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REPORT from the CAPITAL

FAITH & FREEDOM

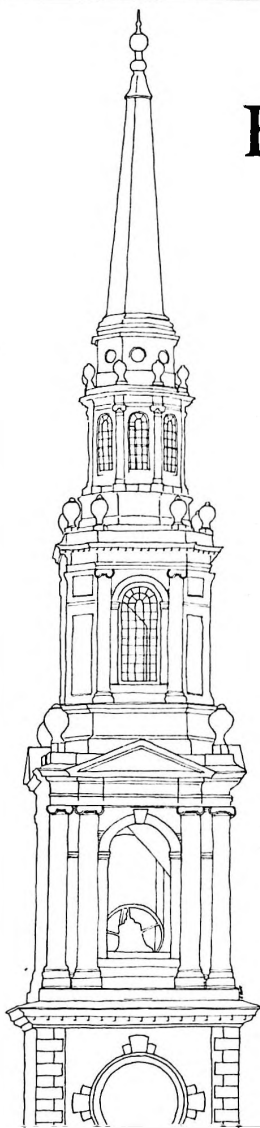
BAPTIST BEGINNINGS IN NORTH AMERICA

*A Celebration and
Conference*

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REPORT from the CAPITAL

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

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Cover: The steeple of First Baptist Church, Providence, Rhode Island, by artist Guy Masse, courtesy of Chalfie-Bedard, Inc., Providence, Rhode Island.

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Piety & Prayer

Proponents of government-mandated school prayer must await another decision by the U.S. Supreme Court to learn if a moment of silence in public schools can be legislated in a way that does not violate the Establishment Clause of the First Amendment (see p. 3). Twenty-five years after *Engel v. Vitale*, the issue of school prayer remains alive not only in litigation over moments of silence (a substitute) but also in debate in society and among Baptist Christians. In that debate, tireless Christian advocates of school prayer need to remember that the Baptist church-state separationists who oppose their position share both basic concerns about society and a fundamental devotion to God.

The problems of society viewed from any perspective are profoundly troubling, and for Christians even more so. Among such problems are those of broken families, teenage sex and pregnancy, drugs, and disregard for integrity, which are recognized with concern by Christians across the spectrums of theology and practice.

With legitimate concern, some Christians see such problems and reach for a putative solution, school prayer, that is illegitimate for at least two reasons. First, the solution will not achieve the desired result — transformed lives and a transformed society. Some observers, perhaps only half-seriously, favor letting school prayer advocates have their way because granting a meaningless, ineffectual prayer is seen to be a trivial concession. Second, for Baptists the solution undermines a fundamental Baptist tenet: the individual is and must be free to choose Life or Death, God or god.

Baptist opponents of government-mandated school prayer believe that indeed children need to pray and that, more important, children need adults in homes and churches to lead them to pray. Opponents share a concern with proponents for society and the religious life of its children. Contrary to the thinking of some Baptists, support of church-state separation can be consistent with and express piety.

Opponents believe freedom is a foundation of authentic piety. They recognize that the transformation of lives (including those of children) requires disciplining or nurturing, not reciting hackneyed, empty prayers. And they believe that the choice for such religious nurture or indoctrination for those who cannot responsibly choose it — children — must originate from those whose religious care is their responsibility — families and churches, not the government.

Such a choice for religious education is seen in church Sunday schools and in public school released time programs (see Kathy Palen's feature article); the goal is effecting transformation of lives through both the ideas of religion and the models of its practice (teachers).

Christians concerned to effect transformation in a world that needs God should use methods consistent with their faith beliefs and resulting in authentic transformation of lives, not a method that often promotes a religion of superficiality and even irrelevance.

Among Baptists, the debate over school prayer is not between the pious and the impious. Piety is no more the province of school prayer advocates than patriotism is of jingoists. □

Vic Case



● **SIDESTEPPING A DECISION** on the merits of its most celebrated church-state case of the current term, the Supreme Court held instead that former leaders of the New Jersey legislature had no legal right to appeal lower court rulings that struck down the state's "moment of silence" law.

That law, enacted in 1982 over the veto of New Jersey Governor Thomas H. Kean, required a one-minute period of silence "for quiet and private contemplation or introspection" in the state's public school classrooms at the beginning of each school day. More than twenty states have similar statutes on the books.

Following enactment of the New Jersey law, the state attorney general announced he would not defend it should it be challenged in court. When several students, their parents, and a teacher filed suit challenging the law's constitutionality on church-state grounds within a month of its passage, Alan J. Karcher, speaker of the assembly, and Carmen A. Orechio, president of the state senate, intervened as defendants in their official capacities.

Both a federal district court and the Third Circuit Court of Appeals in Philadelphia struck down the law for violating the First Amendment ban on an official establishment of religion. The district panel held the law failed all three parts of a Supreme Court test requiring that such statutes have a secular purpose, have the primary effect of neither advancing nor inhibiting religion, and not result in excessive entanglement between church and state.

The Third Circuit upheld the portion of the lower decision striking down the law for failing to have a secular purpose.

Karcher and Orechio, who appealed the decision of the district court to the Third Circuit, meanwhile lost their posts as leaders of the New Jersey legislature.

When they next appealed the Third Circuit's decision to the Supreme Court, the justices agreed to consider whether they still were entitled under federal court rules to press the case.

By deciding unanimously the pair had no legal standing to appeal, the high court let stand the lower rulings.

Writing for the other seven members, Justice Sandra Day O'Connor held that because Karcher

and Orechio no longer hold their leadership posts, "they lack authority to pursue this appeal on behalf of the legislature."

She stated further: "Karcher and Orechio intervened in this lawsuit in their official capacities as presiding officers on behalf of the New Jersey legislature. They do not appeal the judgment in those capacities. Indeed, they could not, for they no longer hold those offices. The authority to pursue the lawsuit on behalf of the legislature belongs to those who succeeded them in office."

O'Connor and the other justices said nothing about the constitutional issues in the case.

Two years ago, in a case from Alabama, the high court struck down a law requiring a moment of silence to be used specifically for meditation or prayer.

The question of whether more neutrally worded laws like New Jersey's violate the First Amendment must await another day in court.

● **BUDDHISTS HAVE BECOME** the first religious group outside the Judeo-Christian tradition to be permitted to supply chaplains for the U.S. armed forces.

The action was announced in San Francisco by Bishop Seigen H. Yamaoka of the 150,000-member Buddhist Churches of America. He said the permission was granted in a letter to him by Air Force Colonel John L. Mann.

A Defense Department survey found that at least 2,493 Buddhists of various sects and ethnic backgrounds were in military service in 1984.

Under the new order, Buddhist chaplains, like other chaplains, will be required to provide religious services for military personnel of any faith.

● **THE SUPREME COURT** has let stand rulings of two lower courts that a former Jehovah's Witness shunned by other church members may not sue the church for damages.

The woman, who left the sect in 1975, challenged a church policy instituted six years later requiring Jehovah's Witnesses to shun any member who resigned. She said the practice "necessarily carried with it the implication that such persons were grossly immoral."

Released Time: A Program of Possibility

It's Tuesday afternoon and twelve third graders leave their public school classroom. They scurry across the school playground, cross a side street, and climb the steps of a van that has been converted into a mobile classroom. There they greet their teacher and spend the rest of the allotted school period studying a unit on caring for God's world. When the period is over, the children return to their regular classroom and resume their studies.

Those third graders, like other public school students throughout the nation, receive religious instruction each week through a program known as released time.

The constitutionality of such programs was upheld by the U.S. Supreme Court in 1952, when it held in *Zorach v. Clauson* that schools may release students for off-campus religious instruction. In an earlier decision, the high court had held such religious instruction could not be held on public school property. Although the *Zorach* decision allows school administrations to grant released time, it does not require them to do so.

While no exact figures are available, it is estimated that released time classes are held in approximately 3,000 of the 16,000 school districts in the United States. Although some states have laws requiring public schools to allow students to participate in released time programs, most states leave the decision up to the local school administration.

Organizations that sponsor released time programs ask schools to allow students who present signed parental permission forms to be released for a short period of time on a regular basis to receive religious instruction at an off-campus site. The sponsors are responsible for obtaining parental permission, transporting students to and from off-campus sites, selecting curriculum, and providing teachers and needed supplies for the released time classes.

A sponsoring organization should not ask the school to pass out permission

forms, announce or otherwise promote the program, or give credits for the classes. A school's only role should be to allow the students to leave campus without penalty and to arrange classwork schedules so as to accommodate the release.

According to a report by Ruth Correll, who conducted a study of released time programs in conjunction with doctoral work at New York University, it is generally held that new academic material may not be given while children are attending released time classes. "Children who do not attend," Correll said, "are given other work or activities for which absent children will not be held accountable."

Correll's report, which reflected information from a survey she conducted of released time programs, also revealed:

- Most released time classes were begun by a group of pastors or laypersons. Programs are sponsored by Protestant, Catholic, and Jewish groups.
- Funding for released time programs comes from church budgets, individual donations, fund drives, and tuition and registration fees.

□ Although some programs use pre-packaged curricula, most programs develop their own curricula.

□ Most released time classes are held for children at the elementary school level, with grades three through five being the most popular.

□ Parents usually have no relationship with the programs except to give permission for their children to attend.

□ Released time teachers and staff members range from part-time volunteers to full-time professionals.

□ The most frequently mentioned advantage of released time is the availability of large numbers of children on a regular basis for religious education; the main disadvantages are related to scheduling adequate periods of time and arranging transportation.

Many of the released time programs that are in operation today began before the Supreme Court's 1952 *Zorach* decision. An example is the Evansville, Indiana, Area Council of Churches' Weekday Christian Education program, which is celebrating its forty-fifth anniversary.

The Evansville weekday program con-



ducts released time classes for third and fourth graders at twenty elementary schools. It uses three mobile classrooms and four local churches to house classes that are held during the regular school day for one class period each week throughout the school year.

Fifteen years ago, the Evansville program developed its own curriculum, which is revised yearly by a curriculum committee. Natalie Foster, the program's supervisor, said the curriculum deals with basic Bible themes, rather than specific church doctrines. Children learn how to use the Bible and explore themes ranging from being children of God to the life of Jesus to suffering personal loss to caring for God's world.

"We have a great many children who have never been in church, so we try to find ways to encourage them from where they are to use the Bible."

"We try to take a different approach than in Sunday school," Foster said. "We have a great many children who have never been in church, so we try to find ways to encourage them from where they are to use the Bible."

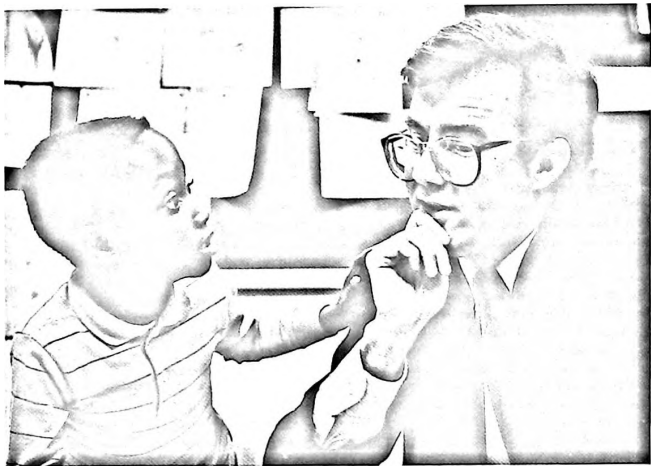
"We use lots of stories and lots of songs. Storytelling is something children aren't exposed to a lot these days."

Children in the classes also spend time discussing their own feelings and how others might feel in various situations. Foster said such discussions help children develop compassion and understanding for others.

Foster, who has taught in the Evansville program for thirty-two years, said she rejects the criticism that the program's religious instruction is "watered down." "We basically hit thoughts that are acceptable to everyone," she said. Children who belong to a church are encouraged to feel great pride in that church and those who do not have a church affiliation are encouraged to get to know more about church, she added.

The children in the Evansville program are divided almost equally between those who attend church and those who do not. Of those who do attend, the largest number are affiliated with Baptist congregations.

Foster and the eight other teachers in the program have college training and Christian education experience. They are paid for their teaching responsibilities, as are the program's two teacher's aides and one substitute teacher.



Photos by Kathy Palen

Described by Foster as "devoted Christian people," the teachers represent a variety of denominations. Many of them were public school teachers who no longer want to teach full time. Foster told of one teacher with experience in both public and private schools who called her work in the Evansville weekday program her "most rewarding teaching experience."

Foster said the local school board is very cooperative, as are most of the area principals. "They feel the weekday program helps them in the long run," she said.

Funding for the Evansville program comes from individuals, churches, and church school classes. Although parents are asked for donations, there is no charge for participation.

When asked why she would recommend a released time program, Foster told three brief stories:

□ A number of years ago after being in an automobile accident, Foster was hospitalized. In the middle of the night, she awoke and sensed someone standing over her. It was one of her former weekday students. The young woman told Foster that she now had a daughter of her own and that she was trying to teach the child the things she had learned in the weekday program.

□ Four years ago, Foster was in a hotel lobby when a young man came up and threw his arms around her. He was a former weekday student whom she had not seen since 1965. He had come from a poor, broken family, but seeing potential in him she had sent him to a week-long church camp. He went on to earn a college scholarship and graduate with hon-

ors. The young man told Foster he still had all of his weekday program materials and that whenever he looked at them, he thought about everything she had taught him.

□ During the current school year, one of her classes was talking about feelings. When asked how he felt, a boy, whom Foster described as not having much in the way of family, money, or opportunity, simply said, "I feel wanted when I come here."

"I have seen the results," Foster concluded.

"For these children, God is the released time teacher. We recognize a real hunger in them to learn about God."

Terry Heck, director of released time programs for the Cincinnati, Ohio, Council of Christian Communications, said she also would recommend such programs.

Heck, who also serves as secretary of the National Association for Released Time Christian Education, pointed to three major advantages of released time programs.

First, she said, approximately one-half of all students participating in released time programs never set foot inside a church. "For these children," Heck said,

Continued on p. 10

VIEWS OF THE WALL

Oliver S. Thomas
General Counsel



Two hundred years ago last September, thirty-nine men signed a document that was to become the Constitution of the United States. These Framers of the Constitution had gathered several months earlier ostensibly simply to "fine tune" the Articles of Confederation. The Articles had been a woefully inadequate blueprint for government, creating a Continental Congress that had no power to regulate interstate commerce, to coin money, to build roads, or even to levy taxes. It was phenomenal that this loose confederation of independent colonies had survived a bloody and protracted revolutionary war.

Nevertheless, these delegates had been instructed to supplement, not to supplant, the Articles of Confederation — to modify, not to mortify.

Despite their limited assignment and much to the surprise of the Continental Congress, the delegates' first order of business was to toss the Articles of Confederation out the window and to start anew with a document that had been roughed out by a brilliant young lawyer from Orange, Virginia, James Madison.

Madison had his work cut out for him because many of his fellow delegates had an inherent distrust of a strong national government. Sentiment ran so strong against the proposed national government that Rhode Island refused to send a single delegate to the convention. And the signing of the final draft on September 17 was not the consummation of the effort. At least nine of the participating states had to ratify the Constitution before it could take effect.

Ratification was no small task. In some states, the voting was extremely close. In Massachusetts, for example, the vote for ratification was 187-168. A ten vote shift out of the 355 delegates would have spelled defeat for the Constitution. In New York, the vote was even closer: 30-27.

One of the major reasons for opposition to the proposed Constitution was the absence of a Bill of Rights. There was no provision for freedom of speech and press, trial by jury, or many of the other civil liberties that we take for granted. Perhaps the greatest cause for concern was the absence of any protection for religious freedom. Nine of the thirteen colonies at one time or another either had a state church or had provided official governmental support for religion, and

many of the colonists were determined that the national government would have no say in religious affairs.

This was certainly the case in Virginia. Virginia Baptists had become a major political force in the Old Dominion, and one of their own, a fiery, red-haired preacher by the name of John Leland, had decided to oppose James Madison in his campaign to become a delegate to the state's ratifying convention. Leland believed in a radical separation of church and state that guaranteed full religious freedom for all. Government would neither advance nor inhibit religion. Religion would be a matter solely between the individual and God, free from governmental interference.

Philosophically, Madison was in agreement with Leland, but because the new government was to be one of enumerated (or delegated) powers, he thought it unnecessary to include a provision guaranteeing religious freedom in the Constitution. According to Madison, the national government would have no authority to act in religious affairs because none had been given to it.

But Leland wasn't satisfied with *implied* guarantees of religious liberty. For years, Baptists had been whipped and imprisoned for refusing to support the Anglican church, and Leland wanted something more.

Sensing a threat to the ratification process and at the same time sympathizing with the Baptist position, Madison struck a deal with Leland. At a legendary meeting under an oak tree in Orange, Madison offered to sponsor an amendment to the Constitution guaranteeing religious liberty if Leland would drop out of the race. Leland agreed, and Madison won the election. (I am told that he won by less votes than the total number of members in Leland's family!)

With the support of Leland, Madison led Virginia to ratify the Constitution by a narrow vote of 89-79. Madison went on to be elected a member of the first Congress, where he kept his promise and sponsored an amendment guaranteeing full religious liberty for all. We know it as the First Amendment.

Several years later Thomas Jefferson, in describing the first two clauses of that amendment, would say:

I contemplate with sovereign reverence that act of the whole American people which declared that their

legislature should "make no law respecting an establishment of religion, or prohibiting the free exercise thereof," thus building a wall of separation between Church and State.

Two hundred years later, we are still reaping the benefits of that wall.

From the beginning, religious persons were actively involved in the formation of the republic. One of the signers of the Declaration of Independence was John Witherspoon, a clergyman. Scores of ministers served as delegates to the various state conventions that ratified the Constitution. Thirteen Baptist clergy alone served in this capacity. But despite their participation in the political process, this never has been and never was intended to be a *Christian* nation. It was to be a land of liberty and justice for all — not just Christians — a place where any religion would be free to prosper, depending solely upon the persuasion of its followers and the power of its truth. For the first time in fourteen centuries, religion would be set free — free from the coercive power of the state, free to sink or swim in the larger marketplace of ideas.

The Constitution itself contains only one brief reference to religion. Found in Article VI, it reads, "No religious test shall ever be required as a Qualification to any Office or public Trust under the United States."

The sweeping guarantees of the First Amendment come to us in equally concise language: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof. . . ."

The Free Exercise Clause protects freedom of conscience — the right of every individual to practice his or her religious belief apart from governmental interference. The Establishment Clause ensures church-state separation, the institutional guarantor of our religious liberty.

Unfortunately, the precious commodity of freedom can't be purchased, paid for, and locked away like so many jewels in a safe. Freedom must be won again and again, year after year, day after day. "Eternal vigilance," Madison said.

He was right.

In this bicentennial period of our nation's history, may we recommit ourselves to preserving this legacy of freedom for this and future generations. □

FAITH & FREEDOM

BAPTIST BEGINNINGS IN NORTH AMERICA

To commemorate 350 years of Baptist life on this continent, Baptists of various groups and regions will gather June 5-7 for a special event in the place where their American heritage began — Rhode Island. The celebration and conference — "Faith & Freedom: Baptist Beginnings in North America" — will give Baptists in the United States an opportunity to recall roots that predate even Isaac Backus, John Leland, and the First Amendment.

To be held for most of its sessions at the historic First Baptist Church of Providence, the event will begin Sunday, June 5, with a celebration at 4 p.m. The activities will continue that evening with a banquet.

The conference portion of the anniversary gathering will be held Monday and Tuesday, June 6 and 7. Conference speakers are to include, among others, Edwin S. Gaustad, professor of history at the University of California (Riverside), who will give presentations on Roger Williams and John Clarke, and Virgil A. Olson, emeritus professor of Bethel College and Seminary, St. Paul, who will discuss ethnic Baptist beginnings.

The conference will move on Monday afternoon to Newport, Rhode Island, where conferees will hear Dr. Gaustad's presentation on John Clarke and see another city that claims — with Providence — the first Baptist church in the colonies.

Inexpensive housing will be available in Brown University dormitories at \$14.30 (double) and \$17.60 (single) per night per person. (Those wanting other accommodations can make arrangements with the Biltmore Hotel in Providence.) In addition, conferees can purchase meals for Monday and Tuesday at Brown University. The registration fee for the event is

\$50, which includes the banquet on Sunday evening; the fee for individuals in groups of eight or more, senior adults, and students is \$35. Bus transportation to the Monday afternoon conference session in Newport will be available for \$10.

Sponsors for the event include American Baptist Churches of Rhode Island, the Baptist Joint Committee, the North American Baptist Fellowship, and the Southern Baptist Historical Commission.

To obtain more information and registration materials, use the coupon on this page, or write:

Faith & Freedom: Baptist Beginnings
Brown University
Conference Services
Box 1864
Providence, R.I. 02912

Come, celebrate your heritage, faith, and freedom. ☐

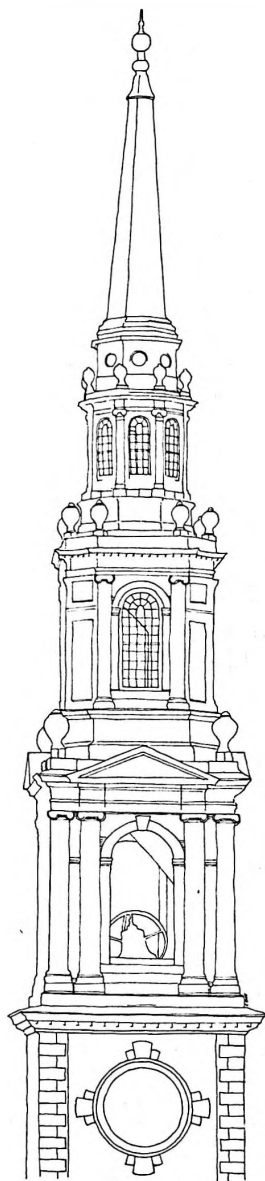
FAITH & FREEDOM

Yes, I am interested in attending Faith & Freedom: Baptist Beginnings in North America, June 5-7, in Providence and Newport, Rhode Island.

Please send me information and registration materials.

Name _____
Address _____

Mail to: Faith & Freedom
Brown University
Conference Services
Box 1864
Providence, R.I. 02912



News in Brief

Supreme Court rejects home schooling appeal

WASHINGTON

Rejecting an appeal by an Ohio couple, the U.S. Supreme Court has declined to enter the legal thicket of home schooling, including the question of whether parents have a religious right to educate their children at home.

Three years ago, Richard and Pamela Schmidt of Columbiana County, Ohio, refused to enroll their daughter, Sara, in either a public or private school as required by Ohio law. Rather, they enrolled the six-year-old in a home study program sponsored by Winchester Christian Academy of Columbus.

Although Ohio law permits home schooling with the permission of the local superintendent of public schools, the Schmidts did not seek permission for Sara's home schooling because they thought they were in compliance with the law and because they refused on religious grounds to submit their case to a public official.

According to their attorney, Michael P. Farris of Great Falls, Virginia, the Schmidts refused to seek the necessary permission because "to submit their curriculum and instructional materials to the control of a public school superintendent who works in an environment which necessarily excludes God ... would result in excessive restriction on their religious duty."

Public schooling for Sara was out of the question, Farris elaborated, because of the Schmidts' convictions that the Bible commands parents "to personally train and teach their children according to God's principles" and that the public school system and curricular materials "present a view of the world which is contrary to their religious beliefs."

After failing in repeated efforts to deal with the impasse, school Superintendent Roger Stiller filed a complaint in county court, charging the Schmidts with twenty counts of refusing to send their child to school.

The trial court found the Schmidts guilty on all counts and assessed fines totaling \$800. In addition, the court ordered the couple to enroll Sara in an accredited public or private school. That order has been stayed pending appeals.

Both a state appeals panel and the Ohio Supreme Court affirmed the trial court, specifically refusing to consider the

Schmidts' primary argument that the Free Exercise clause of the First Amendment gave them a constitutional right to educate their child at home. The issue was not addressed, both panels asserted, because the parents had failed to seek Superintendent Stiller's permission for home schooling, thereby thwarting the possibility permission might be granted.

Farris, president of the Home School Legal Defense Association, asked the nation's high court to review the lower decisions in order to consider the free exercise claim and other legal issues.

Countering his appeal, Columbiana County Prosecutor Robert L. Herron defended the Ohio law, saying it "balances the public's need to assure good education with the uncontrolled withdrawal of students for home instruction which could be claimed by anyone, anytime, for any reason."

If the Schmidts prevailed, Herron said, Ohio's compulsory attendance law "would be a joke." □

High court to review teen 'Chastity Act'

WASHINGTON

The Supreme Court has agreed to review the constitutionality of a federal law that provides tax dollars to religious and other groups to discourage teenage pregnancy and abortion.

Enacted in 1981, the Adolescent Family Life Act — sometimes referred to as the teen "Chastity Act" — provides funding from the federal treasury "to promote self-discipline and other prudent approaches to the problem of adolescent premarital sexual relations, including adolescent pregnancy" and to encourage adoption rather than abortion.

The law also specifies that these issues are "best approached through a variety of integrated and essential services provided ... by other family members, religious and charitable organizations, voluntary associations, and other groups in the private sector," as well as those provided by public units.

Accordingly, the law requires all grantees, religious or not, to seek active participation by religious organizations in all programs funded through the statute. Grants are made by the federal Department of Health and Human Services.

Several taxpayers, supported by the American Civil Liberties Union, challenged the law as an unconstitutional es-

tablishment of religion in violation of the First Amendment to the Constitution. Earlier this year, the U.S. District Court for the District of Columbia agreed, striking down the law on that basis. Later, however, the panel specified that the section of the law providing funding for religious groups alone could be severed in order to salvage the rest of the statute.

In its decision, the district court held the law had the primary effect of advancing religion and excessively entangled church and state.

The court noted religious counselors were among recipients of the disputed funds and some programs funded by the law were conducted at locations adorned with religious symbols and administered by members of religious orders.

In addition, the court held "the risk that ... funds will be used to transmit religious doctrine may be overcome only by government monitoring so continuous that it rises to the level of excessive entanglement."

Justice Department lawyers, headed by U.S. Solicitor General Charles Fried, asked the Supreme Court to review the lower decision in part because it displayed "a systematic hostility to religious organizations," a stance that "offends the First Amendment as much as governmental establishment of religion."

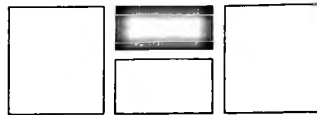
Many other federally funded programs would be threatened by the lower court's analysis, government lawyers added, including programs benefiting the sick, the orphaned, delinquent adolescents, and the poor.

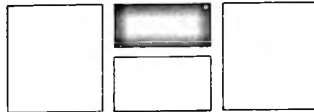
The lower court also failed, they added, because its judgment precludes a case-by-case examination of each religious organization receiving the funds. Only through such analysis can a court determine if a given program is "permissively religious," they said.

On the other side, ACLU attorneys asked the high court to affirm the district court decision, arguing the challenged law "is a clearer violation of the establishment clause than any case ever to reach this court."

Under the "Chastity Act," they argued, "millions of federal tax dollars are being paid directly and indirectly to religious institutions which use the funds to teach government approved religious doctrines on sex and family life values and to provide care services to pregnant adolescents."

Because the law "specifically requires" the involvement of religious organiza-





tions, the ACLU lawyers continued, it "authorizes the use of federal funds to subsidize religious indoctrination as a means of opposing premarital sex, abortion, and birth control for teenagers."

The district court ruling was justified, they argued, because "the principle of separation of church and state could not be a more basic founding principle of this nation."

Under terms of a limited stay imposed by the district court last May, participating religious organizations were to cease receiving funds as of October 1, 1987. But in August, Chief Justice William H. Rehnquist issued a stay of his own that allowed funds to continue flowing to all recipients, including religious groups, pending action by the Supreme Court. □

Group joins Catholics in exemption battle

WASHINGTON

A broadly based coalition of U.S. church bodies has asked the Supreme Court to set aside a contempt citation against the Catholic Church for refusing to turn over sensitive church documents related to its anti-abortion activities in the political arena.

In a friend-of-the-court brief, the church coalition argued the group, Abortion Rights Mobilization, Inc., had no legal standing to attack the tax-exempt status of the Catholic Church on grounds the latter violated federal law by encouraging its members to vote for anti-abortion candidates and otherwise engage in political activity designed to forbid abortion.

A federal district judge last year found the Catholic Church in contempt for refusing to turn over large quantities of documents the abortion rights group claimed would prove the church broke the law forbidding such political activities. Earlier this year, a federal appeals court affirmed the district judge's ruling.

The church coalition, led by the National Council of Churches of Christ in the U.S.A., asked the nation's high court to overrule the lower decisions because churches have a constitutionally protected right to address public issues without risking their tax exemption. Joining the National Council in the brief were the Baptist Joint Committee on Public Affairs, Catholic League for Religious and Civil Rights, Christian Legal Society, Church of Jesus Christ of Latter-day Saints,

Lutheran Church-Missouri Synod, and National Association of Evangelicals.

Written by Loyola (Los Angeles) Law School Professor Edward M. Gaffney Jr., the brief also argued the lower courts improperly denied the Catholic Church legal standing as a witness to challenge the jurisdiction of the district court in the case.

The case has attracted an unusual degree of interest among church-state attorneys because of the potential fallout should the anti-abortion group prevail in the challenge to the church's tax exemption.

One of these attorneys, Baptist Joint Committee General Counsel Oliver S. Thomas, described the significance of the dispute: "It's hard to overstate the implications of this case. If the decision is allowed to stand, groups that disagree with a church's position on controversial issues will be able to attack its exempt status even though the IRS says the church is in perfect compliance with the law. Obviously, this could become a key element in a group's overall strategy on a hotly contested issue."

Thomas said Baptist and other churches that fight legalized gambling, for example, would risk their tax exemptions over waging political campaigns on the issue because "the gambling industry could attack the exempt status of every church that lobbied against a proposed lottery bill." He added, "The churches would then be forced to turn over all sorts of sensitive internal documents and essentially to serve as witnesses against themselves." He said if the gambling industry followed the anti-abortion group's example and named the IRS itself as defendant in a suit for failing to revoke the churches' tax exemption, "the churches wouldn't even be allowed to question the plaintiffs' right to file such a lawsuit."

In the thus-far successful Abortion Rights Mobilization suit against the IRS and the Catholic Church, the district judge found the church in contempt for refusing to produce the documents demanded and imposed a \$100,000-a-day fine until the documents are turned over to the court. One day later, however, the judge stayed the fines while the case was appealed.

Gaffney, one of the country's leading church-state authorities, asked the Supreme Court to review the proceedings in the case thus far "because the sensitive task of revocation of the tax-exempt status of religious organizations should not

be entrusted to private third parties merely because they do not agree with the message of religious not-for-profit organizations engaged in public statements of moral positions on a variety of public policy matters."

Underlying the dispute between Abortion Rights Mobilization and the Catholic Church are provisions in the federal tax code forbidding churches from endorsing candidates for public office or engaging in substantial lobbying activities. While those questions are not at issue yet in the case, attorneys on both sides of the fight believe the courts eventually will have to enter the thicket of debate over enforcement of those prohibitions.

Noting that root question, Thomas said the case "points up the fundamental problem with a tax code that discourages churches from addressing the important moral issues of the day." He added: "It makes no sense to grant churches exempt status and at the same time tell them that if they lobby or engage in political activity they will lose their exemptions. Government benefits should not be conditioned on giving up a constitutionally protected right." □

Court to review limits on charitable solicitors

WASHINGTON

The Supreme Court has announced it will review lower court decisions that struck down North Carolina regulations limiting professional charitable fund-raisers' administrative expenses.

Earlier this year, the Fourth Circuit Court of Appeals in Richmond, Virginia, agreed with a federal district court in North Carolina that the regulatory scheme violated the fund-raising groups' First Amendment right of free speech.

According to North Carolina Attorney General Lacy H. Thornburg, the purpose of the regulations is limited to determining "reasonable expenses" incurred by for-profit professional fund-raisers in spending funds donated by the general public.

The original challenge to the North Carolina law containing the regulations was brought by the state chapter of the National Federation of the Blind.

Previously, the Supreme Court struck down a Maryland law that limited fund-raisers' administrative expenses to twenty-five percent of funds raised, concluding it prohibited free speech. □

Released time, from p. 5

"God is the released time teacher. We recognize a real hunger in them to learn about God."

Second, released time programs undergird the morals, values, and discipline students learn in public schools, she said.

Third, Heck explained, such programs give students the opportunity to talk about God with their schoolmates, who are usually their best friends. "In an urban setting, such as Cincinnati, children often go to church with kids they don't know at all or at least not very well," she said.

Although Heck said the advantages of released time programs outweigh the disadvantages, she did mention such drawbacks as problems with discipline, inadequate time for instruction, and lack of follow-up in homes and communities.

A Baptist church in Cincinnati has overcome at least one of those disadvantages. By offering released time programs to the two elementary schools within its neighborhood, the Southern Baptist Church, a National Baptist Convention, U.S.A., congregation, has been able to reach out to the families of its released time students.

"We are working with the children of our church's service area, so we have a vested interest," said Sharon Jones, director of the church's program. "We have been able to share the problems of our children and their families and provide a support system for them. There have even been times when the schools have called to alert us to problems with which they thought we could help."

"Even though the parents don't go to church, they recognize the need for their children to know about God."

Jones said the congregation began its released time program three years ago. With assistance from Heck, who served as a consultant, Jones led the church in developing its own curriculum and making sure the program did not violate the law.

Jones visited the principals of the two elementary schools to ask their permission in releasing the second, third, and fourth graders who would be participating in the program. "The better the relationship between the principals and the released time personnel, the better the

program is," she said.

Next, Jones and church volunteers handed out parental permission slips to the children as they left school property in the afternoon.

The program, which began with 50 students during its first year, now has reached its maximum of 115 students. Of those students, Jones said, only one-fourth have any church affiliation. "Even though the parents don't go to church," she said, "they recognize the need for their children to know about God."

"[The] viability of released time depends on a three-legged support system of home, church, and school. If respect and acceptance of any one is lacking, released time is bound to be slanted or topple."

Since the program's inception, more than twenty families have joined the church as a result of their children's participation. Although the program avoids teaching Baptist doctrine — it emphasizes an ecumenical stance, teaching general concepts about God and Jesus — Jones said the church regularly sends letters to the children's families inviting them to various church activities.

If a congregation is considering beginning a released time program, Jones said it should be aware that such a program will cost money — for transportation, supplies, curriculum, and the like — and that volunteer help may be difficult to find.

Heck also offered advice for interested churches or other organizations:

- Make sure the program is legal. Remember that the sponsor, not the school, has to do the work.

- Build relationships with the schools and school boards. Few states require schools to release students.

- Develop a broad-based support group for the program. Programs that appeal to a wide range of church affiliations are preferable.

- Do not make students who do not participate in the program feel ostracized.

As a Baptist growing up in Salt Lake City, Utah, Sandy Minchow-Proffitt recalls what it was like to be one of the few students who did not participate in the Mormon Church's extensive released time program.

During her years in junior and senior high school, students were allowed to take a daily released time class. Although she was part of a strong Baptist

church youth group, Minchow-Proffitt said, "I felt the pressure of not being able to participate with my friends in all of their activities."

For one semester, Minchow-Proffitt and three other students from her high school participated in a Protestant released time program. But, she said, continuing the program was just too much work for the one individual who sponsored it.

Echoing many of the same recommendations and warnings already cited by others, Correll concluded her report on released time by stating:

[The] viability of released time depends on a three-legged support system of home, church, and school. If respect and acceptance of any one is lacking, released time is bound to be slanted or topple. First, for accountability, home ties must be strengthened with parent input including curriculum evaluation, tuition, and/or other avenues. Parents need to be clearly informed of goals and content to grant permission for the program of their choice. They can assure their children of religious education short of paying for alternative private schools. Second, the church/temple must be convinced and confident of the essential nature of the concepts being taught for the health of the faith community. Vision for the needs of unaffiliated children in the wider community can be motivation for cooperation in released time. Third, the school's support is "merely" time. In the aftermath of several court cases, caution and restrictions have made both religious and schools leaders timid about challenging the secularization of school hours. However, the competition of private schools, public disenchantment, financial crises, and urgency for some integration of religious and moral knowledge for public school populations may lead to renewed opened doors. School administrators anxious to avoid in-house religious controversies may welcome academically sound learning financed by outside agencies. To satisfy these demands, released time needs highly professional and articulate leadership to organize diverse religious groups for this one legal means of religious expression in the public domain. Spiritually alive, pedagogically and theologically trained teachers are a necessity. If released time excites the respect and spiritual imaginations of children in their daily school life contact, released time dare not be neglected as a vital option in religious education. □

A Tribute to Porter Wroe Routh 1911-1987

Religious freedom lost a true champion November 7 with the death of longtime Southern Baptist Convention leader Porter W. Routh.

Devoted to this cardinal Baptist principle as both divine gift and fundamental human right, Dr. Routh will be sorely missed at the Baptist Joint Committee, where his advocacy for the cause of freedom was played out over a thirty-year span as trustee and administrator.

Porter Routh was a layman who led the nation's largest Protestant denomination during the period of its most explosive growth. From 1951 until his retirement in 1979, he skillfully managed one of the most complicated pieces of denominational machinery in all of Christendom. He led the SBC Executive Committee in overseeing the far-flung missionary and educational enterprises of a denomination that at the same time was surging out of its historically regional mold and becoming instead a truly national body.

The Lockhart, Texas, native grew up in the home of one of Southern Baptists' most celebrated journalists and statesmen, Dr. E. C. Routh. Porter Routh himself was a journalist, serving from 1942 to 1945 as editor of the *Oklahoma Baptist Messenger*. After that, he was secretary of the Baptist Sunday School Board's Department of Survey, Statistics, and Information and senior secretary of the SBC.

But Porter Routh's influence and contributions stretched far beyond his own denomination. In each of his significant positions and most of all as chief executive officer of the Southern Baptist Convention, he played large roles on other Baptist stages as well, including the Baptist World Alliance and the Baptist Joint Committee on Public Affairs.

Here at the Baptist Joint Committee, he always will be remembered as the person who served longer as a trustee than anyone else — the full twenty-eight years of his tenure as SBC Executive Committee secretary-treasurer. Beyond that, he was our chief of staff during the period be-



Photo by Don Rulledge

Porter Routh (left) accepts the first Joseph Martin Dawson Religious Liberty Award in 1986 from BJC Executive Director James Dunn (center) and then-Chairman Wesley Forsline.

tween the administrations of James E. Wood Jr. and James M. Dunn. It was in that role of interim executive director that we who worked here then knew him best. And it was in that role that we best observed the human qualities that were such an important part of Porter Routh, leader of Baptists.

Along with his mate of fifty-one years, Ruth, he spent the latter half of 1980 here, displaying his legendary administrative skills and providing needed stability through transitions not only in this agency's leadership but in the nation's as well.

He believed in the Baptist Joint Committee and its half-century witness to religious freedom at home and abroad. He knew that the work of the kingdom is accomplished in large measure by institutions, flawed as they always are. He understood that in the current climate of debate among Baptists over separation of church and state an important denominational distinctive is at stake. He was especially concerned that the Southern Baptist Convention maintain and even strengthen its participation in and support of the Baptist Joint Committee and what it represents.

Thus it was predictable that Porter Routh was present in Nashville last Sep-

tember when the Executive Committee began its current debate over continued SBC participation in the BJC. This writer's last opportunity to sit next to this giant of a man was there. Typically, he had open in his lap the bylaws of the SBC, pointing with animation to chapter and verse demonstrating the institutional relationship between SBC and BJC. "They just can't do that!" he exclaimed, referring to the proposal that participation and financial support be withdrawn immediately from the former to the latter. Not only did he believe in what the BJC has accomplished and represents, he insisted on fair play, on doing things decently and in order.

But we remember him for more than leadership. He was a warm and gentle man, whose firm handshake and straight-in-the-eye inquiry about one's family's well-being were unfailingly genuine. He modeled for us, as he did for everyone else with whom he worked, that paradox Jesus came teaching, "Whoever would be great among you must be your servant, and whoever would be first among you must be slave of all."

He cared deeply about people and causes. Thus he lent his considerable influence among fellow Baptists to prom-

Continued on p. 14

INTERNATIONAL DATELINE



Notes from Europe: Bibles through barriers

KORNTAT, WEST GERMANY

There is little doubt that the search for meaning now taking place in Eastern European nations, especially among those disenchanted with Soviet-style socialism, has spurred the efforts of persons engaged in providing Bibles to churches and individuals. Nor is there doubt that Bibles are finding their way into these hands surreptitiously and that the practice promises to continue until governments open their borders to the free inflow of religious materials.

Speaking with a credible source now engaged in advancing Christian witness in Eastern Europe, I learned that the veiled practice of taking Bibles into the Soviet bloc is never referred to as "smuggling."

"That would be to accept the government's definition," I was told. "They categorize Bibles and other Christian literature as contraband — along with pornography, drugs, guns, illegal money. But the Bible is not a prohibited book," he said. "Smuggling also suggests avoidance of legal duties, an illegal enterprise for mass profits. That is not our business." This source required anonymity in order not to jeopardize his freedom to travel.

He said further, "We try to provide Bibles through official channels because it is better and less expensive. If that is not possible, we then use other means. Our only concern is to help Christians and churches."

Who are the people engaged in carrying Bibles to Christians in the Eastern bloc and the Soviet Union? My friend emphasized that "as Christians we are loyal citizens. We want to obey the state. But there is a point at which we are faced with a choice: do we obey God or man? For me it is simple — obey God!"

He said, "I can personally put up with the harassment at worship services. But I cannot live without my Bible. There is no substitute. Yes, I have listened to audio tapes — but I cannot pour over them in study as I do with the printed word."

To demonstrate the growing interest in religion, he estimated that ninety percent of all books crossing into the USSR are religious in content. Among this material are Bibles, teaching aids, devotional and children's literature, commentaries, and hymnals.

Still, it becomes apparent that the sending of Bibles holds top priority. Scarcity in the USSR makes the Bible expensive. That scarcity will be relieved somewhat by the Baptist World Alliance, which is in the process of providing 100,000 Bibles. My friend points out there are over 280 million citizens of the USSR. There is also a heavy emphasis among Baptists on personal evangelism in which the Bible plays a central role — Christians want to give them to others in hopes of effecting conversion.

One pastor in an eastern USSR city responded to my friend's query about the



Victor Tupitza

Bibles he had already received. Of that 100,000 his portion was 100 copies for his congregation of 800 persons. For these he expressed gratitude but added, "If I had 10,000 Bibles I would shout 'Hallelujah,' but it would still not be enough. Everyone, especially new converts, would like a Bible, but there are none to give."

The situation in Romania is equally grievous for Baptists, notwithstanding the government recently having granted permission for the printing of 10,000 Bibles. It is the first such printing in ten years. I was told that to date only about 3,000 have been printed, accompanied by a great fanfare of publicity; the remainder are to be printed when the "paper scarcity" has been overcome. Romania's action, it was suggested, came because of its concern to retain Most Favored Nation trading status with the United States. My friend here explained, "Obviously, most of the Bibles must be brought in from

abroad to meet the needs of 1,000 Baptist churches and some 200,000 members."

Bible societies in the West maintain their commitment to supplying scriptures for distribution in the Soviet Union. This work draws little of the attention associated with "Bible smuggling" groups. Yet it is highly effective and supportive of Christians of many persuasions. There are also the small, often hand-built, printing presses in the USSR, turning out limited quantities under trying conditions.

The whole enterprise is extremely serious and businesslike. Within days of this interview I watch my friend prepare for a trip into an Eastern bloc country. He says he will carry "only a few Bibles and commentaries, some devotional literature." I take him at his word, although the length of this journey causes doubt. To take some food and clothing to the churches may account for only one of the purposes for that trip. He says that when the border authorities see the religious material he will carry openly, "they will tear my vehicle apart to see if I have more." These trips are part of an ongoing relationship with churches of that country. His description of them tells me this one may be an anomaly: "When it comes to the delivery of Bibles, if you don't conceal them, why go?" □

Victor Tupitza

[Mr. Tupitza, on sabbatical in Europe, is editor of REPORT from the CAPITAL.]

Italian Protestants united on public schools

ROME

(EBPS) — Italian Protestants have united in a struggle against the Italian government and the Vatican state over religious education in the public schools. "In the history of the evangelical movement in Italy, there are no precedents for such a great degree of unity among virtually all of Italy's non-Catholic Christian groups," says the Reverend Paolo Spanu, president of the Italian Baptist Union. As a member of the central committee of the Federation of Protestant Churches in Italy (FCEI), which is dealing with the complex issue, Spanu helped frame a letter sent last fall to Monsignor Ugo Poletti, president of the Italian Bishops Conference.

The letter begins, "Dear Brothers in Christ . . ." and is signed by FCEI President Aurelio Sbaffi, even though the entire federation council approved its wording. The FCEI appeals to the conference



on the basis of "the mutual faith in Jesus Christ who is the Lord over all of us" and requests that the Catholic bishops

- stop making Catholic instruction in public schools so central an issue;

- stop the practice of requiring attendance in religion classes by methods such as manipulating course schedules and forcing all students to remain on school premises during religion class hours; and

- stop trying to make the teaching of Catholic doctrine in public schools tantamount to teaching "nonconfessional religious culture." The FCEI stated in effect that Protestants would welcome a more nonconfessional approach to religious instruction, including the teaching of the Bible and religious history.

The issue involves religious liberty. Although the Italian constitution guarantees freedom of religion for all, since 1929 Italian governments have abided by a concordat with the Vatican. This agreement established various "privileges" that Italy granted the Vatican. Among these privileges is the requirement that all school children take an hour of Catholic religious instruction. Indeed, most of the 18,000 public school teachers of religion are priests or other Catholics.

In 1986 Italy's Minister of Education Falucci and Monsignor Poletti reached an agreement that modified the old law and extended it to include religious instruction even to children in state kindergartens. The modifications were never discussed by the Italian parliament and were therefore rescinded by court decision. But even now religion teachers continue to participate with full status in teachers councils, which regularly deliberate students' grades (whether or not the students are enrolled in religion classes).

The Falucci-Poletti understanding also specified that students wishing to be exempted from this "hour of religion" must remain in school, even when the religion class is scheduled for the last hour of the day. "Imagine how unjust this is in our democratic nation," objects Spanu. "The companion of my son or daughter chooses in complete freedom to take the hour of Catholic religious instruction; as a consequence, my child is required to remain 'in prison' at school for an hour which he had chosen to avoid."

The government has tried to come to grips with the problem; however, the struggle for Protestants is not over. They must still fight for their constitutional right to exist in Italy, "without experienc-

ing discrimination of any kind," as law number 449, enacted in 1984, specified.

"I would not say religious liberty is diminishing in Italy. On the contrary, it is likely we are experiencing the last spasms of constantinian Christianity," stated Spanu. □

Swedish government ends function of state church

STOCKHOLM

(EBPS) — After considerable debate, the Swedish Parliament has taken steps that will relieve the Lutheran state church of secular duties it has carried out for several centuries. When the new law goes into effect in 1991, the church will no longer serve the Swedish state as its registry.

The present law requires that every newborn baby in Sweden, whether Lutheran or not, must be registered in the church. Persons emigrating to Sweden from other countries are likewise registered by the state church. Birth certificates must be requested through the local Lutheran pastor, who is personally responsible for these records. According to some Lutheran Christians in Sweden, this involvement with the state has led to strong church-state relationships. The recent action by Parliament is thus viewed as a step toward the separation of church and state.

In the Swedish Baptist publication *Veckoposten*, editor Bo Swedberg expressed his satisfaction with the decision, which he regards as a victory both for the free churches in Sweden and "for those [persons] within the Lutheran church who are working for the separation of church and state." Both groups see this action as an important step in that direction.

According to one Lutheran source, Swedish Lutherans are divided over the issue. Those who oppose the action by Parliament are committed to the "folk state church" idea. Others favor the decision because it will free Lutheran pastors from what has been a rather secular and time-consuming task. "There are many sensitivities involved here, both theological and otherwise."

At the same time, Swedberg states, "It is unreasonable in our pluralistic society for a [Christian] denomination to be responsible for this matter which is so obviously a state function."

It will take years before complete sepa-

ration can be achieved in Sweden, even though the idea of separation now enjoys a majority status in Parliament. On the other hand, Swedish Baptist reaction to the change in Swedish law is clear. Commented one Baptist, "We welcome this initial step." □

Malaysian Baptists arrested in gov't action

KUALA LUMPUR, MALAYSIA

(BP) — Five Malaysian Baptist leaders were among ninety-three people arrested in late October in Kuala Lumpur as the government took drastic steps to defuse racial and religious tensions between ethnic Chinese and ethnic Malays.

Tensions have heightened in the nation of 16 million people in recent weeks as racial incidents apparently sparked demonstrations. Malays constitute about fifty-five percent of the population, Chinese thirty-seven percent, and Indians most of the rest. There are 7,000 Baptists in sixty-seven churches in Malaysia. Nearly ninety-five percent of those are ethnic Chinese; the rest are Indians.

Three of the Baptists arrested are affiliated with the Malaysia Baptist Convention. One was James Lai, pastor of the First Baptist Church of Petaling Jaya, one of the largest Baptist churches in Malaysia. The three convention-affiliated Baptists are ethnic Chinese, according to Jac Weller, chairman of SBC missionaries in Malaysia.

Besides the Baptists, others arrested in preceding weeks included political opposition leaders, leaders of different racial groups, academics, environmentalists, consumer and social activists, and other Christian leaders. "The overwhelming majority of those arrested are ethnic Chinese," said Weller. He added that about five or six of those arrested are Malay Muslim extremists.

The government closed three newspapers for allegedly printing information prejudicial to the nation's internal security. In addition, public rallies were banned and police set up roadblocks in Kuala Lumpur to search vehicles.

Authorities said the crackdown was an attempt to thwart the type of civil unrest that killed more than 500 people during Malay-Chinese racial clashes in 1969. The official government stance is that those arrested are threats to the national security. □

Michael D. Chute

Quoting

Robert S. Alley
James Madison Symposium
Madisonville, Kentucky

Over a long history, Christian leaders in America have warned of the dire threat of secularization. Most often this has been associated with the potential loss of hegemony. Thomas Jefferson's biographer, Dumas Malone, observed: "There was a de facto Christianity by the middle of the eighteenth century, predominantly Protestant..." Even in twentieth century America strong voices have been heard denouncing secularism. Forty years ago J. Paul Williams wrote: "I object to an interpretation of the law which makes it illegal for a Christian or Jewish teacher to refer to the fundamental tenets of his faith but which protects the secularist in the advocacy of mechanistic philosophy."

Yet rational citizens would be well-advised to ask whether public education has devolved to that mechanistic approach. The evidence adduced by those who claim this condition in the schools has all the marks of dissembling. Some would have us believe that schools providing freedom to read and that teach about evolution, self-autonomy, situation ethics, sexual free-

dom, death, internationalism, and socialism are participating in the promotion of anti-God humanism.

Should we not stop to inquire who is doing the teaching? I recently participated in a symposium held in Richmond that celebrated the 200th anniversary of the Jefferson Statute. In a group discussion period, a lawyer from a conservative evangelical organization made the stock charges suggested above. He then realized he was in the midst of a large number of Virginia public school teachers, almost all of whom quickly challenged their critic. The most effective was a devout Baptist teacher from Norfolk who made it clear that she saw herself responsible to respect the views of each child because it is right, not because of a court action. Public school teachers are our neighbors, our friends, fellow citizens who dedicate their lives, at low pay, to serve a secular republic. □

[Dr. Alley's new book, *The Supreme Court on Church and State*, will be published this year by Oxford University Press.]

Reviews, from p. 16

these subjects. The issues raised are interesting and, indeed, provocative.

The final section examines the clash of church and state in South Africa. Throughout the volume, readers can see that Villa-Vicencio is making a case in order to apply it to the problem of apartheid in South Africa.

Between Christ and Caesar is an interesting source of contemporary primary texts on church-state relations. Like so few volumes, it examines church-state relations of the twentieth century. The treatment of the prophetic role of the church in South Africa would be a strong reason for this volume to be on reading lists at seminaries and universities in the near future.

But the work is not without problems. In the treatment of the "Classical Period," there is a noticeable absence of any reference to church-state developments in the eighteenth and nineteenth centuries and no discussion of the lively experiment in the United States. Surely any treatment of the history of church-state relations is incomplete without discussing the religious liberty guaranteed

by church-state separation (as is found in the United States). After all, religious liberty has been called the greatest contribution to Western civilization.

Another problem is the author's failure to identify other models of church-state relations. Does Villa-Vicencio think that the prophetic role of the church in dealing with the state is the only possible legitimate relationship? His treatment of church history neglects other models that have been attempted.

Finally, in spite of what the title may indicate, the book is not intended to be a source of primary works on church and state from the classical and contemporary periods. Instead, the author primarily seems to intend an examination of church-state relations in the twentieth century with special emphasis on the problems in his native country.

On balance, however, *Between Christ and Caesar* offers a unique perspective on the modern problems of relating church and state. For its collection of primary documents on various issues, this book would be a worthy addition to the libraries of church-state observers. □

Jeffery Warren Scott

Routh, from p. 11

ing the American Bible Society (to which the family has asked that memorial gifts be made) and the Boy Scouts of America, which conferred upon him its Good Shepherd Award.

In the mercy of God, our friend Porter was not asked to suffer long with the abdominal cancer discovered only a week before his death. Although he had been ill for only a short while before the discovery, he had come to terms with his illness and had it in perspective. At the memorial service in his beloved First Baptist Church of Nashville, Tennessee, his longtime friend Donald Ackland told of another friend's visit to the hospital during that last week and of Porter's typically simple and straightforward assessment of his situation: "I've had a good life; it's time to go home."

Dr. Routh is survived by his wife, the former Ruth Elizabeth Purtle, and by five children, seven grandchildren, and three sisters. □

Religious Liberty in Review



As the nation celebrates the bicentennial of the Constitution, you have the opportunity to learn more about one of our great American freedoms — religious liberty.

Watch and listen as three Baptists discuss the biblical and historical basis for religious liberty, as well as current applications and implications of that freedom.

This 28-minute VHS videocassette, introduced by television newsmen Bill Moyers, is available for \$10, postpaid, from the Baptist Joint Committee. A free discussion guide for group use also is available.

Write: Baptist Joint Committee
200 Maryland Ave., N.E.
Washington, D.C. 20002
Or call: (202) 544-4226

REFLECTIONS

James M. Dunn
Executive Director



Who cares that Baptists are fighting? They have always fought. Bill Moyers says his daddy used to paraphrase a scripture by saying, "Where two or more are gathered together, they fight."

It might be easy for one to dismiss the struggle going on in Southern Baptist life as no more than a "preacher fight" or a parochial squabble. So, who cares?

Everyone should care, according to Moyers, the respected television news analyst. The Southern Baptist conflict "has already roiled the political landscape, and I think what happens is going to be a powerful social, cultural, and political force in American life for some time to come."

It's not simply that the denomination is the largest U.S. religious aggregation outside the Roman Catholic Church. Something is happening among Southern Baptists that reflects the climate in the country and in turn affects attitudes and the shaping of public policy.

Moyers contends, "What's new is the determination of [a] sizable faction [in the SBC] to tell other Southern Baptists how to interpret the Bible, to make one view of the Bible — their view — the test of religious and political truth. This is the first time," he says, "that a significant faction is trying to impose an orthodoxy on a denomination long noted for having none."

We at the Baptist Joint Committee care about the Southern Baptist battles. This Washington witness is confronted by some members of the Southern Baptist Public Affairs Committee (PAC) who express the sentiments of that faction and would follow its agenda. (See the previous issue of *REPORT*.)

Whatever the group's motives or intentions, they would redefine politically the work of this fifty-one-year-old Baptist Joint Committee. They would destroy the "jointness" of the Baptist Joint Committee. And they would depart from the Baptist way in church-state relations. So, we care about the Southern Baptist battle.

All those outside the Southern Baptist fold need to know that the Southern Baptist Convention, meeting at Kansas City in 1984, explicitly rejected an attempt to deny funding to the BJC. Then again in 1986 at Atlanta the SBC turned aside an attack on the BJC, with the result being a year-long study of the BJC. Once again in 1987 at St. Louis, the convention affirmed its relationship with the BJC as well as approved a record allocation for the agency. Those who persist in opposing this religious liberty agency do so in defiance of the repeated actions of Southern Baptists in their national convention meetings.

Who cares? Grass roots, mainstream Southern Baptists across the nation. They are aware of what is taking place, and they spoke out in their state conventions this fall.

They repeatedly made clear they do not want to endorse nominees. (The PAC had called upon the BJC to endorse Robert H. Bork.) In *Virginia* Baptists expressed "opposition to the endorsement of any candidate for public office . . . executive, legislative, or judicial." *South Carolina* Baptists saw the "long-held and greatly cherished Baptist tenet . . . of the separation of church and state" as requiring them to "refrain from endorsing particular candidates." *The Alabama* Christian Life and Public Affairs Commission went so far as to "call upon the Southern Baptist Convention's [PAC] to

withdraw its endorsement and refrain from endorsing or opposing political candidates, political nominees, or political parties."

Missouri Baptists voted almost unanimously to "disapprove a Baptist entity's endorsement of any person for a civil office, local, state, or federal." Neighboring *Oklahoma* Baptists in convention said nearly the same thing. They pointed out that *Oklahoma* Baptists "have historically avoided public endorsements" and suggested that "Baptist agencies should refrain from organizationally endorsing candidates or attempting to speak for Baptists in elective or appointive politics."

North Carolina and *Texas* Baptists used their well-attended state conventions to express similar sentiments. The Union Baptist Association of Houston, Texas, (the largest local association in Baptist life) passed a strongly worded resolution with the same message. Baptist state conventions and associations close to the people in the local churches clearly did not approve of any committee of their denomination endorsing a nominee for the United States Supreme Court.

The conventions also affirmed the cooperative nature of the BJC. In a variety of ways and wordings, Baptist associations and state conventions across the nation passed resolutions and issued statements standing by the "jointness" of the Baptist Joint Committee. *Virginia* Baptists lamented the action of the PAC, which "fragments the Baptist witness to the principle of religious liberty." Baptists in *North Carolina* pointed out that "the Southern Baptist Convention has repeatedly affirmed its commitment to the work and witness of the Baptist Joint Committee on Public Affairs by rejecting calls to alter that commitment," and pledged to the BJC "continued support." Actions in *Missouri*, *New York*, *Alabama*, and *Texas* through state convention channels made clear the strong support for a joint venture in Washington of various Baptist conventions and conferences.

Especially significant were the actions taken by the *Virginia* and *Texas* conventions to guarantee continued financial support for the BJC, whatever may be done through the mechanism of SBC budgeting.

Local churches, associations, and state conventions have also given the BJC a vote of confidence regarding its agenda. There is a "Baptist way" in church-state relations. It is known, understood, and defended at the local church level far better than some revisionists may understand. No statement expresses that view of "traditional Baptist positions" better than the one passed unanimously by the General Board of the Baptist State Convention of *North Carolina*, September 19, 1987:

The Baptist Joint Committee has clearly articulated traditional Baptist positions regarding religious liberty and the separation of church and state. We have agreed, and continue to agree, with the stances of this committee regarding tuition tax credits and other plans to use tax money to assist religious schools, regarding the naming of an ambassador to the Vatican, regarding required or coerced religious observances in public places, regarding equal access by religious groups in public forums, and regarding government encroachment on mission dollars and annuity programs. Some Baptist fights are worth fighting. □



REVIEWS

Religion and Republic: The American Circumstance.

Martin E. Marty. Boston: Beacon Press, 1987. 391 pp. \$25.00.

This book traces the record of a people that has grown ever more pluralistic and yet has found reasons to develop enough common spirit to have creative arguments and survive. That American religious pluralism is valued in this book comes as no surprise to those who know the work of Martin Marty.

The book begins with a survey of contemporary religion, accenting the discovery of its abundance in a society legally constituted as secular.

Next appears an elaboration on the context of public religion, civil religion, and public theology. These three concepts are matched by three others: spirituality, in a secular setting; scripturalism, the devotions of the Bible; and experiment, the vision of a pluralist republic through the eyes of foreign visitors.

The book then deals with the pressures created for pluralism as the "landscape" turned to "cityscape." One chapter discusses Roman Catholicism in its ghetto experience and then shows how many other ghettos there have been and are. Several chapters discuss groupings that were once seen to be outside the mainstream: southern evangelicals, fundamentalists, and Mormons.

The final part summarizes the transpositions of powers late in this century. An epilogue points to signals that might inspire confidence in a time of travail for pluralism. Marty concludes:

The America of the "little white church and little red school house" was not, by any historical measure, more church-going, more religious, more literate, necessarily more moral, than is contemporary America.

More decisively for the present point, did the absence of pluralism solve much of anything? Take one test case. If ever in American history

there was consensus over values, here is a time: when the Protestant empire produced "sameness" and homogeneity. When people across the nation agreed on the authority of the Bible, on God and Christ and heaven and hell and rewards and punishments and law and order. The peak of that consensus building came just before the 1860s, when this Protestant nation divided over the most profound social values and issues and engaged in the bloodiest imaginable civil war.

Of special interest to many readers of *REPORT* is the chapter "New Faces of Southern Evangelicalism." While avoiding the stresses currently convulsing the Southern Baptist Convention, Marty observes:

Let the media deal with the more exotic and esoteric Eastern-based occult and cultic movements; the real power and the greater share in American destiny will probably emerge from the course southern evangelicals take. If they should regress, as it were, to intransigent forms during the *Battle for the Bible*, they are likely to become very strong in a defined subculture. If they should consolidate some of their gains made along the lines of ultra-modern appeals, by converting them to stronger communal and congregational life — as they do in many locales — it is likely that the subculture will be less well defined but more potent.

The introduction promises, "Almost all readers will find almost all of the volume to be a fresh encounter." Still, this book has the flavor of a kind of potpourri — a collection of graduate school church history colloquia — bounded by an introduc-

tion and a conclusion.

Readers familiar with the unsurpassed contributions of Martin Marty to the understanding of the American religious circumstance will find little entirely new here. Perhaps the volume's greatest value is to collect and focus Marty's thoughts on America and her circumstance in the mid-1980s. □

Mark S. Caldwell

Between Christ and Caesar: Classic and Contemporary Texts on Church and State.

Charles Villa-Vicencio. Grand Rapids: William B. Eerdmans, 1986. 269 pp. \$16.95 paper.

Charles Villa-Vicencio, an associate professor at the University of Cape Town, attempts to demonstrate in this work that the prophetic role of the church can be found throughout church history, and that this role is the appropriate model for church-state relations. To achieve his purpose, Villa-Vicencio leads readers through several key documents in church history. The book is divided into three parts, each with a summary of the views of church-state relations in the division considered and a brief collection of representative writings.

The first section examines the "Classical Period" and considers primary writings of the early church, the medieval church, the Reformation, and the radical reformers. This brief survey constitutes one-third of the book.

The second section is devoted to church-state cases in the "Contemporary Period." Here Villa-Vicencio examines the church-state issues related to the Third Reich, Vatican II, liberation theology, the black church, the African church, and the Eastern Orthodox church. Even though this section takes up half of the book, the reader will likely enjoy the extended discussion of many of

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