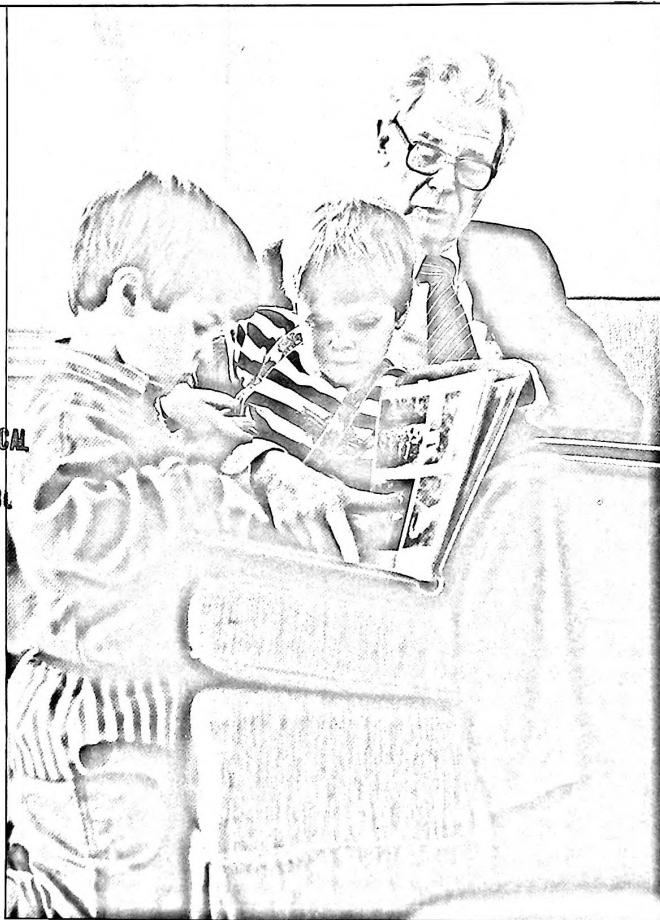


April 1988

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REPORT from the CAPITAL

SOUTHERN BAPTIST HISTORICAL
LIBRARY AND ARCHIVES
Historical Commission, SBC
Nashville, Tennessee



Remembering Who We Are

REPORT from the CAPITAL

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

Vol. 43, No. 4

April 1988

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Why Baptists Remember

Without memory, people would be condemned to make the same mistakes again and again. Even with memory, avoiding repetitive errors can be difficult enough, for both individuals and societies.

Whether or in whatever sense history repeats itself, people seek in the memories of a society to learn not only of the past, but of the present and future as well. Holding before them the people and events of times ancient or recent, they hope to learn from both success and failure as they chart a course for history yet to be.

Baptists still remember their own past in Europe and America. Such acts of remembering by Baptists are more than a self-interested effort to prevent the persecuted (Baptists) from becoming the persecutors. They are also part of an attempt to thwart the efforts of any who would deny religious liberty — whether they be Catholics, Jews, Protestants, or atheists.

Thus, Baptists recall their heritage not because they are stuck with it but because it is worth remembering. And for that reason they call those among them to remember it, too.

In this issue, C. C. Goen through a variety of perspectives reminds us of who we are — as people, as Americans, as Christians, as Baptists. Andrew S. Chancey completes a series of articles related to the Faith & Freedom conference June 5-7, which will provide an excellent opportunity for celebrative remembering by Baptists.

In June Baptists will also observe Religious Liberty Day (see coupon on p. 14). This year's theme, "Constitution and Covenant: Making the Distinction," calls us to remember the beginnings of our national and faith communities, the differences between those communities, and the significance of religious liberty for each. All these articles and efforts reflect the ongoing commitment of Baptists not to forget a common heritage worth remembering — for our neighbors as for ourselves.

* * *

Next month Victor Tupitza returns to this space and resumes responsibilities as editor of REPORT after a six-month sabbatical. He spent most of his time at Licht im Osten in Munich and at Keston College in England, where he studied the nature of Christian life and witness in Eastern Europe and the Soviet Union. Readers can look forward to seeing the results of his work in future issues. □



Victor Tupitza

Vic Case



news/views/trends

● **A MIAMI WOMAN** who failed to win custody of her daughter because she belongs to the Jehovah's Witnesses sect has failed to persuade the Supreme Court to review her complaint that the custody decision violated her religious rights.

Rita L. Mendez was divorced from Ignacio Mendez after converting from Roman Catholicism and joining the sect in 1983. The couple's daughter, now six, became the object of the protracted legal battle decided after a trial court in 1985 awarded "residential parent" status to Ignacio, a nonpracticing Catholic. The court further decreed the parents would have "shared parental responsibility" for their daughter's upbringing. A three-judge state appeals court later upheld the trial panel in a 2-1 decision.

Backed by the parent organization of Jehovah's Witnesses — the Watchtower Bible and Tract Society of New York — Rita Mendez asked the high court to strike down the lower rulings on grounds they violated the First Amendment's guarantees of free exercise of religion and no establishment of religion.

● **RECENT ACTIONS BY** the Southern Baptist Convention Executive Committee affecting the Baptist Joint Committee received attention during a meeting of the Washington-based agency's executive committee.

In February, the SBC executive panel

-- agreed to cut the SBC allocation to the Baptist Joint Committee by 10.7 percent for the 1988-89 fiscal year;

-- refused to act on a proposal by the Southern Baptist Public Affairs Committee — the SBC's representation on the BJC — to dissolve SBC institutional and financial ties with the religious liberty organization;

-- agreed to continue sending SBC funds directly to the Baptist Joint Committee, which is composed of nine Baptist conventions, rather than through the Public Affairs Committee; and

-- refused to allow the Baptist Joint Committee to have exhibit space at the 1988 SBC annual meeting without PAC approval.

BJC executive committee members said they are pleased with the action to retain SBC ties with the Baptist Joint Committee, but are

concerned over the reduction in SBC funding.

Voicing support for the decision not to consider severing SBC ties, John Binder, BJC member and North American Baptist Conference executive director, said he thinks the concept of jointness is stronger when financial support comes to the BJC through the SBC Cooperative Program rather than through individual Southern Baptist churches.

"The Executive Committee must have done an awful lot of work," Binder said. "I was pleased."

J. I. Ginnings, a Southern Baptist representative from Wichita Falls, Texas, also affirmed the SBC Executive Committee's decision that "they want us to stay together." Last October, Ginnings voted against the proposal to disaffiliate with the BJC, adopted 8-4 by the PAC.

But Ginnings said he is disturbed by the possibility of having to conduct outside funding efforts because of the cut in SBC support. He said such efforts might weaken future arguments for continued Cooperative Program support of the Baptist Joint Committee.

Harold C. Bennett, BJC member and SBC Executive Committee president, called the potential necessity for long-term fund raising "unfortunate."

To compensate for the 10.7 percent SBC reduction — which represents \$48,400 in funding — the BJC executive committee gave preliminary approval to a 1988-89 BJC budget that would require \$103,600 in outside contributions. Original budget projections called for only \$36,000 in such contributions.

Bennett told the committee he has secured approval from PAC Chairman Samuel T. Currin for the Baptist Joint Committee to have exhibit space at the SBC meeting in San Antonio, Texas. He said the SBC Executive Committee is to study the situation in regard to future conventions.

In addition to discussing SBC Executive Committee actions, the BJC panel agreed on plans to develop a new staff evaluation process. Last October, the BJC refused to give permission for the Public Affairs Committee to conduct an independent evaluation of the BJC staff, but agreed to conduct its own evaluation.

A staff evaluation committee is to bring a report to the full BJC next October.

Remembering Who We Are

Some Baptist Perspectives on Church-State Issues

Baptists in America entered the twentieth century boasting of Roger Williams, Isaac Backus, and John Leland, and praising political figures like Thomas Jefferson who had helped them secure the legal guarantees of religious liberty. In 1900, rhetoric about the "wall of separation" between church and state had not yet come into vogue, although the Supreme Court had used the metaphor once before, in 1878. At the turn of the century, Baptists were more concerned about religious liberty than the specifics of church-state separation, and they defined that liberty within the operating assumptions of the Protestant consensus. Thus they accepted without question devotional exercises in public schools, supported Sunday laws and prohibition, protested the teaching of evolutionary theory, and shared American suspicions about Roman Catholicism as a "foreign power." Despite a growing pluralism in the United States, Baptists and other Protestants had not yet suffered the loss of public esteem that had allowed them to enjoy more than a century of cultural dominance.

According to their view of history, the first three centuries of the Christian era had been a Golden Age, brought to an end by the church's unholy entanglement with the state in the time of Constantine. The corruptions of the medieval state church had been purged only partially by the Protestant Reformation, and it remained for the lively experiment in America to produce the full flower of religious liberty: free churches in a free state. Baptists read that experiment through the lenses of their pietism. They cherished Roger Williams's portrayal of the "garden of the church" separated by a wall from the "wilderness of the world." If that wall were ever breached, they thought, the wilderness would invade the garden and the church would be overcome by the world. Although "world" here does not necessarily refer to civil government, the metaphor was sufficiently graphic to warn Williams's pietistic progeny about the evils of political involvement. Translated into folk wisdom, that came to mean "religion and politics don't mix."

One rarely hears that nowadays. Those in the New Christian Right — as well as the social activists, who are always with us — have their political agendas. This is not only

defensible; it is also commendable. Simply to preach and pray and sing our hymns in private is to fall short of fulfilling our responsibility for the world God has given us. Moreover, we are heirs of a vision that sees the world ultimately brought under subjection to God in Christ, and it is not amiss in Christians to want to see that day come soon.

Problems arise, however, when people do not understand the workings of the voluntary principle. The glory of religion in America is that it is voluntary — which means that churches are free to live out their own convictions about what God requires of them, that they must win and keep the commitment of their members by means of moral suasion alone, and that they must rely solely on their own resources, neither seeking the favor of the state nor tolerating its interference. Citizens are completely free to believe them or not, join them or not, support them or not, obey them or not. The voluntary principle is a unique product of the American experience, and it would not be too much to say that it is the highest achievement of American Christianity.

But like all great blessings, voluntarism brings the inevitable responsibilities of faithful understanding and disciplined obedience — burdens we do not always carry well. Given the dynamics of an ever-changing society, the tensions of widening pluralism, the aggressiveness of alternative religions, and the never-ending debate over what is best for the nation as a whole, it is not surprising that questions about the relation of church and state are never put at rest. Today as never before, we are flooded with a host of issues, some old, some new; and Baptist attitudes reflect a wide diversity of ideas and opinions.

In all the issues being agitated today, the fundamental problem is not whether we can maintain an impenetrable "wall of separation" between church and state. The United States has about 240 million citizens, of whom some 140 million are church members. With that degree of overlap in constituencies, an absolute separation is obviously impossible. The real question is, What is the proper relationship of individual citizens and the private religious institutions to which they voluntarily belong to the agencies and powers of government that exercise authority at many levels? Or, How can we be both responsible citizens and faithful church members at the same time?

When the question is put that way, the long list of issues

Dr. Goen is professor of the history of Christianity at Wesley Theological Seminary in Washington, D.C.

resolves into two main propositions. The integrity of both state and church is violated (1) when the state attempts to control, co-opt, or restrict religious institutions in such a way as to inhibit the free exercise of their conscientious convictions and the fulfillment of their God-given vocation; and (2) when the churches attempt to use the power of the state to accomplish what they find difficult or impossible to accomplish by means of moral suasion, religious nurture, and voluntary obedience.

Both of these violations are going on right now in America, and our situation is perhaps more critical than it has been since Roger Williams resisted the meddling of the magistrates in Massachusetts Bay or Baptist dissenters teamed with Enlightenment rationalists to secure the adoption of the First Amendment.

Perhaps it would be helpful to examine some perspectives from which we can fruitfully address the central problems.

Theological

The two bedrock doctrines of Puritan, Reformed, classical, biblical Christianity, which Baptists before us fashioned into a theological argument for religious liberty, are divine sovereignty and human sinfulness. Because God is absolute sovereign over all creation, and peculiarly over the church, the intervention of any human agency or institution between God and the church is an intolerable affront to God's sovereign lordship. Moreover, because all people are sinners, and corruptions inevitably persist even among the regenerate, every person's understanding of truth is at best partial and finite, even distorted and sinful. Therefore, it is intolerable that any person should attempt to enforce his or her understanding of truth on any other person. The sovereignty of God and the sinfulness of all humanity constitute a fundamental theological perspective from which every question of religious liberty and church-state relationships must be considered.

Psychological

There is an inescapable characteristic of being human that renders coercion in matters of belief totally ineffective. As some of our libertarian predecessors put it, persecution may make martyrs or it may make hypocrites; it cannot make true Christians. That seems so self-evident as to be unarguable. People subjected to religious coercion may resist, even unto blood, and become martyrs to their faith — as many have — or they may shrug indifferently and "sign the creed," but no amount of pressure can convert them to true believers. From a purely psychological perspective, coercion in religion just does not work.

Historical

The unparalleled flourishing of Christianity in the context of American freedom appears to demonstrate the validity of the voluntary principle. History, of course, cannot "prove" this (or anything else) because the evidence is never complete. I simply suggest that church-state discussions can proceed more fruitfully if the discussants are informed about the shifting phases of church-state relationships in American history. We have passed through four such phases and are now in the midst of the fifth. The first was *legal establish-*

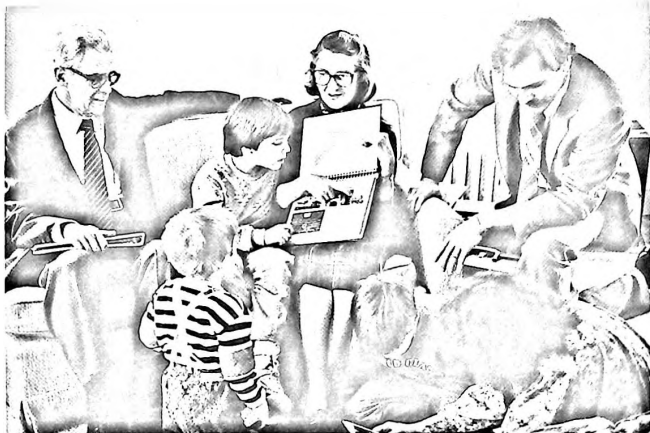


Photo by Kathy Pallen

ment, which certain churches enjoyed in some of the early colonies. These were relics of a state-church mentality that the settlers of these colonies brought from the "half-reformed" societies of the Old World, as some of our radical forebears called them. Then came independence, and the sons and daughters of the American Revolution quickly learned that civil and religious liberty were inextricably connected. *Legal disestablishment* (phase two) came in state after state, and was mandated at the federal level by Article Six and Amendment One of the United States Constitution.

Notwithstanding the legal guarantees of religious liberty, however, the religious character of the new nation was shaped into a "Protestant consensus" that had much of the force of *quasi-establishment*. That is to say, in this third phase, the evangelical Protestantism that had expanded so rapidly under the impulse of the Great Awakening (1740s and following) achieved in the early part of the nineteenth century a social acceptance and cultural dominance that amounted to a form of establishment even in the absence of legal sanctions. That Protestant hegemony did not begin to erode until near the end of the nineteenth century, and its dissolution shortly after World War I has been perceptively designated by Robert T. Handy as the *second disestablishment* — the fourth phase.

What we are seeing now in the turbulence of contemporary church-state disputes is a nostalgic reaction to the disappearance of the quasi-establishment that gave evangelical Protestants decisive influence over many agencies of government, from the local school and the public square to the interpretation of the federal Constitution. We may call this present phase an *attempt to resacralize* the United States, to restore the quasi-establishment practices of the nineteenth century. A recent poll shows that 87 percent of adults in America favor school prayer and 25 percent disfavor separation of church and state. Shocking as that is to those who revere the voluntary principle, there are understandable reasons for it. The main one, I suggest, is that in a nation like ours, with so many different forms of organized churches, the closest thing we can have to an established church is the public school system. That being the case, it naturally follows that the exercises of majoritarian religion must go on in the schools.

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

VIEWS OF THE WALL

Oliver S. Thomas
General Counsel



"With friends like Jim and Tammy, who needs enemies?"

— a church-state attorney

The PTL fiasco continues to haunt the religious community. For the already skeptical, it has confirmed their belief that preachers are every bit as crooked as we lawyers. For the rest, it has made them at least more suspicious and apparently more willing to demand accountability from religious broadcasters. One poll taken shortly after the scandal broke showed that 90 percent of Americans favor some form of mandatory financial disclosure by TV ministers.

Public outrage over the Bakers' excesses has put pressure on Congress and the IRS to "do something." Taxpayers want some assurance that religious organizations are indeed "non-profit," that monies solicited for one purpose aren't being misappropriated for another, and that ministers aren't using their electronic pulpits to attain excessive personal gain through the use of tax-deductible funds.

The Jimmy Swaggart scandal has aggravated the existing problem. Although hypocrisy is not prohibited conduct under §501(c)(3) of the Internal Revenue Code, Swaggart's long-running affair with New Orleans prostitutes further damages the credibility of religious broadcasters.

While the TV preachers were doing their best to convince the public that behind every minister lurks an Elmer Gantry, Jesse Jackson was busy taunting the IRS with his proposed "Super Sunday" campaign. In what appeared to be blatant violation of the Code's blanket prohibition against partisan political activity by tax-exempt organizations, Jackson sought to enlist one thousand churches that would pass the collection plate for his presidential campaign. When questioned, his campaign chairman stated that because the churches themselves didn't contribute the money, this was individual as opposed to organizational political activity and, therefore, permissible.

It is, to say the least, not a good time to be representing religious organizations before the IRS. Yet, that is precisely what I was asked to do several weeks ago. At the invitation of Commissioner Lawrence Gibbs, I addressed the committee of tax experts and IRS officials

that advise the Commissioner on matters pertaining to exempt organizations. Specifically, I reported on a series of meetings that had occurred between the IRS and representatives of some of the nation's leading religious organizations. Because of the importance of these meetings and the prospects they hold for future relations between the religious community and the IRS, I am including for your consideration the full text of my statement:

Mr. Commissioner and Members of the Advisory Group:

Since your last meeting in September, a group of church and synagogue representatives has met with IRS and Treasury officials on three separate occasions. The purpose of the meetings has been to promote better relations between the religious community and the IRS and to engage in constructive dialogue about issues of mutual concern.

The following organizations have participated in these meetings: Baptist Joint Committee on Public Affairs; Church of Jesus Christ of Latter-day Saints; General Conference of Seventh-day Adventists; Evangelical Lutheran Church in America; National Association of Evangelicals; National Council of Churches; Progressive National Baptist Convention; Synagogue Council of America; U.S. Catholic Conference.

I do not purport to speak for the entire coalition or for any of the participating organizations. Rather, I will report briefly on what has transpired at these meetings.

The first two meetings were focused solely upon churches and political activity. The third included television ministries and the Church Audit Procedures Act (I.R.C. §7611).

1. *Political Activity* — There was a renewed commitment on the part of the religious representatives to educate better our constituents about the current provisions in the tax code concerning churches and political activity. Several of the organizations either have disseminated or are in the process of drafting guidelines for dissemination to their members.

A major concern seems to be the absence of a clear, concise statutory definition of "political activity." The vagueness of the current standard has, in the eyes of many religious organizations, chilled constitutionally protected speech.

Specific reference was made to Revenue Ruling 78-248, which includes unbiased issue-oriented speech in the category of prohibited activities. The majority of the religious organizations represented favors an "express advocacy" standard similar to that used by the Federal Elections Commission and applied in the recent Ninth Circuit decision *Furgatch*, 807 F.2d 857 (1987).

2. *Television Ministries* — Any proposed change in the tax laws affecting television ministries is premature. There is no evidence of widespread abuse by religious broadcasters or that current law is inadequate to protect the public against fraud, private inurement, and other illegal conduct.

Apart from the sensitive constitutional questions that would be raised by changing the law, there are additional reasons for restraint on this issue. First, the PTL investigation has not been concluded or made public. Evidence obtained through that investigation may demonstrate that identification of wrongdoers was not and is not as great a problem as some have suggested.

Second, the National Religious Broadcasters recently passed a new code of ethics that requires independent audits and mandatory financial disclosure for all of its members receiving more than \$500,000 per year in contributions. With 75 percent of all religious broadcasters (including eight of the ten largest television ministries*) belonging to NRB, this renewed effort at self-policing should be respected and afforded the opportunity to succeed.

3. *Church Audit Procedures Act (I.R.C. §7611)* — The Church Audit Procedures Act must be retained in order to protect the First Amendment rights of religious bodies. The "reasonable belief" standard contained in §7611 is a modest statutory constraint that preserves the government's interest in investigating bona fide complaints while guarding against the possibility that "routine audits" might be used to harass or intimidate religious

Continued on p. 14

*Oral Roberts Evangelistic Association and Robert Schuller's "The Hour of Power" are not members of NRB. Roberts, however, recently testified before the House Ways and Means Subcommittee on Oversight that his organization has filed IRS Form 990 annually for thirty-seven years.

The First Baptist Church

BAPTIST BEGINNINGS IN NORTH AMERICA

Founded in the fall of 1638, the First Baptist Church in Providence, Rhode Island, celebrates its 350th anniversary this year. The congregation, claiming with its sister church in nearby Newport to be the first Baptist church in America, traces its roots to Roger Williams.

Having adamantly advocated separation of ties from the Church of England, Williams had already made his mark in the colonies. All Massachusetts residents were required to attend the established church; this practice Williams rejected, saying "forced worship stinks in the nostrils of God." Only five years after arriving in the New World on a supply ship, the religious radical was condemned for his views and sentenced to be shipped out in February 1636. Instead, he escaped to an Indian camp and soon settled on land given him by the Narragansett Indians, thereby establishing Providence.

Immediately, Williams began holding worship services in his home. Richard and Catherine Scott arrived in the area in the spring of 1638 and joined his congregation. Mrs. Scott believed that infant baptism was unfounded and convinced Williams that only believer's baptism had scriptural basis. Thus, Williams became a Baptist, and, according to the tradition recorded in Stanley Lemons's forthcoming history of First Baptist Church in Providence, was rebaptized by Ezekiel Holliman in the fall of 1638. In turn, the new Baptist baptized Holliman and about twenty other men and women and founded the first Baptist church in the New World.

After Williams left the Baptist faith a few months later, a series of lay ministers led the church, often serving simultaneously or overlapping with each other. In 1652, during Thomas Olney's tenure, the church began that time-honored Baptist tradition of splitting. In his history, Lemons asserts that the central issue was "the practice of laying on of hands upon all new members before they could be admitted to take the Lord's Supper." Olney opposed the practice

and became pastor of the group that formed a new congregation.

This group also held to the Calvinistic influence that salvation was only for God's Elect, while the Six Principle Baptists, as the original members came to be called, believed that salvation was available to all persons. By 1718 the two congregations had realigned.

In the meantime, the Six Principle Baptists had built the first religious meeting house in Providence. Pardon Tillinghast was a wealthy merchant who also served as pastor. He donated land and money for an edifice built in 1700 and later deeded the property to the church. Competition from Anglicans, Congregationalists, and Quakers as well as the town's expansion contributed to the need for the larger structure built in 1726. The present building was erected in 1774-75.

A second dispute over the practice of laying on of hands occurred in 1732. Pastor James Brown tried to move the congregation away from the practice; Samuel Winsor Sr. led the opposition, overcame Brown, and became pastor upon Brown's death. By 1771, the number of Six Principle Baptists had diminished, and Winsor's son, now pastor, led the group in breaking away from the Providence congregation.

Dr. James Manning followed the junior Winsor as pastor. Manning had come to Rhode Island to establish a Baptist college in the colony. He was the first college-educated minister of the congregation since Roger Williams and was the first to receive remuneration for his services.

Lemons notes that the "Providence Baptist church survived the resignation of its founder and leader, an early schism in its body, the destruction of the entire town during King Philip's War, and appearance of substantial religious competition." Standing firm against these and other obstacles, the church thrived, the denomination flourished, and both now celebrate 350 years of Baptist history in America. □



Courtesy Brown University News Bureau

Engraving (ca. 1790-95) of the First Baptist Meeting House, completed in 1775.

First Baptist Church in Providence will be the site for most conference sessions of "Faith & Freedom: Baptist Beginnings in North America," June 5-7. Participants will visit the church in Newport that also claims the distinction of being the first Baptist church in America.

Leaders are to include Edwin S. Gaustad, Barrie White, Peter Gomes, Virgil A. Olson, Frederick J. Anderson, and Ken Medema. Sponsors, among others, include the Baptist Joint Committee, American Baptist Churches of Rhode Island, and Southern Baptist Historical Commission.

For more information and registration materials, write to Faith & Freedom, Brown University, Conference Services, Box 1864, Providence, RI 02912.

News in Brief

Thomas represents church groups before IRS panel

WASHINGTON

A Baptist church-state specialist told a special Internal Revenue Service panel recent discussions between church representatives and IRS officials on legal problems that have strained relations between the two groups are beginning to pay off.

Although the first meeting of the Commissioner's Exempt Organization Advisory Group last September excluded any formal involvement by church representatives, the panel's second meeting featured a presentation by Oliver S. Thomas, Baptist Joint Committee general counsel.

Thomas summarized discussions on several tax-related issues that took place during recent meetings between church and synagogue representatives and IRS and Treasury Department officials. The purpose of the three meetings was "to promote better relations between the religious community and the IRS and to engage in constructive dialogue about issues of mutual concern," he said.

On the issue of churches and political activity, Thomas said there was a "renewed commitment on the part of the religious representatives to educate better our constituents about the current provisions in the tax code concerning churches and political activity." He added that a number of church organizations either have sent guidelines or are drafting guidelines to send to their members concerning recent tax code changes affecting political activity.

He told the panel a major concern is the absence of a clear, concise statutory definition of "political activity." "The vagueness of the current standard has, in the eyes of many religious organizations, chilled constitutionally protected speech," he added.

Under federal tax law, religious, charitable, and educational organizations, which are tax exempt under Section 501(c)(3) of the Internal Revenue Code and are eligible to receive deductible charitable contributions, are prohibited from engaging in political activities. Late last year, Congress approved a measure that tightened the guidelines governing such activity.

Thomas said a majority of the religious organizations represented in the meetings favor an "express advocacy" stan-

dard similar to that used by the Federal Election Commission. That standard defines political activity as any unambiguous call for action in support of or opposition to a clearly identified candidate for public office.

Moving to the issue of television ministries, Thomas said since there is no evidence of widespread abuse by religious broadcasters or of the inadequacy of current law to protect the public against fraud, private gain, and other illegal conduct, any proposed change in tax laws affecting television ministries is premature.

He cited two major reasons, apart from constitutional questions, for restraint. First, he said, the current PTL investigation may demonstrate that identification of wrongdoers by the government is not as great a problem as some people have suggested. Second, he said, the National Religious Broadcasters' new code of ethics may demonstrate that self-policing efforts by religious broadcasters will be effective.

On another matter, the Church Audit Procedures Act, Thomas told the group the 1984 law should be retained to protect the First Amendment rights of religious bodies. He said the measure contains a "modest statutory constraint that preserves the government's interest in investigating bona fide complaints while guarding against the possibility that 'routine audits' might be used to harass or intimidate religious bodies because of their stands on controversial issues." □

Child care bill includes church-state safeguards

WASHINGTON

Taking a first step to address the nationwide shortage of child care services, a panel of the U.S. House of Representatives has begun consideration of a bill to broaden such programs, including those provided by churches.

During a day-long hearing, members of the House Subcommittee on Human Resources heard representatives from religious, educational, medical, and labor organizations testify in favor of proposed legislation that would create federal child care programs and standards.

The Act for Better Child Care Services, H.R. 3660, would provide \$2.5 billion to states in fiscal year 1989, with 75 percent

of the funds going to help low- and middle-income families pay for child care. The remaining 25 percent would be used to help states start new child care services, train workers, develop referral programs for parents, and enforce child care standards.

Under the proposed legislation, churches would be eligible to receive federal funds for the operation of child care services. But in the interest of protecting the First Amendment, the bill contains a number of stringent provisions to protect against federal funds being used to advance religion.

A religious organization electing to participate would be required to

— Waive its exemptions under federal civil rights laws, including an exemption that allows religious organizations to engage in preferential hiring by favoring their own members;

— Waive all exemptions pertaining to child care services under state and local statutes, including exemptions from compliance with licensing and regulatory standards;

— Hire separate staff members from those employed in any full-time parochial school operated by the organization; and

— Refrain from engaging in "any program or activity that has the purpose or effect of advancing or promoting a particular religion or religion generally."

The legislation also would prohibit religious organizations from using the funds to renovate or improve church buildings or other properties not used solely for secular purposes.

During their testimony, several witnesses mentioned the importance of these church-state provisions.

Mary Hatwood Futrell, president of the National Education Association, said the federal government has a responsibility to assure that child care legislation is in compliance with constitutional law and state and federal statutes regarding the separation of church and state.

"The NEA has historically been deeply concerned that federal resources not be provided to nonpublic and sectarian schools," Futrell testified. "We recognize that this legislation would permit public funds to be used by such providers. And we are prepared to accept this as long as Congress assured that none of the funds appropriated for these programs would be used for sectarian purposes or prac-



tices or in ways that would have a secular effect.

"Moreover, this legislation makes a clear delineation between child care services and educational programs. We believe this delineation is crucial. Funds appropriated for child care of school-age children must not be used for any services provided to students during the regular school day, for which students would receive academic credit, or that would supplant or duplicate the academic program of any school."

E. Robert Goodkind, chairman of the American Jewish Committee's Family Policy Task Force, alluded to current efforts by some groups to loosen the bill's restrictions on religious organizations. Although he said the AJC supports the bill as introduced — including appropriate language to safeguard church-state separation — Goodkind said his organization is willing to work with other groups that have raised concerns. □

Groups should fund own sex education programs

WASHINGTON

Religious organizations fighting teen pregnancy should do so with their own funds, not federal tax dollars, the Baptist Joint Committee has told the U.S. Supreme Court.

In a legal brief filed with the high court, BJC General Counsel Oliver S. Thomas argued the 1981 Adolescent Family Life Act violates the Constitution by providing federal funding of religious groups in their battles against sexual promiscuity and abortion. Such aid amounts to an unconstitutional violation of the First Amendment ban on an establishment of religion, Thomas wrote.

According to a provision in the law — also called the Teen Chastity Act — Congress provided the funding "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 disputed law also requires all grantees of the funds to seek participation by religious groups, including churches, in administering their programs.

Last year the U.S. District Court for the District of Columbia struck down the statute, declaring it violated the Establishment Clause of the First Amend-

ment. But later, the same panel held the section of the law funding religious groups could be severed from its other provisions, thereby salvaging the remainder of the law. Funding for all groups covered by the law, including religious organizations, has continued uninterrupted under a stay issued last August by Chief Justice William H. Rehnquist.

In the BJC brief asking the high court to uphold the lower panel's decision, Thomas wrote: "The record in this case is dramatic evidence of the insurmountable constitutional problems created by a grant program that pays religious organizations to teach sexual morality. While we commend these and other religious organizations for aggressively combating sexual promiscuity and teen pregnancy, their efforts necessarily involve the promotion of religion."

That is so, Thomas said, because "it is impossible for religious organizations to teach sexual morality without consciously or unconsciously promoting religion." Any grant program that subsidizes such teaching "is constitutionally impermissible," he added. "While we commend Congress for combating teen pregnancy, this daring attempt to use religious education to accomplish the secular goals of government must not be allowed."

Joining the BJC in filing the brief in *Bowen v. Kendrick* were the American Jewish Committee and Americans United for Separation of Church and State. □

Court refuses to review Tennessee textbook case

WASHINGTON

The U.S. Supreme Court will not review a lower decision that parents do not have a constitutional right to teach their children at home when required reading textbooks offend their religious sensibilities.

In a one-line order, the high court — with no justice recording a dissent — thereby let stand a hotly disputed ruling by the Sixth Circuit Court of Appeals last August that the Hawkins County (Tennessee) School Board was not obligated to provide the alternative reading arrangement for pupils whose parents objected to a Holt, Rinehart, and Winston reading series.

That ruling followed a highly pub-

licized trial in the east Tennessee county two years ago in which seven sets of parents detailed their objections on religious grounds to required reading assignments ranging from "Cinderella" to "Hamlet." Other objectionable reading selections in the challenged textbooks included "The Wizard of Oz," "Rumpelstiltskin," and "The Diary of Anne Frank."

Judge Thomas G. Hull of the U.S. District Court for Eastern Tennessee ruled in October 1986 that the school board's refusal to accommodate its policies to the parents' and students' demands amounted to an unconstitutional infringement of the free exercise of religion.

While refusing to order the school board to provide alternative readers in the classroom, Hull did order school officials to release the students for home instruction in reading.

But on appeal, a three-judge panel of the Cincinnati-based Sixth Circuit Court ruled unanimously the parents and students had not proven their claim of religious discrimination. Chief Judge Pierce Lively wrote, "The requirement that students read the assigned materials and attend reading classes, in the absence of a showing that this participation entailed affirmation or denial of a religious belief, or performance or non-performance of a religious exercise or practice, does not place an unconstitutional burden on the students' free exercise of religion."

Lively held the state is under no constitutional obligation to shelter children "from exposure to some ideas they find offensive." □

Lawsuit against SBC ends with high court rejection

WASHINGTON

The U.S. Supreme Court has rejected a legal challenge brought by four messengers to the 1985 annual meeting of the Southern Baptist Convention in Dallas seeking federal court relief from what they claimed were parliamentary irregularities by then-SBC President Charles F. Stanley.

In an apparently unanimous action announced without comment, the nation's high court brought the legal battle to an end. Two lower courts earlier held they lacked jurisdiction in the case because it involved the resolution of an "ecclesiastical controversy." □

Many church members thoughtlessly support that idea, forgetting that the public schools are just as much an agency of government as the state highway department or the city waterworks. Putting "school" in front of the word "prayer" does not make it any less government prayer. I suspect that if people were asked whether they favored mandatory government prayer, not so many would say yes. Nor does it change matters to call it "voluntary prayer." That is a contradiction in terms because school itself is mandatory, and any organizing of religious activity in the schools becomes ipso facto mandatory. From a historical perspective, the strident effort to resacralize the nation can be understood

Baptists should recall that their witness to religious liberty was forged in the fires of persecution when they were a despised minority. With 35 million of us in the United States today, we do not have to worry about minority status. But we are unworthy of our Baptist forebears when we fail to respect the rights of minorities among us now.

only as a throwback to the nineteenth century, when Protestants enjoyed controlling influence over American institutions and cultural practices.

Political

The United States is a secular nation — by design and intent. The political theorists of the eighteenth century who founded our nation and designed the constitutional system that has served us so well for two hundred years planned it that way. Indeed, "secular" is not a dirty word. It means simply that the Founders rejected the theocratic notions of the high Middle Ages, in which religious norms and values dictated by the established church governed all of society. In the Middle Ages the emperor might claim to rule "by divine right," but he still had to depend on the church for the means of grace; and any refusal to follow the church's teachings would endanger his eternal salvation. Those assumptions had enormous implications for the way society was governed.

By contrast, a secular nation is religiously neutral. It provides protection for the churches to operate freely as private, voluntary bodies; but the nation itself is governed by laws derived from what the collective wisdom of its best minds perceive as supporting the national interest and the common good. The nation's neutrality toward religion may be benevolent — as it often is when it provides tax exemption, police protection, and other favors. Or it may be restrictive — as it sometimes is when it prohibits forms of religious behavior it regards as antisocial (e.g., Mormon polygamy or native American peyote cults).

In the United States, we have enjoyed, for the most part, a benevolent neutrality on the part of government at all levels toward the churches, and this has enabled the churches to flourish here as nowhere else in the world in the whole two thousand years of church history. Those who want to turn the clock back to some theocratic arrangement, in which they establish the norms and values for all the rest of us, represent a major threat to the American way in church and state.

Sociological

American society is irreversibly pluralistic. That is a fact of life in this nation, and we have no choice but to come to terms with it. Baptists should recall that their witness to religious liberty was forged in the fires of persecution when they were a despised minority. With 35 million of us in the United States today, we do not have to worry about minority status. But we are unworthy of our Baptist forebears when we fail to respect the rights of minorities among us now. Nor are we being good Baptists — or good Christians — when we hanker after laws that will make this country a "Christian nation," for the United States is now peopled with Jews, Muslims, and various other non-Christian groups. Must these convert to Christianity before they can enjoy the liberties that the rest of us take for granted?

Richard John Neuhaus, a neo-conservative thinker, published a book a while back entitled *The Naked Public Square*. As a Christian minister, he strongly wants a nation with "religiously grounded values," yet he seems to recognize the dangers of resacralizing America as a Christian nation. "For good reasons," Neuhaus wrote, "Jews and others who are uneasy about the idea of 'Christian America' will continue to prefer the naked square until it is manifest that Christians have internalized — as a matter of doctrine, even of dogma — reverence for democratic dissent" (p. 261). The public square, the town hall, and all the institutions of government had best remain religiously naked, rather than be loaded with the one-sided values of those who do not know how to coexist with others who are different in a pluralistic society. And like it or not, that has to include those who reject all religion, for as Justice Robert Jackson put it in his powerful dissent to the Supreme Court's decision in *Zorach v. Clauson* (1952), "the day that this country ceases to be free for irreligion it will cease to be free for religion — except for the sect that can win political power."

Ecclesiological

This final perspective is really the crucial one, for it has to do with the doctrine of the church. We who love and serve the church must view the problems of church and state ultimately from the perspective of Christian commitment, that is, by asking what it means to be disciples of Jesus

Many of those 87 percent who say they want devotional exercises back in the public schools are Baptists.

Christ gathered into a church called by Christ's name and obedient to the requirements of the life of faith.

It is profoundly embarrassing to hear church members — and even their so-called leaders, who should know better — say things like, "those sorry secularists have kicked God out of our schools, and we're going to put Him back!" What kind of God are they thinking of? Do they really think the Almighty Creator of heaven and earth, the Holy One who inhabits eternity, the Redeemer and Judge of all nations, the God and Father of our Lord Jesus Christ, can be manipulated in such fashion? Can the God of the Bible be packaged and put anywhere at the whims of puny human beings? Such language is unworthy of a Sunday school kindergartner.

By the same token, religious people of all persuasions are grievously derelict to duty when they ask for the religious education of their children to be turned over to any public

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Adverse Court Decisions Cloud Future of Equal Access Act

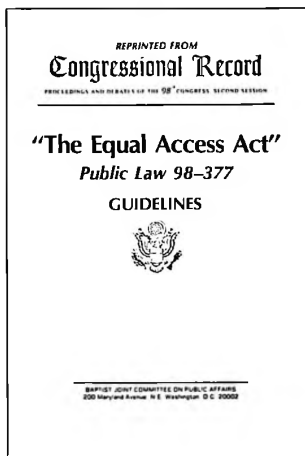
Two recent federal court decisions make plain that implementation of the Equal Access Act of 1984 — a law that gives high school religious clubs the same right to meet on school property enjoyed by other nonacademic, extracurricular groups — will not come without legal and practical complications.

Although neither court — one in Nebraska, the other in Washington state — struck down the historic law as a violation of the federal Constitution, both ruled against groups of students whose requests for permission to hold prayer meetings and Bible studies inside public high schools were denied by local school officials. Many church-state observers are convinced it is only a matter of time until a court somewhere declares the law a violation of the First Amendment's ban on an establishment of religion.

If and when that happens, the country is likely to witness a renewal of the bitter debate over the proper place of religion in public education.

From a politician's perspective, the equal access legislation was a dream come true, as evidenced by the overwhelming margins it received in both houses of Congress. (The U.S. Senate vote was 88-11; in the House of Representatives the margin was 337-77.) The act's passage came just two years after the then-Republican controlled Senate rejected President Reagan's school prayer amendment and gave senators who had cast votes against that measure — and members of the House who were on record as opposing it — a chance to vote in favor of what many thought was a good compromise for both sides in the school prayer debate. Reagan quickly signed the measure into law in August 1984.

"It shall be unlawful for any public secondary school which receives federal financial assistance and which has a limited open forum to deny equal access or a fair opportunity to, or discriminate against, any students who wish to conduct a meeting within that limited open forum on the basis of the religious, polit-



ical, philosophical, or other content of the speech at such meetings," the law reads.

A "limited open forum" is described in the statute as being established "whenever such school grants an offering to or opportunity for one or more noncurriculum related student groups to meet on school premises during non-instructional time."

Other key provisions include the requirement that such meetings be "voluntary and student-initiated"; that there be "no sponsorship of the meeting by the school, the government, or its agents or employees"; that teachers or other school personnel be present "only in a nonparticipatory capacity"; and that religious leaders from outside the school "may not direct, conduct, control, or regularly attend" the meetings.

Additionally, the law forbids any governmental entity "to influence the form or content of any prayer or other re-

ligious activity"; "require any person to participate in prayer or other religious activity"; "expend public funds beyond the incidental cost of providing the space for student-initiated meetings"; or "compel any school agent or employee" to participate in the meetings "if the content of the speech at the meeting is contrary to the beliefs of the agent or employee."

Besides these and other statutory safeguards in the law itself, a remarkably diverse coalition of educational, religious, and civil liberties organizations developed a set of guidelines for implementing the new law consistent with the constitutional ban on an establishment of religion. Convened by the Baptist Joint Committee on Public Affairs, this coalition included also the American Association of School Administrators, American Civil Liberties Union, Christian Legal Society, Americans for Democratic Action, General Conference of Seventh-day Adventists, National Association of Evangelicals, and National Education Association. A dozen other groups, ranging from Pat Robertson's Freedom Council to Norman Lear's People For The American Way, added their names to the document, stating they were "in general agreement" with the guidelines. These guidelines then were printed in the *Congressional Record* and reprinted by many of the participating groups.

Despite enthusiasm for the new law, none of the attorneys who spent hundreds of hours hammering out the guidelines expected the law to go unchallenged. That expectation has been realized in several instances, with the first significant legal tests coming in the Nebraska and Washington cases.

In the Nebraska dispute, U.S. District Judge C. Arlen Beam in February upheld the refusal of the principal of Westside High School in Omaha and the local superintendent of schools to grant permission to a group of evangelical students to form a religious club and meet on campus. The students took the school

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INTERNATIONAL DATELINE



Toronto paper changes policy for religious ads

TORONTO

(RNS) — The *Toronto Star* has announced it will no longer accept advertisements that try to persuade readers to change their religion. The announcement followed controversy over an ad by Jews for Jesus the paper published December 19.

The full-page ad used the slogan "Christmas would be impossible without the Jewish people" and said that "God gave the Jewish people to the world that the Messiah of Israel might become everybody's Savior." It was published in such newspapers as the *New York Times*, *Washington Post*, *Los Angeles Times*, and *Chicago Tribune*, in addition to the *Toronto Star*.

Bernie Farber, a spokesman for the Canadian Jewish Congress, said his agency wrote to the *Star* to complain that such ads "end up denigrating our Jewish symbols and traditions, and also Christianity." He said the ad implied that "in order to be a complete Jew, you must also become a Christian."

The ad was also criticized by the Christian-Jewish Dialogue of Toronto, a group associated with the Canadian Council of Christians and Jews. Sister Marge Boyle, a spokesperson for the group, said the organization believes that "any kind of evangelism is not appropriate" if it is aimed at persuading members of one religious group to convert to another.

Following the complaints, the *Star* announced that it will no longer accept advertising "that identifies or is clearly directed to a specific segment of our readers [that] in the view of the *Star* is critical of their actions or beliefs or is otherwise offensive or unfair." In the context of religious advertising, it said, "No advertisement will be accepted that identifies one religious faith and urges its adherents to adopt different views or a different faith."

In a column explaining the new policy, *Star* ombudsman Ron Goodman wrote that the newspaper "must balance the advertiser's desire for a forceful statement of minority views with the paper's desire to maintain fairness in its advertising columns."

Andrew Go, the *Star's* group sales director, said in an interview that the controversy over the Jews for Jesus ad

was "one of the reasons, but not the only reason, for the change of policy. There were other controversies over advocacy ads that had appeared around that time." He said the *Star* would no longer accept ads from Jews for Jesus "in the same form as the ad that appeared December 19," but would accept ads announcing meetings of the group. He said the paper's objection was to the content of the ad, not the group that placed it. □

Darrell Turner

Bible commentaries arrive in Soviet Union

WASHINGTON

(BP) — A shipment of seventy-five thousand volumes of Bible study material in the Russian language has arrived at the Moscow offices of the All-Union Council of Evangelical Christians-Baptists in the USSR.

The five thousand sets of William Barclay's *Commentary on the New Testament*, each containing fifteen volumes translated into the Russian language with special permission of Barclay's widow, were provided as a joint project of the Baptist World Alliance and the Mennonite Central Committee of the U.S.A. and Canada.

The shipment enables nearly every pastor of a congregation related to the All-Union Council to have, for the first time, a complete Bible reference work as a foundation for study, teaching, and preaching. Many pastors have had almost no study books.

The All-Union Council made an import application for the volumes in early 1986 after the translation — begun more than a decade ago and in intensive preparation for the last five years — was almost completed. The application was approved by Chairman Konstantin M. Kharchev of the USSR Council of Religious Affairs. Kharchev's negotiations through various governmental and legal levels resulted in the delivery. □

Israeli court to decide status of Messianic Jews

JERUSALEM

(RNS) — Israel's high court is considering whether someone who believes in Jesus can be regarded as Jewish. The case being heard by the high court

involves a Zimbabwe couple who want to be registered as Jews and acquire the financial incentives given Jewish immigrants.

Jerry and Shirley Beresford belong to a Messianic Jewish group in the Tel Aviv suburb of Ramat Hasharon. Messianic Jews insist that Judaism requires their belief in Jesus Christ as the Messiah.

Israel's Law of Return establishes the right of every Jew to enter the country as an immigrant. But in 1962 the high court ruled that the law does not apply to a Jew who converted to Christianity.

Mr. Beresford, who wore a skullcap and sported a graying beard in court, did not convert to Christianity, his attorney said.

The attorney, Yosef Ben-Menashe, told the high court February 4 that most Israelis are tolerant of Messianic Jews. He cited a recent poll in which 78 percent of those surveyed agreed that children of a Messianic Jewish mother who claims to be a Zionist should receive the rights of a Jewish immigrant.

But Uzi Fogelman, the attorney who represented the state, said the Ramat Hasharon community of which Mr. Beresford is a member tries to convert Jews. He said a Jewish fraternal organization in Zimbabwe had recently expelled a chapter of the Messianic Jewish group. He added that leading Israeli scholars see Messianic Jews as Christians.

The hearing came two days after the high court considered the case of a couple that underwent a non-Orthodox conversion and was denied the right to be registered as Jewish. During the hearing, the ministry reversed its stand and said it would enter them into the population registry as Jews.

The head of the Interior Ministry's population registry, Yehoshua Kahane, said, however, that his office would not relent in the case of the Messianic Jews. "Those people [converted by non-Orthodox rabbis] at least want to be Jews while these people are Christians pretending to be Jews," Mr. Kahane said.

The high court did not make a decision in the case and is expected to resume the hearing in the next few weeks.

At the same time, the Interior Ministry is said to be seeking a compromise that would avoid a precedent-setting decision. One proposal being considered is giving the Beresfords their privileges as Jewish immigrants — including housing,



exemptions on customs and taxes — without registering them as Jewish. □

Steve Rodan

Church-state relations in Hungary hold steady

BUDAPEST

(RNS) — A recent session of the Hungarian parliament seemed to assure that the traditional church-state relationship — an acceptance of state domestic and foreign policy by churches in exchange for a certain amount of freedom in church activities — would continue.

Jewish and Christian leaders, including Jozsef Szakacs, president of the Council of Free Churches in Hungary, endorsed the traditional relationship during a meeting with state leaders during the parliament's December session.

In Hungary, the accepted arrangement between church and state has been in effect for the past twenty-five years. Although grassroots pastors and believers are known to object to the almost unquestioning support of the churches for state activities, it was clear from the leaders' comments that they welcome a continuation of the cooperation.

In return for the church's noninterference, the state has not attempted to repress religion. It has been said by both church and state leaders that religious belief or nonbelief is a private matter and should not be a factor in one's rights as a citizen. □

CCA pledges to continue work despite ouster

CHIANG MAI, THAILAND

(RNS) — Leaders of the Christian Conference of Asia (CCA) have reaffirmed their commitment to continuing the work of the CCA in the Asia-Pacific region in the wake of their expulsion by the government of Singapore.

Meeting in Chiang Mai, Thailand, in January, members of the CCA's program committee declared that the work of the CCA "must continue if we are to be true to God's mandate and maintain the integrity of our faith," according to the Rev. R. Lawrence Turnipseed, director of the Southern Asia Office of the Division of Overseas Ministry of the National Council of Churches.

It was the first meeting of the Sin-

gapore-based ecumenical organization since CCA offices were shut down December 30 and five expatriate staff members, including CCA General Secretary Park Sang-Jung of South Korea, subsequently were expelled from the country January 11.

The Singapore government charged the CCA with breaking a 1974 agreement to refrain from engaging in or supporting political activities. In a December 30 announcement, the Ministry of Home Affairs said the CCA "had used Singapore as a base to support liberation movements in Asia and has funded pro-communist movements." The CCA, an umbrella organization linking ninety-five churches and fifteen national councils of churches in seventeen countries in the Asia-Pacific region, denied the charges. □

Conference told glasnost is limited to Moscow

NEW YORK

(RNS) — Despite Premier Mikhail Gorbachev's new policies of glasnost and perestroika, repression of religious believers still exists in many parts of the Soviet Union, according to several speakers at a day-long conference held in late January.

Ayshe Seytmuratova, U.S. representative of the Crimean Tatars, a Muslim national grouping, sounded a common theme when she maintained that "glasnost exists in only one place in the Soviet Union — in Moscow. On the periphery they beat, and continue to beat, people."

The gathering at the Interchurch Center was the fourth annual conference of *Religion in Communist Dominated Areas*, a quarterly publication that has been edited by Blahoslav and Olga Hruby since it was founded in 1962. This year the session focused on the effects of glasnost and the significance of the 1988 observance of the millennium of Christianity in Russia. □

Darrell Turner

ACLU to challenge U.S. funding of schools

NEW YORK

(RNS) — The American Civil Liberties Union (ACLU) is challenging the constitutionality of an aspect of a program

administered by the U.S. Agency for International Development. The program funds religious schools abroad.

The program, known as American Schools and Hospitals Abroad, has financed Jewish, Catholic, and Protestant schools and hospitals in Africa, Latin America, Asia, and the Middle East since 1971. The ACLU is challenging funding under the program of "pervasively sectarian" educational institutions.

The program was little known until after Congress approved last December an \$8 million federal grant for the construction of schools for North African Sephardic Jews living in France, although the appropriation was not part of the program. Congress has since rescinded that appropriation.

A report in the *New York Times* said the program awards grants on a competitive basis to schools and teaching hospitals abroad that are sponsored by American organizations. The *Times* said the program guidelines specify that grants are not to be given "to train persons for religious pursuits" or to construct facilities "for worship or religious instruction." □

Soviet religious leaders say glasnost to continue

ALEXANDRIA, VIRGINIA

(RNS) — The new policies of glasnost and perestroika in the USSR are "sure to continue" because they reflect the will of the people, according to a Russian Orthodox official who took part in a Soviet-American Citizens Summit in Alexandria, Virginia.

Metropolitan Sergei of Odessa and Kerson gave that assessment of the future of Premier Mikhail Gorbachev's liberalization policies in a February interview. He was joined by three other Soviet religious leaders. They were part of a delegation of ninety prominent Soviets who met with their U.S. counterparts in a conference sponsored by the Center for Soviet-American Dialogue.

According to Metropolitan Sergei, the new Soviet domestic policies were "inspired by the people" and therefore "cannot turn back." At the same time, he acknowledged that "there are people for whom it is very difficult to enter into a different kind of thinking. . . . They still cannot understand what they are able to do." □

CORRESPONDENCE

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

I congratulate Oliver Thomas for his January column, in which he wrote about the religious liberty provisions to which we should recommit ourselves during this bicentennial period of our nation's history.

As a South Carolina Baptist I am particularly proud of the contribution of one of the four South Carolina signers of the Constitution, Charles Pinckney. It was this brilliant Charleston native, himself a member of the established Episcopal church, who proposed to the Convention on August 20, 1787, that "no religious test shall ever be required as a qualification to any office or public trust under the United States." This became Clause

3 of Article 6, the only religious liberty provision within the Constitution itself (the First Amendment, of course, becoming effective four years later).

It is appropriate now to remember with gratitude Charles Pinckney, who later was elected four times as governor of South Carolina and who served as U.S. senator and minister to Spain.

Flynn T. Harrell
Columbia, S.C.

Thank you for your work and that of your staff in publishing *REPORT from the CAPITAL*. Each issue is especially informative concerning current court actions regarding church and state, and the news from International Dateline helps greatly in a perception of Baptist witness throughout the world.

William C. Tinsley
Director of Missions
Denton (Texas) Baptist Association

Equal Access, from p. 11

officials to court, contending the latter had violated the Equal Access Act and denied them their rights of free exercise of religion and freedom of speech.

Judge Beam agreed with the basic position of school officials that no "limited open forum" had been created at Westside High, in spite of the fact that permission to organize and meet had been granted to ten other "noncurriculum related" student groups, including a chess club and photography club. Beam justified his finding that the religious club alone was not related to the curriculum on the basis of testimony by the school's principal that all ten approved groups were so related. Further, the judge noted, the principal had testified "that he would consider doing away with all clubs at [Westside High School], if necessary, to ensure that a closed forum ... could be maintained," thereby avoiding all problems associated with establishing a "limited open forum."

Beam concluded: "The purpose articulated by [school] administrators for refusing to permit the plaintiffs' club to meet involves the school's goal of presenting a balanced view when political, religious, and economic information is dispensed within [school] facilities. The court finds this to be a legitimate educational concern which reasonably justifies [Westside High School's] actions in this case."

In the second case, decided last December, District Judge Walter T. McGovern ruled against four Renton, Washington, students at Lindbergh High

School who likewise were denied permission to meet under terms of the Equal Access Act. At Lindbergh High, fifteen groups — including a bowling club, ski club, and chess club — had been given permission to organize and meet on school property. Like their Nebraska counterparts, the students who sought to organize a religious club in Renton sued school officials for violating the 1984 law, as well as their freedom of speech, free exercise of religion, and what they called "freedom from state hostility toward religion." Judge McGovern, like Judge Beam, held school officials at Lindbergh High had not created a "limited open forum" that would have triggered the Equal Access Act. Even more important to his ruling, however, was a prohibition in the Washington state constitution stating, "No public money or property shall be appropriated for or applied to any religious worship, exercise, instruction, or the support of any religious establishment." He also cited another provision in the state constitution stating, "All schools maintained or supported wholly or in part by the public funds shall be forever free from sectarian control or influence."

That both judges demurred from ruling on the validity of the Equal Access Act under the federal Constitution may be reassuring to supporters of the law. But such reassurance almost certainly is temporary, as other similar challenges to the denial of applications by student religious clubs come elsewhere.

Eventually, the fate of this law — as that of all others in this country — will rest with the nine justices in the marble palace at First Street and Constitution Avenue in the nation's capital — the Supreme Court of the United States. □

FREE! 1988 RELIGIOUS LIBERTY DAY PACKET

Send today for a poster and other materials to assist your church in developing a Religious Liberty Day emphasis around the theme "Constitution and Covenant: Making the Distinction" Religious Liberty Day is the first day of worship in June

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Church _____

Address _____

City _____ State _____ Zip _____

Affiliation _____



Baptist Joint Committee
on Public Affairs
200 Maryland Ave., NE
Washington, DC 20002
(202) 544-4226

Views, from p. 6

bodies because of their stands on controversial issues.

Overall, these meetings have generated productive discussions between government and the religious community, with each gaining a better understanding of the other's position. Such a healthy process can only result in improved relations between these religious bodies and the IRS. We look forward to continuing the dialogue as needed.

Respectfully submitted,
Oliver S. Thomas

□

Register Citizen Opinion 1988

The latest edition of this congressional directory and action guide lets you know how to communicate your views to the three branches of the U.S. government. Containing lists, addresses, and forms of address, this valuable resource also includes congressional committee assignments and a bibliography of periodicals for informing citizens about public policy issues.

Single copies \$1.00 each. 10-99 copies \$75 each. 100 or more copies, \$50 each. All prices include postage. Send orders to the Baptist Joint Committee, 200 Maryland Ave. N.E., Washington, D.C. 20002.

REFLECTIONS

Who wants to be thrown into a melting pot? No one that I know.

The powerful words of G. K. Chesterton do appeal to us: "We are all in a small boat on a stormy sea and we owe each other a terrible loyalty." The convergence of commonly held commitments among people of good will reminds us that He "hath made of one blood all nations." In the Christian experience, the inescapable tie that binds our hearts in Christian love is nothing less than our oneness in Christ.

Yet any honest assessment of our fractured humanity appreciates and accepts the variety of gifts brought to the spiritual search we share. The tapestry is richer for all its strands. The original rainbow coalition has ancient origins. The model for brotherly and sisterly togetherness is more a tossed salad than a melting pot. We each bring our own distinctive flavor and texture and calories to the feast. So, with the larger family of faith, each branch of the clan has a contribution.

If the Baptist tributary of Christian faith has anything at all to offer the larger church, it is the concept of "soul freedom." That's the spin Baptists put on the Reformation doctrine of the priesthood of all believers. Walter B. Shurden addresses intensively the teaching in a new book entitled *The Doctrine of the Priesthood of Believers*.

What a book it is! Not since E. Y. Mullins's "The Axioms of Religion" (American Baptist Publication Society, 1908) has such a lucid, useful, powerful explanation of Baptist belief appeared. Many attempts have been made to understand differences among Baptists. Hundreds of histories have assayed to put the Baptist breed in context. Here is for anyone at all who would figure out what's "Baptist" the best book I know on our core doctrine: the priesthood of all believers, or, as we like to say, the competency of the individual before God.

That's true, as I see it, for all brands of Baptists worthy of the name. It's not exactly a flaw, just a fact, which "Buddy" Shurden writes here primarily for Southern Baptists' 1988 Doctrine Study. If you'd feel any better, just go through the book before you read it and mark out the modifier "Southern" the dozen times it appears — won't hurt the book a bit.

Shurden, chairman of the Department of Christianity at Mercer University, is a historian. It shows. He calls on the literature of Christendom from Luther to Mullins to Marty. Never fear, it is not dusty history. The book is user friendly. For the Baptist reader it's downright chummy. He calls Moses "that cheerleader for justice" as he himself leads yells for soul freedom.

Dr. Shurden faces head-on the common uneasiness that hovers about the teaching. He insists that to stress individualism is not to deny community. "You cannot say everything at one time, especially when a truth is bifocal. Individualism is only half the story, but without it the whole story cannot be told." He holds, "Individualism in salvation is where the doctrine of the priesthood of believers begins. It is not where it ends."

Martin Marty in *Christianity Today* (Sept. 2, 1983) invented a new term to label what he called "the most dramatic shift in power style on the Christian scene in our

James M. Dunn
Executive Director



time." His article was entitled "Baptistification Takes Over." He simply displayed the implications of honest adherence to the doctrine of the priesthood of believers: personal, spirit-led interpretation of scripture, democracy in church life, respect for individual differences, no religious rulers, diminution of creedal control, acceptance of fellow believers as fellow priests regardless of race, sex, or denominational tag. Baptistification indeed! Just as the larger family of Christians in this country is beginning to catch on to the freedom with which Christ has set us free, many Baptists are apparently retreating to certain, simple, structured solutions to the always troubling challenges to corporate religion.

"Troubled" is the word that describes the context for biblical passages emphasizing the priesthood of believers. Hebrews, I Peter, and Revelation, exactly where the priesthood passages appear, are the books referred to by scholars as the literature of persecution. So, one modern and graphic description of the universal ministerial assignment of each follower of Jesus is to be "like a bridge over troubled water." In fact, one Latin word for priest, "pontifex," means just that: bridge. "Priests were mediators who brought the people to God . . . , teachers who brought God to the people." Bridges.

This explosive doctrine was at the heart of the Reformation. Martin Luther wrote Pope Leo X, "They err who ascribe to you alone the right of interpreting Scripture." That concept is dangerously simple. E. Y. Mullins argued that to deprive any person of the privilege of direct access to God is nothing less than tyranny, and George W. Truett "hailed the competency of the soul as 'the keystone truth of the Baptists.'" "Out of this cardinal, bedrock principle, all our Baptist principles emerge."

It seems clear enough, yet Shurden sees several facets in this jewel of truth, and this small book looks closely at each. He explains that the priesthood of believers doctrine "influences several major doctrines of the Christian faith." Engagingly, he suggests that "the informing word for salvation is *accessibility*, for the church it is *equality*, for the Christian life it is *responsibility*, and for the concept of spiritual gifts it is *universality*." The soul freedom doctrine impinges on all that we believe.

The priesthood of all believers is presented as a teaching for our times, a lively doctrine for today. It reaches the most practical levels of life, as illustrated by a Carlyle Marney story told as a joke but with truth lurking about it. "The rabbi begins, 'Thus saith the Lord!' The priest begins, 'As the Church has always said. . . .' The average Protestant begins, 'Now, brethren, it seems to me. . . .'"

Personalized, incarnate truth, "sanctified individualism," God at work in and through you is a practical outworking of the priesthood of all believers that recaptures a powerful witness in a world that needs precisely this emphasis. Here in this short book Shurden shows himself with sermon starters on every page begging to be stolen, pregnant phrases, folksy metaphors, subtle illustrations that titillate more than overpower. Don't let the title scare you away.

The Doctrine of the Priesthood of Believers (159 pp., \$3.75 paper) is available from Baptist Book Store, P. O. Box 24420, Nashville, TN 37202, 615/251-5161. □

Remembering, from p. 10

official, including the school teacher. That is a responsibility that God has lodged irrevocably in the home and in the church. When church members turn to government for such props as tuition tax credits and state-required prayer in public schools, they are openly abdicating their God-given responsibility for spiritual nurture.

Again, when church people fail to protest vigorously against paid government informers who infiltrate their meetings, when they allow themselves to be frightened away from seeking to obey the biblical injunction to do justice and love mercy, they are perilously close to losing their character as churches. As a result of paid informers infiltrating their churches, members have lost trust in each other because they do not know who is an informer and who is not. They worship in fear because they do not know whether what

Let us remember, if we can, that early Baptists formed their identity primarily as a counter-cultural movement in cultures whose pretensions to be "Christian" they condemned as phony.

they say in a Bible study class or even in prayer to God will be read later into the record of some court. They find themselves less willing to confide in their pastors, not knowing whether the telephone is tapped or the office bugged. In such circumstances, the "free exercise" of religion is no longer free, and church members find themselves once again having to decide whether they will follow their consciences and summon the courage to say, "We must obey God rather than men."

Our denomination used to sound the clearest, strongest voice of protest against spiritual tyranny and false religion. It does not seem that way today. A professor of law from the University of Virginia, A. E. Dick Howard, speaking at a celebration of the 200th anniversary of Thomas Jefferson's statute for religious freedom, observed that "a sizable number of Baptists are following preachers who have abandoned" the views of the nation's Founders regarding the separation of church and state. I sorrowfully agree. Many of those 87 percent who say they want devotional exercises back in the public schools are Baptists. Many of those who support the agenda of the New Christian Right are Baptists. Many of those who want the United States to be an explicitly Christian nation, curtailing the rights and privileges of all who do not share their views and values, are Baptists. The most charitable thing one can say about such people is that they are suffering from historical amnesia.

A third of a century ago, Winthrop Hudson published an

insightful book entitled *The Great Tradition of the American Churches*, in which he celebrated the voluntary principle as alone providing full opportunity for the church to be truly the church according to its own best understanding of the will of God. Mindful of the churches' temptation to misuse their hard-won freedom, Hudson warned:

When churches succumb to the pressures of secular life and fail to exhibit a distinctive quality of faith and life, the separation of church and state with its clearly distinguished spheres of responsibility loses its point. As churches give less and less evidence of the prior claim of God upon their corporate existence, the reason which made it necessary for them to assert their independence from the state progressively diminishes. Ultimately, the churches find themselves with little to say that is not already being said by the generality of the community. In this situation, with nothing to lose, the churches will be tempted to renounce the specific responsibilities assigned to them, and an insistent clamor will arise among people of good will to have the state participate in the support of religious goals which have become indistinguishable from personal and national self-interest (p. 9).

Hudson's book still stands as a prophetic warning that America's "fair experiment" in religious liberty can be destroyed by faithless churches as easily as by imperious rulers.

I would conclude (with Jay Mechling) that in the present time many of our so-called problems are not church-state problems but *church* problems. This is not to deny that many genuine issues remain to be grappled with in the ongoing tensions between the pluralistic religious organizations and the many agencies of government that order our common life at all levels. But it is to say that churches have so far lost their historic, biblical sense of identity and mission that they cannot function as authentic *churches* in this irrevocably secularized culture. As Edwin S. Gaustad suggested, when being Christian becomes "less sacrificial and more casual, less an occasion of scorn and more an occasion of respect," it is idle even to worry about the "separation" of church and state.

Let us remember, if we can, that early Baptists formed their identity primarily as a counter-cultural movement in cultures whose pretensions to be "Christian" they condemned as phony. They became despised outcasts because they rejected the claims of civil rulers to regulate religious affairs. They accepted the persecution that came as a consequence of that stance because they were convinced with Thomas Helwys that "the king is a mortal man and not God." Now that Baptists have won social respectability and political influence, they are in danger of forgetting what it means to be a church fully obedient to God, pursuing its mission faithfully out of resources that God alone supplies. If Baptists could reclaim their historic identity as well as express the conviction and courage that sustained it, church-state problems might be fewer — and far more manageable.

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