efforts. "To say we're harassing religious groups is dumbfounding, shocking, and extremely disappointing," Pickle said. He said Armstrong had not expressed such concerns during an earlier private meeting.

Afterwards, Armstrong called the letter "an error in judgment." Although he said it was written before a July 21 meeting between Pickle and religious broadcasters, Armstrong acknowledged the letter was not mailed until after that meeting and was circulated throughout August.

Armstrong said he plans to apologize to Pickle in a letter and by telephone, invite the congressman to speak at the annual NRB convention in February, and state in the organization's magazine that Pickle "exhibited balance and objectivity" during the hearing.

A spokesman for Pickle said the congressman has "cooled off a little, but it did upset him." Concerning the apology, the aide said Pickle is "certainly willing to talk about it, but there are still some unresolved questions," including the NRB's solicitation of tax-exempt funds for the "war chest." □



'Moment of silence' case argued before high court

WASHINGTON

The constitutionality of a New Jersey "moment of silence" statute may not be the focus of the Supreme Court's decision in one of the first cases argued during its new term.

Attorneys on both sides of the case, *Karcher v. May*, devoted considerable time to the question of whether the former speaker of the New Jersey General Assembly and the former president of the state Senate have standing — or the legal right — to appeal the decisions of two lower federal courts.

If the high court were to decide the case on the question of standing, it would not resolve the underlying question of whether the New Jersey law violates the First Amendment's ban on an official establishment of religion.

The New Jersey statute, which is similar to laws passed by more than twenty states, requires a one-minute period of silence in the state's public school classrooms at the beginning of each school day.

The law was enacted in 1982 after the state legislature overrode a veto by Governor Thomas H. Kean. Following a legal challenge by a group of schoolchildren and their parents, Kean and the state's attorney general decided against defending the statute in court.

But Alan J. Karcher, speaker of the assembly, and Carmen A. Orechio, senate president, intervened in the case. After both men lost their leadership positions in 1985, neither the executive branch nor the legislative leadership opted to pursue the matter.

Rex E. Lee, attorney for Karcher and Orechio, argued his clients should have legal standing since their "reputational standing" as legislators was at stake.

The opposing attorney, Norman L. Cantor, countered that the only question was whether the two lawmakers may pursue the appeal even though the New Jersey legislature has decided against such action. Cantor argued Karcher and Orechio originally intervened by virtue of their former positions, not as individual legislators and thus cannot do so now.

Questioning by Justices William J. Brennan Jr., Thurgood Marshall, Sandra Day O'Connor, and Antonin Scalia indicated their doubts as to whether the two legislators have legal standing in the case.

As to the law's constitutionality, Lee said the statute has a secular purpose and should not be struck down just because it "provides an accommodation for those students who want to use the moment of silence for prayer."

But Cantor called the claim that the law's purpose was to provide a calming effect in classrooms a "sham," adding the statute has on its face the "considerable indicia of prayer."

A U.S. district court rejected the claim that the purpose of the law was secular, not religious, holding the claim was an after-the-fact rationalization and a pretext. A three-judge panel of the Third Circuit Court of Appeals upheld that decision. Justice O'Connor asked Cantor whether he thought the law could pass a constitutionality test "if all we had before us was the wording of the statute." (It states, "Principals and teachers in each public elementary and secondary school . . . shall permit students to observe a one-minute period of silence to be used solely at the discretion of the individual student, before opening exercises of each school day for quiet and private contemplation and introspection.") Cantor called that possibility "conceivable."

In 1985, the high court struck down an Alabama law that required a one-minute period for silent meditation or prayer. But a majority of justices, including O'Connor, said it was likely they would uphold a similar law that did not mention prayer or was not intended to promote religion.

Justice John Paul Stevens, who wrote the 1985 decision, indicated during questioning that he thought the New Jersey law might be acceptable because it could be interpreted to require the moment of silence prior to the beginning of the school day.

A decision in the case is expected before the end of the court's term next June. □

Church groups urge court to reverse 'PAC' ruling

WASHINGTON

Led by the Baptist Joint Committee on Public Affairs, a coalition of church bodies has asked the U.S. Supreme Court to affirm the constitutional rights of churches to participate in public referendum without registering as political action committees.

The church groups' views in a friend-

of-the-court brief written by BJC General Counsel Oliver S. Thomas and Loyola (Los Angeles) Law School professor Edward M. Gaffney Jr. The brief was filed on behalf of the BJC, National Council of Churches of Christ in the U.S.A., Catholic League for Religious and Civil Rights, Christian Legal Society, and National Association of Evangelicals.

Appealing to the First Amendment's protections of freedom of religion and speech, the brief asked the nation's highest court to review and reverse a decision earlier this year of the Tennessee Supreme Court. That ruling upheld a Tennessee law requiring churches to submit to the state detailed financial disclosure statements if they spend more than \$250 annually urging voters to support or reject any issue put on the ballot for public approval or disapproval.

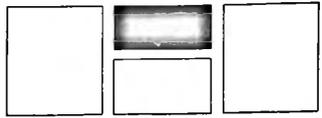
The brief noted that several other states have similar laws, none of which has been tested in court, making the Tennessee case one of "first impression." If the high court were to agree to hear the dispute, the decision in the case could have nationwide application.

Thirteen Jackson, Tennessee, churches were found to have violated the Tennessee Campaign Financial Disclosure Act by sponsoring paid advertisements opposing a liquor-by-the-drink referendum proposal. Nine of the thirteen congregations are affiliated with the Tennessee Baptist Convention and the Southern Baptist Convention.

The hotly contested August 1984 referendum proposal to allow liquor-by-the-drink sales lost by forty votes. Later that month, the state attorney general issued an opinion that the churches were political action committees as defined by the law and were subject to filing the financial disclosure forms.

Instead, the churches challenged the provision of the law defining them as political action committees. Although a trial court first ruled against the churches, a state court of appeals reversed, declaring the law unconstitutional. Later, however, the Tennessee Supreme Court overruled the appellate court, holding the law applies to churches.

In their brief to the nation's high court, Thomas and Gaffney argued that application of the Tennessee law to churches "severely chills the[ir] ability . . . to advance their positions on a wide variety of public policy matters." The "religious autonomy and integrity" of churches are



threatened, they wrote, "when the government seeks to regulate a religious body."

Appealing to the First Amendment protection of free exercise of religion, the Thomas-Gaffney brief argued that application of the law to a religious body "distorts that body's religious message by communicating to the public that it is not a religious group acting religiously, but simply another political interest group acting out of characteristically self-interested political considerations."

Additionally, and "even more seriously," the argument continued, "the act has had a chilling effect on the prophetic ministry of religious bodies" in Tennessee.

The brief also argued churches should be exempt from the law on free exercise grounds unless Tennessee could demonstrate "it has utilized the least restrictive means of achieving a truly compelling governmental interest."

Noting the Tennessee law provides a blanket exemption for the news media in deference to the freedom of the press guaranteed in the First Amendment, Thomas and Gaffney told the court, "There is more than a subtle irony that the primary beneficiaries of the statutory exemption in the act are immensely powerful for-profit news media corporations and that the institutions directly burdened ... are less powerful not-for-profit religious bodies."

In addition, the brief argued the law violated the establishment clause of the First Amendment because its primary effect "has been to inhibit [the churches'] religious activity" and "to entangle the government excessively in religious matters."

The brief noted further that while public authorities may conduct a "bona fide investigation of fraud, undue influence, private inurement, or other misconduct," the state "has no business scrutinizing the internal financial affairs of religious bodies."

The Supreme Court is expected to decide whether to hear the Jackson churches' appeal sometime this term. □

Supreme Court opens term, rejects religion disputes

WASHINGTON

On a day most notable for the absence of one of its nine members, the U.S. Supreme Court opened the 1987-88 term by

turning aside seven separate appeals in religious disputes. None of twenty-two new cases accepted for review involves a religious question.

Among more than 1,000 cases disposed of on its first day, the court

— Let stand a lower federal court decision that the New York State Labor Relations Board did not exceed its authority by intervening in a dispute between a parochial school and its lay teachers.

— Declined to review a decision by the Connecticut Supreme Court upholding the authority of the state human rights office to investigate alleged religious discrimination in Catholic parochial schools, despite the schools' contention such proceedings improperly entangled agents of the state in church affairs.

— Upheld rulings of the District of Columbia Court of Appeals and a federal district court that the late L. Ron Hubbard, founder of the Church of Scientology, was in fact that church's "managing agent" despite his 1966 resignation as executive director of the controversial sect. The district court also threw out a Scientology lawsuit against the federal government after Hubbard refused to give a deposition in an FBI investigation designed to discover if he was the church's head.

— Refused to review a Texas court's ruling that awarded a Presbyterian congregation's property to a congregational minority that remained loyal to the denomination, instead of deeding the property to a majority that voted to leave the denomination. The dispute is one of many around the country involving congregations that have left the recently reunited Presbyterian Church for the new, more conservative Presbyterian Church in America.

— Let stand an Ohio Supreme Court finding that legally competent patients in state mental health hospitals may not be forced against their religious beliefs to submit to medical treatment, even though the treatment is arguably life-extending. The free exercise clause of the First Amendment protects the right of such patients to refuse the treatments, the Ohio panel ruled.

— Refused a Michigan automobile dealer's appeal of a lower court decision that the state has the power to forbid auto sales on Sundays in the interest of the public's health, safety, and welfare. A law prohibiting Sunday auto sales does not violate the equal protection clause of the Fourteenth Amendment, the lower panel held.

— Also let stand a decision of the Fifth Circuit Court of Appeals that a group of doctors and patients who sued an anti-abortion organization they claimed threatened, harassed, intimidated, and assaulted them does not constitute a class of victims and therefore is not entitled to relief under the federal Civil Rights Act. □

Board must reschedule graduation, court says

NEW YORK

(RNS) — A federal court has ordered a Long Island school board to reschedule its 1988 high school graduation so a Sabbath-keeping Jewish student can participate.

U.S. District Judge Jacob Mishler upheld a complaint from a high school senior, who along with his father, a rabbi, had urged the school board to change the 1988 graduation date from a Saturday. When the board unanimously voted against changing the date, the American Jewish Congress filed suit on the student's behalf.

The court ruled the refusal to change the date placed an "unconstitutional burden" on the student's "First Amendment right to the free exercise of his religious beliefs not to engage in secular activities on the Sabbath." It said the graduation exercises are an "important benefit" of which he would be deprived if graduation were held on a Saturday. □

Program to highlight SBC conflict, effects on BJC

NEW YORK

The second program in a three-part television series, "Moyers: God and Politics," will highlight the decade-old controversy within the Southern Baptist Convention, including the controversy's effects on the Baptist Joint Committee on Public Affairs.

"The Battle for the Bible," part of the series produced by Bill Moyers' Public Affairs Television, Inc., is to air on national public television at 9 p.m. (EST) Wednesday, December 16. □

information and how the BJC executive committee — in a poll conducted by Executive Director James M. Dunn on behalf of Chairman Wesley Forsline — turned down that request. "It is important to note that it is difficult for our constituency to understand why" the BJC staff is not accountable to the Public Affairs Committee, he said.

"I would never permit correspondence of my professional staff to be opened," said American Baptist William Cober of Valley Forge, Pennsylvania. Baptist General Conference member Warren Magnuson of Aitkin, Minnesota, noted disclosure of correspondence could be harmful to innocent parties, particularly people whom professional staff have helped in pastoral functions.

Concerning staff evaluation, Cober said: "If all nine member bodies did this, it would be inappropriate. Our staff could not do what we hired them to do." Added North American Baptist John Binder of Oakbrook Terrace, Illinois, "My objection is to a formal staff evaluation from one agency of nine around this table."

Sydnor stressed the BJC "sells itself to the Southern Baptist Convention" by telling Southern Baptists, "The staff of the Baptist Joint Committee is our only staff" for church-state issues. The denied access to the requested items hampers the Southern Baptists' process of accountability, he added, noting the SBC delegation's position is untenable when it has accountability to Southern Baptists without accountability from the BJC.

The BJC subsequently voted to deny the three PAC requests. Southern Baptists cast all eleven votes to turn over expense accounts and to allow the PAC to evaluate staff. They cast all eight votes to allow the PAC to examine staff correspondence. Fifteen of the eighteen-member Southern Baptist delegation were present, and some of them sided with the majority on both votes.

Those votes represented the major loss for the Public Affairs Committee majority in a meeting characterized by both sides as hostile and in which members from both groups referred to "hidden agendas." The BJC also overturned or modified five other moves by the PAC or some of its members:

□ It passed a resolution proposed by Southern Baptist Les Csorba III of Alexandria, Virginia, that encourages presidential nomination and Senate confirmation of U.S. Supreme Court justices "who adhere to the traditional principle of church-state separation and the cherished right of religious freedom" and encourages Baptists to write senators in support of such nominees.

However, the BJC deleted eight paragraphs of the resolution that cited specific illustrations of what the "traditional principle" means.

□ It approved a resolution offered by Southern Baptist Albert Lee Smith of Birmingham, Alabama, that demands that People For The American Way (PAW), a secular First Amendment organization, withdraw its videotape "Life and Liberty for All Who Believe" because it "includes portions highly critical of many Christian leaders."

However, it struck ten other paragraphs from the resolu-

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BJC members hear staff reports at meeting

When messengers to the 1987 Southern Baptist Convention approved a restructuring plan for the SBC Public Affairs Committee, Elder said, they "knowingly voted" to continue the relationship of "jointness" with the BJC. "If we take this action, we will begin to hear more and more from the total constituency of Southern Baptists," Elder warned PAC members.

Arguing for defeat of the motion, Elder asked the committee not to let the turmoil of the two-day BJC meeting overshadow the fifty-year relationship between the BJC and Southern Baptists. "Don't make a decision that goes against fifty years of jointness because of perceived disagreements today," he said.

Several members of the PAC said jointness is not possible, however, when they are not permitted a greater role in BJC decisions. During its meeting October 6, the BJC denied PAC requests for more involvement in the BJC budgeting process, a separate evaluation of staff members, and copies of staff correspondence and expense accounts.

"It is a question of accountability when they say we can't have all the information we request," said Albert Lee Smith of Birmingham, Alabama, who made the motion to sever ties with the Baptist Joint Committee. "Southern Baptists are giving a pretty sizable amount of money [to the BJC], and it is important to have accountability."

"If surrender of accountability is the price of continued jointness, then the price is too high," agreed Richard Land of Dallas. "The only satisfactory accountability is accountability to trustees solely elected by the Southern Baptist Convention."

Land and at least two other committee members said if the PAC had been allowed to evaluate the staff, the vote to dissolve the joint relationship would not have happened. "And I wish it had not," Land added. "I have a heavy heart and a sense of loss, but in conscience I could do no less."

J. I. Ginnings of Wichita Falls, Texas, a PAC member who opposed the motion to disassociate, said progress made toward the Public Affairs Committee's goals — such as the BJC's agreement to conduct its own staff evaluation with representation from the PAC — indicated jointness would work.

While Ginnings earlier this year supported establishing a separate SBC agency in Washington, he said he changed his mind after seeing how effective the Public Affairs Committee could be on its own. "Underpinning all of this was my conviction that the [Southern Baptist] Convention wants us to remain tied to the Joint Committee," he added.

Jointness was working "as far as we were concerned," Currin said, "but we did not realize that by strengthening the Southern Baptist contingent on the Joint Committee we would engender a negative reaction from other member bodies." The expanded role of the newly constituted Public Affairs Committee produced a "backlash" from other leaders, he said.

William Cober, associate general secretary of the American Baptist Churches in the U.S.A., disagreed: "I think the [Southern Baptist] group had already determined they were not in harmony with the historic activities of the Baptist Joint

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INTERNATIONAL DATELINE



Notes from Europe: Light in the East

KORN TAL, WEST GERMANY

Traveling across Germany, particularly by rail, one sees a landscape peppered with churches; steeples of the *landeskirchen* stand out in every town and village alongside the rail lines. One must be familiar with the free church, however, to know that many of these same areas are salted with evangelical congregations as well.

Thanks to some gracious assistance of the general secretary of the Baptist World Alliance, I am spending a portion of a sabbatical working with a German evangelical mission body, Licht im Osten. In this suburb of Stuttgart, its office gives no hint of the melodrama one tends to associate with an organization that penetrates the Soviet Union with the gospel of Jesus Christ. In fact, it now contributes to the flow of the gospel into all of Eastern Europe's socialist countries as a vital part of that evangelical, free church witness. That has been its mission since the days following the revolution in Russia and the end of the first World War.

At that time, two pastors from the Ukraine, one Mennonite, the other Reformed, realized they could never return to their homeland to pick up the ministries they were compelled to abandon. Instead, they began a ministry among Russian prisoners of war held by Germans. This was to become known as Licht im Osten, Light in the East. Pastors Jacob Kroeker and Walter Jack held worship services in the Russian tongue, handed out Bibles as they were available, and ultimately instituted formal training so that when the prisoners returned, they could become active as church leaders. In fact, some twenty prisoners, when it was time for their release, asked to remain until they had completed the course.

Every prisoner who would accept one was given a copy of the Bible upon gaining freedom. The practice, it has been said, has enabled one to see the "footprints of the Bible all over Russia." Kroeker even produced the first Russian language concordance, which remains in use to this day. Foreseeing publication as well as distribution of religious literature as a major step in evangelizing the newly created Soviet Union, Licht im Osten became a publisher in the early 1920s. It made the work of many gifted Russian Christian authors available, and the

whole enterprise blossomed. Relief efforts only were terminated when under Stalin an attack was leveled on the church along with repression of all religious activity. Licht im Osten has therefore chosen not to renew relief efforts or address the question of human rights.

A rather small mission fellowship, Licht im Osten was located in East Germany until the end of the second World War when "the map of Europe" changed and it was compelled to move. From its new facilities in Korn tal, the work has expanded to include all of Eastern Europe. Teaching materials, devotional literature, hymnals, and commentaries are now published in seventeen languages. It has intentionally focused its efforts in this area, but not because of disinterest in prisoners of conscience. The latest issue of its publication lists some ninety-five such prisoners along with those obtaining early release and others at liberty after having completed their sentences. Yet, its desire to remain nonpolitical, it believes, enables it to approach its objectives more successfully. Through experience and the testimony of persons with whom it maintains contact, Licht im Osten also has learned that advocacy brings mixed results.

"We do not oppose writing letters to and in behalf of those imprisoned," I was told. "Sometimes it brings about a change for good. There are prison administrators who are sympathetic persons and who respond favorably. Others do not." The situation for some prisoners worsens after a letter arrives, hardening even more the existing negative feelings guards have for those under them. In other situations, a prisoner knows nothing at all about mail until the time of release, when the cumulative mail is given to them. Licht im Osten, nonetheless, supports those groups who have made advocacy and friendship letters one of their own priorities in an effort to encourage and to influence government policy.

In an interview with a seasoned executive, I raised the question that surfaces so often in the United States about the church in socialist countries and the integrity of church leadership. Licht im Osten makes no attempt to judge or to classify Christians in these Soviet bloc nations. In fact, it resists being drawn into making distinctions over anyone's faithfulness or faithlessness, particularly in any discussion about registered and nonregistered congregations in the USSR.

"The real problem there," I was told, "is not one of registered or nonregistered churches. Throughout, the issue is one of Christian conscience.

"One can find equally committed Christians among both groups. Although the registered churches may enjoy a bit more freedom, they, too, have their problems. For the nonregistered groups, freedom is a sometimes thing. Of all persons imprisoned from the religious communities," he said, "about ninety percent were nonregistered Baptists. For them, it would have been a violation of conscience to obey the state's prohibition against children under the age eighteen in attendance at worship." They chose, instead, to worship in secret along with their young and thus to break away from the All-Union Council of Evangelical Christians-Baptists. "But it is shallow-mindedness for people in the West to claim that the nonregistered are good Christians and those registered are not." The matter is not that simple.

The division among Baptist groups shows signs of healing with a decline in the suspicion that has characterized their relationships. Some nonregistered churches, in view of the slight easing of state repression, have affiliated with the All-Union Council, headed by Alexei Bichkov. Others meet faithfully in each other's homes, having discovered that the practice is known to authorities, who seldom interfere as they had in days past. This has become so common that the practice of having to retire to the safety of the forests to worship is no longer called for.

Now, a third option has opened up. Many churches may avail themselves of the opportunity to register at the local level only. The option is limited to unregistered congregations that do not acknowledge national structures or leadership. Called "autonomously registered" churches, they share the same degree of freedom granted to all minorities by constitutional law, which regards all as "equal before the law."

A salutary effect of communist persecution of religion has been the diffusion of hostilities among religious groups. Baptists, along with Pentecostals, Mennonites, the Brethren, and others, were at one time persecuted and demeaned by the Orthodox Church. To speak of unity, however, would be both inaccurate and premature. Unity, where it exists, appears among individual Christians of all persuasions. Evangelical church leaders



have gained wider acceptance and credibility in their relations with those of the Orthodox Church and in the eyes of authorities.

The full meaning of glasnost is yet to be revealed. The current temperate mood toward religion has had its counterpart at various times over the past forty years. It happened for a time during World War II when Stalin found the need to enlist the church's influence in behalf of patriotism. After his death, repression appeared with greater force when Khrushchev called for the registration of all church bodies, bringing the period when the solidarity among evangelicals was fractured. Khrushchev, it is believed, finally decided to use the church for state purposes after long years of first waiting for the church to die in realization of Marx's expectation and then trying to hasten the historical process through overt and cruel persecution.

The church survived and at times thrived. Christians continue their work with patience for that time when religious groups will enjoy civil rights equal to all other organizations. □

Victor Tupitza

Notes from Europe: Glasnost

MUNICH

Glasnost may or may not be much more than a public relations campaign by the media-conscious Soviet General Secretary Mikhail Gorbachev, but if that is the case, it is reaching its goal of focusing worldwide attention on the internal affairs of the USSR.

During a period of critical arms negotiations with the United States, some observers view glasnost and *perestroika* (openness and restructuring) as the attempt to still troubled waters within the USSR borders and to disarm critics abroad. Experienced human rights activist organizations, however, continue to dramatize the plight of Soviet prisoners of conscience, having adopted a "wait and see" attitude regarding the seriousness of Soviet change.

Das Land und die Welt in Munich, West Germany, is among the fifty plus groups to monitor the USSR and Eastern Europe and actively to pursue release of religious and political prisoners of conscience in those areas. Its newsletter, *USSR News Briefs*, has been the source of

items appearing on the "International Dateline" pages of *REPORT*.

Michael Gaertner, whom we interviewed in Munich, said that 201 persons had been prematurely released and that at least 500 more prisoners of conscience were still serving out their sentences. The number of those released did not include others freed from psychiatric and prison hospitals. Information about the latter is more difficult to obtain and often comes long after the patient has been transferred to a prison camp or even released into exile within the USSR. These days of glasnost mean at least some cessation in the use of psychiatric hospitalization for punishment and control of dissidents; examples abound of the mental damage done through heavy sedation and the use of experimental drugs.

Gaertner's major responsibility for Das Land und die Welt is maintaining a computerized file on all known prisoners of conscience, religious and political, within the Soviet bloc. "I can tell where each person is located, where they had been, and if transferred, their new place of servitude," he told us. This information is substantially accurate, but *USSR News Briefs* often publishes corrections of names and dates of prisoner release. It also publishes an annual directory of its activities.

On June 18 the Presidium of the USSR Supreme Soviet signaled its intention to declare an amnesty in connection with the seventieth anniversary of the "Great October Socialist Revolution." Scores of prisoners — excluding dangerous recidivists and others convicted under the stringent Soviet criminal code — fell under that amnesty. In addition to being complex, the Soviet criminal code often is administered prejudicially and subjectively. *USSR News Briefs* noted that amnesty in one form or another should affect more than half of all remaining political prisoners, or, excluding prisoners in hospitals, about three-quarters of all now serving terms.

Signs of the new openness in the USSR are visible: the appearance in public of the dissident bulletin *Glasnost* (available in English in the United States), representing a radical departure from *samizdat* (self-publishing, secret distribution); public demonstrations by various religious bodies including the Hare Krishnas; a slight increase in Jewish emigration; and the unexpected amnesty. Gaertner and others believe, however, that this is not

the time for supporters in the West to relax their vigil. He said that every letter and action in behalf of a prisoner in camp tells the administration and particularly the guards that "somebody knows I am here." Almost immediately, said Gaertner, guards draw back on their ill-treatment of that prisoner because of this evidence of publicity and for fear of personal accountability that could result in their own punishment. The tentacles of fear reach out to intimidate even those within the bureaucracy.

Anatoly Koryagin, the recently released Soviet dissident, speaks cynically of the movement for reform within the Soviet Union. He told a *Times* newspaper reporter "they let me go because the West was pestering them about me. Those who are less well known are being kept inside." He further observed that in an innovation under glasnost, the "KGB changed the formula. Nowadays, instead of admitting that we have been guilty in the past, we are asked to promise to behave in the future. This makes it easier to sign, but just as dangerous." The case of poet Irina Ratushinskaya bears him out. Earlier this year, this deeply devout Christian told an audience in Washington, D.C., of guards who had come to her in prison with a request to "change my ways in the future." "Simply sign such a statement and be released; she refused. Yet, her release came within just a matter of weeks, although she never knew the reason.

Glasnost — restructuring? Perhaps. Koryagin and numerous activists, organizations, and journals that undergird the dissident movement in the USSR and Eastern Europe emphasize a cautionary note. In fact, Koryagin asks, if the Soviets mean business, "why not free all the prisoners of conscience? When will we see Solzhenitsyn's *Gulag Archipelago* or the works of Berdyayev actually published?" Is it "window dressing" as Koryagin believes? He adds, "Democracy means free people. This is not the case today in the USSR." Will that change under Gorbachev's leadership? Or more importantly, does Soviet leadership seek the openness and democracy we in the West experience? At this point in time, optimism must remain guarded. □

Victor Tupitza

[On study leave in Europe, Mr. Tupitza is the editor of *REPORT* from the CAPITAL.]

from submitting such records, "this element of public confidence may be missing." He added the congressional purpose behind the public availability of such records is "that publicity itself is a check against potential abuses." The commissioner told subcommittee members about the establishment of an expert organization advisory group that recently held its first meeting.

"A lively topic of discussion concerned the problems of administering Internal Revenue Code provisions relating to churches," Gibbs said. "We received many helpful comments and suggestions. One of these was a request by church representatives to begin a new dialogue directly with the service, in the same spirit of mutual understanding that led to a successful resolution of the problem of Form 990 return filings by integrated church auxiliaries.

"Working together, Congress, the church community, and the administration may be able to formulate new rules or interpretations that adequately protect the rights of the many honest churches and other religious organizations while allowing us to detect and deter the abuses of a few."

In their questioning of Gibbs, subcommittee members were divided over whether changes are needed in current tax laws that relate to churches.

Rep. Richard T. Schulze, R-Pa., told Gibbs he "feels apologetic" because the IRS has not been given the tools it needs to do its job. Rep. Beryl Anthony Jr., D-Ark., countered that Congress has provided adequate tools, but the IRS has failed to use them.

Arguing against the statement of Rep. Ronnie G. Flippe, D-Ala., that the current law is adequate, Rep. Charles B. Rangel, D-N.Y., said Congress should make changes in the law. Rangel asked,

"What in God's name could be wrong with having churches ... tell where they got their money and how they spend it?"

The religious broadcasters who appeared before the panel testified that their organizations meet all federal tax rules and provided documentation to support that testimony. Several of the witnesses voiced concern about the possibility of excessive governmental entanglement in churches if current tax laws are changed.

The subcommittee also heard about efforts by religious broadcasters to police themselves. A proposed plan recently approved by the National Religious Broadcasters board of directors would require all members to have external audits, make public their financial statements, file annual IRS information forms, avoid nepotism in employment, publish the incomes of principal employees, and maintain certain standards and records in fund raising. □

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REFLECTIONS

James M. Dunn
Executive Director



One name that should be on every list of names a person must know to be considered educated is Roger Williams.

The contribution of Williams, founder of Rhode Island, has been so integrated into the commonplace that one may find it difficult to see his principles as originally shocking and troubling. The need for the separation of church and state he advocated is not widely appreciated.

Roger was the child of a London merchant tailor and grew up to receive the best education available, first at Charter House School, then at Cambridge. Sir Edward Coke, his patron and the best-known lawyer of the period, hired him as his secretary and ran interference for him in legal, political, and social circles.

Williams's friends and connections included John Milton, Oliver Cromwell, John Hampden, and other movers and shapers of their day. While still in his twenties he succeeded in getting the unwelcome attention of Archbishop Laud, who decreed he must go to jail or leave the country. He left the country.

His London acquaintances, some of whom considered him "divinely mad," would surely have thought him to have lost all his senses could they have followed him to Boston. After the Boston church had welcomed him with much fanfare, he promptly resigned because, as he put it, "I durst not officiate to an unseparated people."

Williams insisted on separation from the Anglican church, absolute soul liberty, and separation of the church from the state. He saw the state as "secular." As J. M. Dawson points out, "'secular' in Williams' mind signified, 'not under church control,' never, 'life organized as if God does not exist.'"

The Cambridge crowd would have been even more agitated to have seen him in the winter of 1636, living with the Indians. After moving to Salem, then Plymouth, then back to Salem in pursuit of a people willing to be truly separated from the state church, by 1636 he had no place else to go. On October 9, 1635, the General Court had sentenced him to banishment for teaching certain "dangerous opinions." When his friend John Winthrop, the governor of the colony, warned him he was about to be deported, he had fled just in time.

Williams's wanderings with the Indians on Narragansett Bay finally ended only in late June 1636, when he and four settlers began the first settlement of Rhode Island, named Providence because of "God's merciful providence to him in his distress." Those in London who remembered him were probably not surprised when they learned that in his dogged attempts to combine ideals with practice, Roger Williams organized the first Baptist church in America in 1639.

In 1644 Williams went to England to seek a charter for the colony he had founded. There, in an attempt to clear his good name and explain the events that had led to the founding of Rhode Island, he wrote *A Bloudy Tenent of Persecution for the Cause of Conscience*, declaring:

All civil states with their officers of justice, in their respective constitutions and administrations, are proved essentially civil and therefore not judges, governors or defenders of the spiritual or Christian state or worship. . . . That cannot be a true religion which needs carnal weapons to uphold it.

When the book appeared, the Parliament ordered it burned. A second edition came out. John Cotton, in Boston, produced a tract, *The Bloudy Tenent Washed White*. Williams countered with *The Bloudy Tenent Made More Bloudy*. The essential principle of separation of church and state was enjoying democratic debate and the attention it deserved.

Williams's charter of 1644 was amended and finally adopted in 1663. When finally signed by Charles II, it had a sentence attributed to the king himself (some credit Dr. John Clarke, Newport Baptist pastor): "It is much on their hearts (if they may be permitted) to hold a lively experiment that a most flourishing civil state may stand and best be maintained, and that among our English subjects, with full liberty in religious concernsments." The principles Williams espoused were written into law first in the Rhode Island Charter.

The notion of officially guaranteeing inalienable, inherent rights of the individual stemmed from deep religious roots. Even Williams's belief in "soul freedom" came from his deeper confidence in the sovereignty of God. Although he has been called the "Irrepressible Democrat," his political theory and practice took second place to his passionate commitment to freedom of one's conscience, over which God alone had the right to be Lord.

Williams challenged the Puritan mindset. His lively experiment took the place of the Puritan pattern as America's way in church, state, and society. It is difficult to imagine the magnitude of his contribution without some understanding of what he was up against. O. K. and M. M. Armstrong point out that the New England way seemed to be the "soul of logic" and the "essence of unquestionable truth."

The Scriptures are the source of all authority for creed and practice. The Scriptures are clear and plain, the answer to every problem and situation, spiritual or civil. It is the responsibility of the minister, as Christ's spokesman, to interpret the Holy Writ. If any person does not agree with the interpretation, he is obviously in error; it is then the duty of the minister to dispute with him and correct the error. If the person still does not agree, . . . [he] must be punished until he forsakes his error. . . .

[T]he state must help the church force the truth upon the person by proper punishment.

Williams rejected the very presuppositions of the Puritan structure. He denied government any right to enforce religious uniformity. He opposed the right of the state to collect taxes for the support of the clergy. He despised toleration as a measure of the majority religion's relationship with dissenters. And Williams did not stop at theory. He demonstrated these then radical ideas in a laboratory of action that became the proving ground for the pattern of church-state relations adopted as distinctively American.

Williams was ignored and almost forgotten for a century, only to be rehabilitated by Isaac Backus and Thomas Jefferson. But because he championed freedom of conscience, granted full religious liberty, and separated church and state, Roger Williams is one name for any "must know" list. □

[We celebrate the 350th anniversary of Baptists in America June 5-7, 1988. The First Baptist Church of Providence, R.I., is the site of the conference/celebration. Plan to come. Write us for details or see next month's issue. — JMD]

tion, including the statement "We believe it is in the best interest of all nine Baptist denominations that the [BJC] cease and desist from any further association with People For The American Way because its record and objectives are thoroughly foreign to the objectives of our nine Christian groups." Several members noted that, although Dunn at one time was an individual PAW board member, the BJC never has been associated with the organization.

□ It declined to reprimand Dunn for writing a "clarification" letter to senators following an August resolution by the Public Affairs Committee in which the PAC endorsed Robert H. Bork as a nominee to the U.S. Supreme Court. Dunn noted some people in Washington had been misinterpreting that endorsement to mean the entire SBC had endorsed Bork and said his letter clarified that misinterpretation. PAC members contended Dunn's letter counteracted and misinterpreted their action.

□ It refused to force Dunn to present to the PAC in advance any future staff clarifications of PAC actions.

□ It refused to rescind but did refer to committee and pulled from active circulation a 1980 resolution, "On the Danfors of Civil Religion." It also referred to committee Csorba's request to delete all references to the "Religious Right" in the resolution.

The BJC also approved a 1988-89 budget total of \$708,110, including \$515,600 from the SBC Cooperative Program budget. The request included a fifteen percent increase over 1987-88 contributions. Some Southern Baptists dissented, particularly noting the SBC provides a majority of the BJC budget but does not have a majority voice in its decision process.

In moves of consensus, the BJC adopted a PAC-sponsored resolution supporting the Danforth Abortion-Neutral Amendment to the 1987 Civil Rights Restoration Act and adopted a motion proposed by Sydnor that encouraged the BJC to establish a voluntary affirmative action hiring policy for executive staff.

When the Public Affairs Committee reconvened following the BJC meeting, several members who consistently lost votes in the BJC action said they felt they had been abused by the BJC. "I felt like we'd been beaten up," Csorba said. "We made every attempt to cooperate, but I felt thoroughly punished."

During this meeting, they voted to recommend dissolving SBC ties with the BJC. The motion was made by Smith, who also offered the funding withdrawal motion prior to the BJC meeting.

PAC members defeated a motion offered by Lloyd Elder, president of the Southern Baptist Sunday School Board. The motion would have declined action on the SBC motion calling for continued examination of the BJC staff and would have noted the PAC is working "to successfully preserve 'jointness' with the other Baptist bodies and yet ensure responsiveness to our own Southern Baptist Convention."

Committee members approved a Land motion noting Dunn "is not the executive director" of the Public Affairs Committee and directing that all PAC reports to the SBC or its Executive Committee be made by the PAC chairman or his

designee and that no BJC staff member be represented as a PAC staff member.

PAC Chairman Samuel T. Currin of Raleigh, North Carolina, told Baptist Press: "I don't think this would have come to a head at this meeting had they [the BJC] not refused the Public Affairs Committee's right to look at financial records and documents and interview the staff. It really comes down to a matter of trusteeship and accountability. The Southern Baptist trustees do not believe they can represent the SBC... when in fact they do not have the power to do so." □

Reactions, from page 10

Committee. Several of them told me if they could not evaluate the staff and programs on their own, they did not see any way they could cooperate. They really have harmed our Christian witness and ought to be held accountable for their precipitous actions."

"I felt there was a hidden agenda from some members of the Public Affairs Committee that was imposed on the Baptist Joint Committee," C. J. Malloy Jr., general secretary of the Progressive National Baptist Convention, said after the BJC meeting. "For a new group of personalities to come in and vote against every proposal was unfortunate. If they were seeking to get information, they went about it in a rather intimidating way. I feel it was more a personal attack [on the staff] than seeking to get information."

Several of the non-SBC members of the Baptist Joint Committee said even if Southern Baptists withdraw their financial support, the agency will continue by seeking funding from other sources. "But we would lose the jointness even if the funds came," Magnuson said. "We've been immeasurably blessed by the Southern Baptists over the years. We need them. We want them."

Binder, who said he was unsure if the BJC "could or should continue," said he would suggest a meeting between members of the Public Affairs Committee and the larger BJC to try to resolve differences.

New BJC Chairman Marvin Griffin of Austin, Texas, a National Baptist Convention of America representative whose church is dually aligned with the SBC, said: "My fervent hope is that the relationship will continue. There is room for different positions on the issue and still be good Baptists. That's what makes Baptists Baptist. However, jointness will be very difficult if the Public Affairs Committee takes the position that every position they adopt has to be ratified by the body."

BJC Executive Director James M. Dunn predicted the agency can continue its work in Washington by relying on financial support from individual Southern Baptist churches, associations, and state conventions.

"This probably will mean a healthy and even stronger Baptist Joint Committee on Public Affairs, regardless of the organizational or funding approach," Dunn said. "I am completely convinced that, one way or another, Southern Baptists will continue to have a strong voice for the separatist perspective in Washington, D.C." □

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