

# REPORT from the CAPITAL



# REPORT from the CAPITAL

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

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**Cover:** Child care, which looms as a major legislative item for the 101st Congress, increasingly becomes a requirement among single-parent families and for those whose well-being depends on a double wage. Photographer Bill Clough visited Calvary Baptist Church, Washington, where the University of the District of Columbia operates an Early Childhood Learning Center for children ages two through five. Sharon Hall is the head teacher.

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Editor: Victor Tupitza

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## Of Inestimable Value?

The metaphor of a 'wall of separation' is neither absolute nor obsolete. James Dunn makes that observation in an appraisal of church-state relationships and then adds, "it is a distinctive aspect of the American experience." The principle of separation substantiates a distinction in the New Testament between civic lawlessness and sin. In just a few verses, Paul identifies the role of civil authority as that of maintaining public order. But Peter expresses the more essential message of the gospel as that of faith obedient to God, accompanied by the promise of God's transforming grace through Jesus Christ.

Absolutism in the state allows limited choices — totalitarianism, under a Stalin, or authoritarianism, as in the Nazi phenomenon or one of its current variants. Absolutism in religion — institutionalized or in the shape of an independent entity — offers no greater a measure of freedom of conscience. And what does one get with the conjoining of religion and government? Evaluate the religious/political fundamentalism of a Khomeini for its grisliness regarding freedom of spirit.

Separation has done nothing to abridge the activity of religious groups committed to effecting change in public policy issues. Allen Hertzke, in his recent book *Representing God in Washington: The Role of Religious Lobbies in the American Polity*, focuses on the growing number of religious lobbyists and agendas on the Washington scene. One might question the claim implied in the title of that book but not that an array of religious interests are bent on influencing government. Two consequences become apparent: religious lobbyists must build coalitions in which "issues are framed, bedfellows emerge, and members are mobilized;" again, it's on government turf that the action takes place, and this means that "to be effective, religious lobbyists must learn to play the game, to think strategically, and to understand the norms of congressional politics." He traces the success religious lobbyists enjoy to the church's membership, because "American religious activists express more confidence in the church than they do in other social institutions." Hertzke devotes a full chapter to the Equal Access Act of 1984 and the Baptist Joint Committee's effectiveness in aiding its passage.

Kathy Palen and Oliver Thomas write on one of the key issues before the Congress, child care. In her news accounts, including testimony at a committee hearing, Palen examines the contents of proposed child-care legislation for their contents and merits. Thomas expresses traditional Baptist concern when "pervasively sectarian" institutions accept federal dollars. Under child-care provisions, it will be in return for the pledge for silence in matters of religion. That may make it constitutional but hardly a commendation for institutions whose *raison d'être* is a spiritual presence. □

Victor Tupitza



## news/views/trends

● **A TEXAS STATUTE** that exempted only religious books and periodicals from state sales tax violated the Constitution's establishment clause, ruled the U.S. Supreme Court.

The statute, which was in effect from October 1984 through October 1987, exempted from sales and use taxes "periodicals that are published or distributed by a religious faith and that consist wholly of writings promulgating the teachings of the faith and books that consist wholly of writings sacred to a religious faith."

In 1985, the publisher of Texas Monthly, a magazine that did not qualify for the exemption, paid its sales taxes under protest and sued to recover those payments in state court.

A Texas district court found the exemption unconstitutional and ordered the state to refund the amount of tax Texas Monthly had paid, plus interest. But a state appeals court reversed the decision.

In writing for himself and Justices Thurgood Marshall and John Paul Stevens, Justice William J. Brennan, Jr., held that the exemption's narrowness violated the establishment clause.

Although every tax exemption constitutes a subsidy affecting nonqualifying taxpayers, Brennan wrote, if that subsidy is given to a wide range of groups -- including nonsectarian as well as religious organizations -- and has a legitimate secular purpose, it is not unconstitutional. But, he continued, that was not the case with the Texas statute.

"It is difficult to view Texas' narrow exemption as anything but state sponsorship of religious belief," Brennan said.

The state presented no evidence that the payment of a sales tax by subscribers to religious periodicals or purchasers of religious books would offend their religious beliefs or inhibit religious activity, Brennan wrote. Even if members of a religious group succeeded in demonstrating that payment of a sales tax would violate their religious tenets, he added, "it is by no means obvious that the state would be required by the free exercise clause to make individualized exceptions for them."

Justice Harry A. Blackmun, who was joined by Justice Sandra Day O'Connor, concurred in the judgment.

Although expressing the opinion that a state could write a tax-exemption statute that would

violate neither the establishment nor the free exercise clause, Blackmun said the Texas law was not so written.

"In this case, by confining the tax exemption exclusively to the sale of religious publications, Texas engaged in preferential support for the communication of religious messages," he wrote. "Although some forms of accommodating religion are constitutionally permissible, this one surely is not."

In his dissent -- which was joined by Chief Justice William H. Rehnquist and Justice Anthony Kennedy -- Justice Antonin Scalia said he found no basis for disapproving a longstanding and widespread practice of tax exemptions, which he said permeate state and federal codes.

"It is not always easy to determine when accommodation slides over into promotion and neutrality into favoritism, but the withholding of a tax upon the dissemination of religious materials is not even a close case," Scalia wrote.

"If there is any close question," he added, "it is not whether the exemption is permitted, but whether it is constitutionally compelled in order to avoid interference with the dissemination of religious ideas."

● **GOVERNMENT AND OTHER** sources report all Baptist religious prisoners of conscience in the Soviet Union have been released.

During a briefing for human rights advocates, State Department officials confirmed reports that all Soviet religious prisoners have been released. Similar confirmation came from the Commission on Security and Cooperation in Europe -- known as the Helsinki Commission -- and Keston College in Kent, England, which monitors religious freedom in Eastern Europe.

During 1987, 265 prisoners, including 116 Baptists, were held in the Soviet Union because of their religious beliefs, reports indicated.

"Baptists and other believers everywhere should rejoice in this major victory for religious liberty," said James M. Dunn, Baptist Joint Committee executive director, who attended the State Department briefing. "All who worship him who came 'to preach deliverance to the captives' have a visceral identification with those who are prisoners for the sake of their faith."

## Allen D. Hertzke

Allen D. Hertzke teaches political science at the University of Oklahoma, Norman, where he also is assistant director of the Carl Albert Congressional Research and Studies Center. This article was adapted from his recent book *Representing God in Washington* (The University of Tennessee Press) and is used by permission of the author.

# Representing God in Washington

## The Role of Religious Lobbies in the American Polity

If 1976 was the "year of the evangelical" in North American politics, then surely 1984 was the year of "religion and politics." In nationally televised debates presidential candidates Walter Mondale and Ronald Reagan clashed over church-state relations. The Reverend Jesse Jackson brought black evangelism to the Democratic convention, culminating a campaign largely based on a network of black congregations. New York Archbishop John J. O'Connor sparred with Geraldine Ferraro over abortion, sparking both Mario Cuomo and Ted Kennedy to issue carefully reasoned statements on the proper relation of religious values to political obligations.

Meanwhile, evangelical and fundamentalist conservatives flexed their muscles at a Republican convention that featured the Reverend Jerry Falwell and a platform heavily influenced by the New Religious Right. For intellectual elites it was significant that the pages of the *New York Times* were filled with lead stories, speech transcripts, and full-page advertisements discussing, debating, and analyzing the crosscurrents of religious political activism in the United States.

One cannot adequately understand North American politics without understanding the dynamics of religious political engagement. Yet, over a decade after the election of a "born again" evangelical as president, our understanding of this religious dimension in U.S. politics remains oddly incomplete and impressionistic. True, we know something about the influence of religion on voting behaviour and a great deal about the courts as a battleground for religious interests confronting secular powers or each other. Congressional lobbying, however, has received scant attention, and most studies of religious lobbies are dated, limited in scope, or incidental to other research foci.

Moreover, where scholars have dealt with the representational issues involved in lobbying, they have tended to concentrate on a narrow band of ideological groups, about which they are often critical. Thus, critics of the liberal churches tend to discount them as out of touch with lay members, while other scholars view the fundamentalist activists as intolerant and lacking public support. In neither case are the actual policy effects of the activism assessed, nor is there much attention paid to the activities of groups in between the ideological poles.

What is lacking in the study of religious political engagement is an approach that encompasses the breadth of religious interests; and it is precisely the nature of Washington lobbying that makes it an especially fruitful field for just such a comparative analysis, for three reasons:

First, in contrast to the relatively narrow band of religious groups that actively engage the courts, it is in Washington that nearly every modern permutation of religious belief or interest is represented, drawn by the same imperatives that have brought hundreds of groups to the nation's capital in what Jeffrey Berry calls the "advocacy explosion." Indeed, lobbying reflects well the pluralistic nature of religious activism, even if some interests are better represented than others.

Second, the Washington milieu represents a common ground where groups with different regional, ethnic, theological, or ideological bases meet in proximity. It is here that leaders develop strategies, coalitions form, issues are framed, bedfellows emerge, partisans mutually adjust, and members are mobilized.

Finally, Washington presents a common challenge to religious interests, an environment to which they must adapt to be effective. It is in the capital, per-

haps more than anywhere else, that the "absolutes" of religious faith confront the hard and seductive reality of practical politics. The congressional system, with its norms, rituals, parliamentary intricacies, and multiple points of access, must be mastered if a religious group wishes to achieve some success.

In interviews with congressional staff members, the same theme repeatedly emerges: to be effective, religious lobbyists must learn to play the game, to think strategically, and to understand the norms of congressional politics. Differences and similarities between antagonistic groups, thus, emerge within a common environment, potentially suggesting, for example, what distinguishes Roman Catholics from Episcopalians, Lutherans from Mennonites, or evangelicals from fundamentalists, as they translate their religious values into political action.

In short, the diversity of religious groups in Washington, their proximity, and the common political constraints they face provide an excellent opportunity for insightful analysis and for isolating those variables that pertain to

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religious groups in particular from those that reflect the nature of the North American political system.

### Contemporary Religious Political Engagement

A Lutheran pastor, upon returning from a church-sponsored trip to Nicaragua, stuns his rural congregation by attacking American support for the Contras. The collection plates at a Presbyterian congregation fill up one Sunday, not with money, but with an offering of letters to Congress supporting more food aid to Africa. An Episcopal church houses refugees from El Salvador; a Catholic community votes to support the nuclear freeze; and a United Church of Christ congregation discusses a state bill on sanctions against South Africa.

Meanwhile, an evangelical church organizes a vigil at a family-planning clinic; fundamentalist ministers march on convenience stores for selling pornography; a Catholic congregation mobilizes to support a state referendum restricting public funding of abortions; Christian parents challenge the content of school curricula; church officials testify against a proposed state lottery; TV preachers implore listeners to flood Congress with calls and letters supporting school prayer; and Pentecostal Pat Robertson, founder of the Christian Broadcasting Network, announces his intention of running for president in 1988.

How do we make sense of all this? One response is to observe that religious political activism is nothing new in U.S. politics, that these manifestations are but modern variations on a continuing theme. Indeed, from the abolitionist movement of the nineteenth century, to the crusade against alcohol, to the more recent civil rights struggle, religious-based movements and organizations have attempted to influence public policy, sometimes with dramatic results. Moreover, cultural-religious cleavages, such as the Catholic/Protestant split, have in the past defined political cleavages as well.

However, there is evidence to suggest that major changes are afoot, and that religion and politics are more deeply intertwined than at any time in recent history. Indeed, what is striking about current political engagement is its tre-

mendous breadth and ideological diversity.

While the high-profile efforts of the Moral Majority and Christian Voice on the Right have mobilized several million previously dormant citizens through sophisticated direct-mail technologies and access to a vast network of Christian media outlets and programs, activism on the Left also is manifest. Grassroots opposition to nuclear weapons and U.S. Central American policy, plus support for sanctions against South Africa, have been strongly infused with church lay and clergy participation.

Moreover, intensity of commitment, an important political resource, is evidenced by those willing to place themselves in personal jeopardy. In the highly publicized Sanctuary Movement, leaders of some two hundred liberal churches are defying U.S. immigration policy by harboring refugees from Central America, risking prosecution and inspiring declarations of sanctuary by a number of cities, including Los Angeles, and even one state, New Mexico. More dramatically perhaps, the Witness for Peace organization has sent several thousand religious people to Nicaragua with the expressed purpose of interposing themselves between the Contras and Nicaragua residents, in effect daring the U.S.-supported rebels to risk killing North American citizens.

In addition to these indications of religious political engagement, there also is strong evidence that the number and ideological diversity of Washington-based groups has mushroomed in the past three decades. In 1950 there were sixteen major religious lobbies in Washington. By 1985, there were at least eighty, and the list is growing.

Moreover, the religious agenda is far broader than even a decade ago. Religious groups, of course, are deeply involved (on all sides) in highly charged social issues, such as abortion and the Equal Rights Amendment, and on church-state matters, such as school prayer and aid to parochial schools. However, in any given congressional session, religious leaders also will be embroiled in battles over food stamp cuts, aid to the Nicaraguan Contras, civil rights legislation, South African sanctions, foreign aid, international trade, nuclear strategy, military budgets, tax reform, Social Security, day-care fund-

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## One major resource for religious activists is that religion continues to be an important force in American life and culture.

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ing, environment protection, labor legislation, farm bills — and the list goes on.

The complexity of modern religious lobbying is illustrated by the Catholic Bishops who, in many ways, have strategically placed themselves between the ideological poles. Their unprecedented drafting of pastoral letters on nuclear arms and on the economy, both widely interpreted as "liberal" documents, has added more intricate texture to the political stance of the Catholic hierarchy, which simultaneously embraces many of the aims of the fundamentalist conservatives on social issues.

One major resource for religious activists is that religion continues to be an important force in North American life and culture. Contrary to evidence of significant decline in belief in some Western European nations, North American religious belief remains relatively intact. Not only do North Americans express more confidence in the church than they do in other key institutions of society, but most, in fact, are church members. Indeed, churches present a powerful contrast to the image of the U.S. as a "mass society" of atomized individuals physically unconnected with each other. In any given week more than forty percent of all North Americans attend church, and nearly sixty percent can be described as regular churchgoers. The significance of these figures is that more North Americans belong to a church or synagogue than to any other private association, union, or group, making religion the premier voluntary association in the country, a fact that will loom large in the discussion of the implications of church activism for the North American polity. □

## VIEWS OF THE WALL

Oliver S. Thomas  
General Counsel



The 101st Congress is off and running. Not surprisingly, it looks as if church-state issues again will be an important item on its legislative agenda.

The first issue likely to attract national attention is one that normally we don't associate with church-state concerns: child care. With more than 200 bills introduced in the last Congress, child care is high on the priority list for both Democrats and Republicans. Each of the presidential candidates made the issue a centerpiece of his campaign, and more than a dozen bills already have been introduced.

The question confronting Congress is difficult. How does government address the current need for safe and affordable child care without violating the First Amendment when more than one-third of the care providers are churches? Proposed answers proliferate, but by far the most highly publicized solution offered is the Act for Better Child Care Services (H.R. 30), popularly known as the ABC bill.

The ABC bill would establish a federally funded, federally regulated system of child care services utilizing both public and private care providers. Children of working parents with incomes of up to 100 percent of the national median would be eligible for benefits.

In addition to providing no relief to families that make the financial sacrifice necessary to keep a parent home during the preschool years, the act probably is unconstitutional. First, the bill would provide direct federal subsidies to church child-care programs. The Supreme Court, as recently as June 1988, reaffirmed its long-standing commitment to prohibit any government funding of "pervasively sectarian" institutions. This would include churches, synagogues, and parochial schools. While the high court has upheld financial aid to institutions that are merely affiliated with churches, the ABC bill would subsidize the churches and synagogues themselves.

Making matters worse, the bill would provide grants for capital improvements to these pervasively sectarian institutions. If, for example, a church needed additional bathroom or kitchen space, ABC funds could be used to pay for these renovations. I am aware of no court decision upholding such an incestuous relationship between church and state.

The *coup de grace* for evangelicals is

that the ABC bill would result in significant monitoring and regulation of church child-care centers. Even those churches that did not participate in the program would be subject to the new regulations.

For these and other reasons, the Baptist Joint Committee will continue opposing the ABC bill and working with Congress and our member bodies to craft a constructive alternative. Expanding existing programs such as Head Start, making better use of the public schools particularly in before-school and after-school programs, providing tax incentives for private businesses to provide on-site child care for employees, and giving a tax deduction to parents with preschoolers are possible solutions.

Also sure to surface in the 101st Congress is the issue of churches and tax policy. An almost \$3 trillion budget deficit has Congress scrambling for additional sources of revenue. Among the proposals are a 5 percent tax on the investment income of churches (*i.e.*, interest on savings accounts, cash dividends, etc.) and further limits on the deductibility of charitable contributions. The Tax Reform Act of 1986 eliminated charitable deductions for all taxpayers who do not itemize their deductions, and some members of Congress are proposing a "ceiling" or "floor" on charitable deductions for those who continue to itemize.

**Any effort to tax the financial resources of religious and charitable organizations will be counterproductive ... a breach in the wall of separation ... costing taxpayers more as nonprofits become less able to provide essential social services.**

The Baptist Joint Committee is adamantly opposed to these "solutions." For almost a decade, churches have been asked to carry an increasingly heavy load of the social services safety net. In fact, a recent study indicates that half of the churches' income nationwide is expended on non-sectarian education, medical care, food, shelter, and other social services. At such a critical time, tax incentives for charitable giving *must* be maintained. Moreover, any effort to tax the financial resources of religious and charitable organizations will most certainly be counterproductive. Not only would such a tax be a breach in the wall of separation between church and state, actually it would cost taxpayers more as nonprofits became less able to provide essential social services.

Using the "1,000 points of light" theme, the Baptist Joint Committee will lead a coalition of religious organizations to support legislation to restore the incentives for charitable giving. The President appears amenable to such a proposal, and already we are enlisting possible sponsors of a bill. The Independent Sector, an umbrella organization for hundreds of nonprofits, will play a key role in this effort.

Yet another issue certain to emerge in the 101st Congress pertains to churches and public accountability. The on-going saga/scandal of Jimmy Swaggart and the Bakkers has cast an aura of suspicion over organized religion. Many are calling for increased public financial accountability by churches, and a great deal of pressure has been placed upon the IRS to "fix" the problem.

The Baptist Joint Committee is working overtime to insure that any proposed changes in the laws pertaining to public accountability by churches are the result of careful study and reflect a proper respect for religious liberty and the separation of church and state. We are convinced that existing laws, when properly administered, are perfectly adequate to protect the public from misrepresentation, fraud, and tax abuse, and we will eye with suspicion any proposed changes.

That's our legislative agenda for 1989 — at least the part of it we can predict. No doubt there will be surprises along the way in what promises to be another busy year for the Baptist Joint Committee on Public Affairs. □

## Experts Offer Testimony

# Senate-House Child-Care Plans Ban Religious Activity, Discrimination

WASHINGTON

Child care appears to be high on the agenda for the new Congress and the Bush administration, according to the attention it has received in the last month.

During the opening weeks of the 101st Congress, lawmakers introduced more than a dozen child-care-related bills. In addition, the House Education and Labor Committee held a hearing on the general issue of child care.

George Bush also reiterated his commitment to a federal child-care plan during his first address as president to a joint session of Congress.

The president's proposal, which would cost an estimated \$331 million for fiscal year 1990, would establish a refundable child tax credit for low-income families with children four years old and younger. It also would make the existing child-care tax credit refundable for those families whose incomes are so low that they do not pay federal taxes.

Two much-publicized child-care proposals from the 100th Congress have been re-introduced.

The Act for Better Child Care, known as the ABC bill, has undergone some changes.

The proposal would authorize the distribution of \$2.5 billion in fiscal 1990, and additional funds in the subsequent four fiscal years, to states for child-care services. The states then would issue certificates to parents for the purchase of child-care services.

The Senate version of the bill, sponsored by Senators Christopher J. Dodd, D-Conn., and Orrin G. Hatch, R-Utah, would allow certificates to be used for child-care services provided by center-based providers, group home providers, family providers or other providers that are licensed or regulated under state law and that satisfy federal, state and local requirements.

In addition, the Senate proposal would allow payment to relatives caring for grandchildren, nephews and nieces.

The Senate bill would target assistance to families with children under age sixteen and whose incomes do not exceed 100 percent of the state median income. Priority would be given to children from low-income families.

The plan would require child-care

providers, excluding relatives, to meet health and safety standards set by the state. Within four years, providers would be required to meet minimum federal standards to be established by a national advisory board.

The House version of the ABC bill, sponsored by Representatives Dale E. Kildee, D-Mich., and Olympia J. Snowe, R-Maine, differs slightly from the Senate plan.

Both versions would allow child-care centers sponsored by religious institutions to qualify for federal funds if they avoid religious instruction, worship or other sectarian activities. Church-related programs also would not be allowed to discriminate on the basis of religion against children whose care is subsidized with federal funds.

The other bill, re-introduced by Representative Clyde Holloway, R-La., would establish a refundable tax credit, ranging from \$150 to \$400 depending upon annual income, for dependents who are below the age of compulsory school attendance. The proposal, known as the Holloway bill, also would repeal the current child-care tax credit.

New child-care proposals range from direct-funding programs to tax-credit plans.

Receiving the most attention is a bill sponsored by Representative Augustus F. Hawkins, D-Calif. Under the proposal, \$2.5 billion would be appropriated for fiscal 1990 to fund equally: expanded Head Start services, which would provide service to additional poverty-level children and extend part-day programs to full-day programs for children of working parents; school-based child care and development, which would provide programs in public schools for four year olds and before-school and after-school care for children from families in which parents work or are in educational or training programs; and infant and toddler child care, funding for which would be distributed through the states to community-based organizations, public and private non-profit organizations, resource and referral agencies, and individual family day-care providers.

Hawkins' Child Development and Education Act would target assistance to low-income families. □

Kathy Palen

Child-care experts have advised members of Congress as the lawmakers begin the process of considering a growing number of proposals to establish a national child-care program. During a House Education and Labor Committee hearing, scholars and practitioners in the child-care field offered their opinions about the shape such a program should take.

Several witnesses advocated the establishment of a single federal funding mechanism and administrative structure for all early childhood programs.

W. Norton Grubb, a professor in the School of Education at the University of California, Berkeley, said divisions in federal funding and administration would perpetuate unhealthy divisions between "developmental" programs and "custodial" programs for preschoolers; and create serious problems with coordinating early childhood policy at federal, state and local levels.

"It would be much better to devise legislation at the outset which contains a single funding mechanism, a single administrative agency at the federal and state levels, a single set of regulations, eligibility and quality standards, and then allows different kinds of programs to develop within this single structure," Grubb testified.

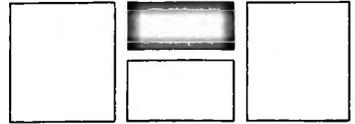
Edward F. Zigler, director of Yale University's Bush Center in Child Development and Social Policy, agreed that child-care services should operate under "one umbrella instead of piecemeal." He proposed using public schools to help solve the child-care problem.

Zigler's proposal, which already has been implemented in Missouri and Connecticut, would provide all-day child care for children ages three to five; before-school, after-school and vacation care for pre-school and school-age children; and half-day care for children who spend the other half day in kindergarten.

The program also would provide outreach services, including a home visitation program for families with children under three; an information and referral program dealing with specific child-care needs; and support and assistance for family day-care providers in the vicinity of each school.

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# News in Brief



## Courts uphold state laws exempting church centers

WASHINGTON

The U.S. Supreme Court has rejected a challenge to a Virginia law that exempts church-run child-care centers from state licensing.

By refusing to review the dispute, the high court let stand a ruling by the Fourth Circuit Court of Appeals that the state statute does not violate the First Amendment's prohibition against an establishment of religion.

The contested law, which was passed in 1979, allows any religiously affiliated child-care center exemption from the minimum standards required of licensed centers. The statute does require church-run centers to meet basic health and safety standards.

The challenge was brought by three nonexempt child-care centers, which are not associated with religious institutions.

A district court struck the exemption down as unconstitutional, but last May the Fourth Circuit reversed the ruling.

In appealing to the Supreme Court, John Vanderstar, attorney for the nonexempt centers, said exempting church-run child-care centers from religiously neutral standards constitutes an establishment of religion.

"If a state may now exempt ... activities from licensing and other health and safety regulations simply because some churches want to be free of such regulation, the delicate balance between the two religion clauses will be severely distorted," Vanderstar wrote. "Neither religion nor the health and safety of the people will be advanced by such a rule of constitutional law."

But the counsel for the state argued that forcing church-run centers to be licensed would violate the First Amendment's free exercise clause. Attorney Anthony F. Troy said requiring such licensing would force churches to place the state's authority over that of Jesus Christ.

In a similar case, a St. Louis circuit judge has ruled Missouri laws granting licensing exemptions for religiously affiliated day-care and residential care facilities are constitutional.

Judge Robert Dierker said the licensing exemption "is a reasonable and balanced attempt to guard against the danger that regulation will interfere with the ability of religious organizations to define and

carry out their missions.

The suit, brought against two state agencies, questioned the legality of a Missouri law that exempts "any well-known religious order or church" from state licensing. The state further defined the law in 1972 by declaring the exemption applied "to any church, synagogue, or mosque, any religious organization which would qualify for federal tax exemption, or any entity whose real estate is tax exempt because it is used for religious purposes."

The plaintiffs charged the laws were unconstitutional because they give a competitive advantage to religiously affiliated facilities. □

## Group appeals CBS cutback in religious programming

NEW YORK

An interfaith coalition of television programming activists is appealing to Congress and the Federal Communications Commission in hope of forcing CBS to keep regular religious programming on the air.

Interfaith Network, which includes representation from Protestant, Roman Catholic, and Jewish organizations, said it decided to make its appeal to Washington after repeated failed efforts to discuss announced cutbacks in religious programming directly with CBS Broadcast Group President Howard Stringer.

Last summer, CBS announced it was dismantling its religious programming unit — ending a forty-year tradition — and canceling its weekly half-hour "For Our Times" religious broadcast, which went off the air at the end of the year, because of poor viewer ratings.

In a recent letter to Stringer, INET chairman William F. Fore wrote, "For several months we repeatedly asked for the opportunity to raise these matters with you personally, an opportunity you have declined.... You leave us no recourse but to take this issue to those who create and interpret public policy in our American system of government."

Copies of the letter were sent to, among others, the FCC, Senator Daniel K. Inouye, chairman of the Senate Commerce Communications Subcommittee, and Representative Edward J. Markey, chairman of the House Energy and Commerce Telecommunications Subcommittee.

However, CBS Broadcast Group Vice President Beth Bressan said the network

is giving further thought to meeting with INET representatives in light of the latest letter.

"We see now again by his letter exactly where they stand," Bressan said. While CBS did not question INET's "depth of concerns" before, she said, the request to meet with Stringer "will be looked at in a new light."

Bressan said she planned to meet soon with Stringer to discuss the possibility of a meeting.

Fore, a recognized authority on issues of religion and the media, accused CBS of failing to promote "For Our Times" and then announcing that low ratings left the network with no alternative but to cancel the show.

He said it was "simply not true" that CBS, as Stringer claimed in a letter, "made every effort to attract and ensure a sizeable audience whose viewership would encourage (CBS) affiliates to continue to allow us to keep the program on the air."

But Bressan contended the network "worked very hard" to keep "For Our Times" alive.

Despite those efforts, she said, "For Our Time" was "never able to garner a sizeable part of the market."

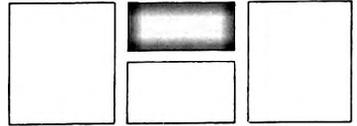
Only about thirty of CBS' 200 affiliate stations were picking up the program, Bressan said. When the network announced plans to phase out its religious programming unit, she added, not even the affiliates who were carrying "For Our Times" complained.

Fore noted the concerns of INET go beyond the single issue of "For Our Times."

"We are not dealing here merely with the cancellation of 'For Our Times,' but with a major change in policy. The central issue is nothing less than the responsibility and accountability of a network, its owned and operated stations, and its affiliates.

"Our position is that CBS has an obligation to serve the needs of the total public and that over the past few years it has abandoned this obligation in many areas of program service, including religion."

Noting that religious programs on NBC and ABC — each of which dropped its religion programming units several years ago — attracted significantly larger audiences than "For Our Times," Fore said, "The problem is not the subject area, but the lack of commitment of CBS to religious programming."



Fore labeled as "an insult to the religious public" CBS' plans to air four religious specials in 1989 — three focusing on Christmas, Easter, and a Jewish high holy day and one interfaith special.

Because 100 million North Americans are members of churches and synagogues and forty-five million North Americans identify themselves as "intensely religious," Fore argued, "For CBS ... to propose a total of four religious specials a year to meet the religious needs and interests of Americans completely misunderstands either your custodianship or your public, or both."

Fore said when Congress debated the Federal Communications Act, religious leaders were promised the FCC would make certain that time was reserved on commercial stations for religious broadcasting.

"As broadcasters press for ever-greater profits at the expense of public service," he said, "we believe Congress and the FCC must be reminded of the terms under which broadcast licenses were given out in the first place ... We fully intend to raise this fundamental issue when the next Congress convenes." (RNS)

## Law violates religious freedom, landlord says

ST. PAUL  
A man who is being sued by the Minnesota Human Rights Department for refusing to rent to an unmarried couple says the state human rights act violates his First Amendment right to religious freedom.

Layle French, a thirty-two-year-old carpenter in Marshall, Minnesota, said the human rights act violates his religious beliefs forbidding sex before marriage.

"The Bible clearly states this is wrong," French said.

His attorney, James R. Anderson, said the law's lack of a provision for a jury trial makes it unconstitutional. In Minnesota, human rights court cases are heard by administrative law judges.

Stephen Cooper, state human rights commissioner, said French was a landlord who tried to control the lives of his tenants.

"Landlords often have exaggerated ideas of what their rights are," he said. "They're trying to invent a constitutional right to say, 'I have the right to tell you what to think.'"

Cooper said juries do not hear human

rights cases because juries are supposed to reflect the society's majority while human rights laws are designed to protect the minority.

The dispute began in February 1988 when Susan Parsons of Marshall agreed to rent a house from French in which she would rent a house in which to live with her fiancée and his two children would stay with them part of every month. Two days later, French told Parsons he had changed his mind and would not rent to her. (RNS)

## Church wins dispute over licensing of preschool

MARSHALL  
A Wisconsin Synod Lutheran congregation here has won its battle with the state.

District Judge George Harrelson rejected motions by the state attorney general to shut down, without a trial, the congregation's preschool program until it obtained a license for day care.

Harrelson ruled the state's effort to license religious preschool programs as day-care centers was vague, overbroad, and unconstitutional.

He said the state legislature should amend the law to "more narrowly define the programs subject to licensure so as to offer additional protection to the religious freedom of all Minnesotans."

An assistant commissioner of the Minnesota Department of Human Services said the department will propose legislation to clarify the law, but it may not exempt preschool programs.

Harrelson noted the state's Human Services Licensing Act requires licenses for most programs that provide "care, supervision, rehabilitation, training, or habitation" outside the home.

That language, he wrote in his opinion, could encompass Sunday schools, Scout programs, music lessons, swimming classes, and other sports. (RNS)

## VOA challenges ruling by zoning appeals board

DENVER  
Local officials of the Volunteers of America are challenging a ruling by zoning authorities that bars them from opening a center in a neighborhood that permits churches.

The city's zoning appeals board ruled the proposed facility is a social service agency, not a church, because it would provide food and clothing for the needy.

VOA officials said the ruling ignored the fact that the facility also would be used for worship five days a week. Jack Dignum, VOA regional director, said the food and clothing function would represent only about ten percent of the time for which the facility is used.

VOA was founded in 1896 by the son and daughter-in-law of William Booth, founder of the Salvation Army, in a disagreement on how the Army would operate in the United States. VOA has 140 branches in the United States.

"I'm overwhelmed that in three hours [the length of the hearing], officials can determine that we're not a church after ninety-three years," Dignum said. Roman Catholic and Episcopal clergy and the executive director of the Colorado Council of Churches — a Presbyterian minister — had testified that VOA is a church. (RNS)

## Pregame prayers ruled unconstitutional by panel

ATLANTA  
A federal appeals court here has ruled that organized prayer at public school football games is unconstitutional.

The 2-1 ruling, handed down by a panel of the Eleventh Circuit Court of Appeals, involved a case originally filed in September 1986 by the American Civil Liberties Union on behalf of Kevin Douglas Jager, who was then a freshman at Douglas County High School in suburban Douglasville, Georgia.

Jager, now a college freshman, is an agnostic. He complained about the prayers to his agnostic father, William, who persuaded him to take his concerns to the ACLU.

When the Jagers first complained about the pregame prayers, the school board and the Douglas County Ministerial Association offered a compromise plan that would allow students or school officials, rather than ministers, to give the invocation. Doug Jager still objected because, he said, "with 2,000 students in the school and almost all of them Protestants, what chance did I have or anyone who wasn't Protestant?"

In February 1987, a federal district court struck down the clergy-led praying but upheld the "equal access" plan. That now has been struck down by the appeals court, which said the school district "wanted to have invocations that publicly express support for Protestant Christianity." (RNS)

## RELIGIOUS LIBERTY: OPENING A DOOR IN A CLOSED STATE



**"As Baptists, we have formed our tradition of ethics in the context of religious liberty. But Argentina has a different history, different cultural and religious traditions. Religious liberty has never been a part of its living tradition."**

ROBERT ADAMS

**I**f the Reverend Bob Adams wants a reminder about the separation of church and state he stares at the torture chamber.

That's what the government-owned garage in Buenos Aires used to be. It's one block from the seminary where he teaches Christian ethics and liberation theology.

Dr. Adams, now a scholar in residence at the Baptist Joint Committee in Washington D.C., says the proximity of the dungeon, last used by the right-wing military government of Argentina seven years ago, serves as a classic, if demonic, reminder of the fragility of liberty — religious and otherwise.

"As Baptists in the U.S., we have formed our tradition of ethics in the context of religious liberty," Adams says. "But Argentina has a different history, different cultural and religious traditions."

Although his exact role at the Baptist Joint Committee is undefined, during his one-year furlough he wants to study the constitutions of Latin American countries in reference to church-state separation.

Cognizant of the precarious nature of religious liberty in Latin America, he says the potential of domestic threats to religious liberty is his second target of research. "I want to try to better understand the current religious and political controversies in the United States."

Until the Malvinas, or Falklands, War in 1982, and the almost-simultaneous popularity of the musical "Evita," most North Americans equated Argentina with death squads, dictators and the export of the tango.

The country is the second-largest in South America, stretching from the Tropic of Capricorn to fifty-three degrees south latitude. If placed over the U.S., Argentina would stretch from Havana to the middle of Ontario. Its population of 32 million has suffered repeated repression from dictatorships, both civil and military, since it won its freedom from Spain in 1816.

With the Protestant missionary focus bound to the tradition of converting non-Christians, a strongly Roman Catholic country like Argentina would not seem a likely target for missionary zeal. But, Adams says, eighty percent of the country's Catholics do not practice their faith.

The first Protestant missionaries landed on Argentine shores in 1880 to pastor the families of foreign diplomats. Almost a century later, the Baptist missionary complement is over 100 — including Adams.

Adams was ordained as a Southern Baptist pastor in 1950, shortly after he earned a B.A. from Northeastern Oklahoma State University. Today he holds a master's in divinity from Central Baptist Seminary in Kansas City and a Ph.D. in divinity from Southwestern Baptist Theological Seminary.

Following nine years as pastor of churches in Oklahoma and Tennessee, Adams was appointed by the Foreign Mission Board in 1959. First stop: language school in Costa Rica.

The years 1961 to 1973 in Chile and Colombia whetted his appetite for Latin American missionary work — a calling helped by a three-year stint in 1973 in New Orleans as Professor of Christian Ethics at New Orleans Baptist Theological Seminary, and nine years in the same post at Southwestern.

Argentina caught his fancy after a sabbatical there in 1980. Four years later the Foreign Mission board loaned his teaching services to the faculty of the Argentine Seminary.

Unlike conditions in North America — where twenty-seven percent of professing Christians are Baptists — ninety-four percent of the Argentine Christian population is Roman Catholic; only 40,000 people are Baptists — one tenth of one percent.

Because the number of baptisms each year is roughly ten percent of the membership rolls of the churches, the total church membership should double about every ten years. But the growth rate remains zero.

"The glitch is that the 400 Baptist churches down there have both a front and a back door," Adams says. "The statistics show a growth rate but the overall total stays about the same."

With three graduate students to help him, Adams is trying to discover the reason for the constant exodus. "The problem isn't particular to Baptists," he says. "It exists for all Protestant denominations."

But he speculates that the problem lies in the structured, episcopal tradition of

the Roman Catholic hierarchy. "It conflicts with the freedom of the Baptist organization. Freedom requires responsibility. That can be intimidating when you've always been told what to do."

Adams predicts it will take five years to complete the research. Then, he says, he must convince the Argentine Baptist Convention that there is a problem and to do something about it.

"Historically, the Roman Catholic hierarchy has sought support from, and supported, the military, the landowners and the politicians," he explains. "In a typical Latin American family, the first son inherits the family land, another enters politics, a third goes into the military and another becomes a priest. Of those four disciplines," he says, "the only place a poor boy can make good is the church." This fosters a "from-the-top-down" view of the church.

Ironically, the Baptist tradition of local congregational life is now less foreign to Latin Americans since a shortage of Roman Catholic priests is forcing the establishment of Catholic Christian base communities.

"Here, for the first time, you have Catholics suddenly encouraged to meet among themselves, to read the Bible and to worship without a priest. From a Baptist standpoint," he says, "these communities are great grounds for hope."

Liberation theology, with its philosophy based on the human and land-owning rights of the peasant, often has originated from such groups, he says.

"To me, the Reformation in Europe primarily stemmed from a discontent in theology," Adams says. "I think that today the discontent in the Catholic church is over ethics."

But to teach Christian ethics in Argentina required some adjustment to the standard texts.

"I started teaching with the naive view that Baptist concepts automatically would be understood in Latin America," he laughs. "But now I find I must contextualize the course. I have to set Baptist perspectives in the context of the country. That the Bible alone is sufficient is a grand ideal but it isn't practical."

To help him with his own course — and to assist future missionaries — Adams is writing two Christian ethics textbooks in Spanish. The introductory



**One major resource for religious activists is that religion continues to be an important force in American life and culture.**



text investigates the history and relationship of ethics with "all the other 'ologies' around it." The second examines the internal ethics of the church, including the role of women — which he believes will be the "most divisive issue in the church for the next ten to fifteen years."

Between his return to Argentina and his retirement in six years he hopes to supervise as many graduate students as possible — who then will be in a better position to teach Christian ethics to other South and Central American students. "Because although I've been in Latin America for eighteen years," he says, "I'll always be an outsider."

To circumvent the cultural barrier, in 1961 he considered taking Chilean citizenship (a step which at that time was not permitted by the Foreign Mission Board) even though it meant giving up U.S. citizenship. "I can give my students all sorts of advice about religious freedom and Christian ethics," he says. "But all the time I know — and they know — that I don't have to suffer the consequences."

Hence his dedication to teach Latin American students to teach themselves at the seminary, whose enrollment, despite its name, is not strictly limited to Baptists.

"I don't consider my task as a Baptist is to make all the people in Argentina Baptists," he says. "But I would like to get them to be something."

Yet the role of the Baptist church in Argentina is integral, he says, to maintaining religious liberty.

"I think if people are encouraged to meet and discuss issues that are important to them, whether religious or political or whatever," he says. "Then you've opened the door to some kind of freedom." □



## Religion singled out in agreement on human rights

The new agreement on human rights that was issued by representatives of thirty-five nations in Vienna contains several provisions specifically aimed at guaranteeing religious freedom.

The signers included the United States, Canada, the Soviet Union and all other European nations except Albania. The document was part of the Conference on Security and Cooperation in Europe, which has been meeting periodically since the Helsinki accords were signed in 1975.

Participating countries pledge to "foster a climate of mutual tolerance and respect between believers of different communities, as well as between believers and nonbelievers." The agreement also upheld the rights of religious communities "to establish and maintain freely accessible places of worship or assembly; to organize themselves according to their own institutional structure; and to select, appoint and replace their personnel in accordance with their respective requirements and standards, as well as with any freely accepted arrangement between them and their state."

Other provisions of the agreement said the participating countries will "respect the right of everyone to give and receive religious education in the language of his choice, whether individually or in association," and will "protect and create conditions for the promotion of the ethnic, cultural, linguistic and religious identity of national minorities on their territory."

Richard Schifter, the U.S. assistant secretary of state for human rights and humanitarian affairs, told the *New York Times* that "what's important about this document is not only what's in it, but the fact that the Soviet Union shows a more serious intention to live up to its commitments." □

## Ortega tells bishops of hopes for normalization

MANAGUA

Nicaraguan President Daniel Ortega met here with forty Methodist bishops from throughout the hemisphere and asked for their help in bringing peace to this war-weary country.

Although there are no Methodist churches in Nicaragua, the Latin Ameri-

can prelates invited their U.S. counterparts to a summit meeting here. According to Bishop Raul Ruiz Avila of Mexico City, who first suggested the meeting more than a year ago, the small Central American country "symbolizes the conflict between north and south, between the peoples of the Third World who suffer and the U.S. policy of aggression."

Mr. Ortega expressed hope that the Bush administration will prove more pragmatic in its relations with Latin America and that relations between Nicaragua and the United States could normalize in the next few months. □

## PNBC among church groups to act against apartheid

Top leaders of seven black denominations have announced a joint campaign to mobilize their national memberships in support of a variety of anti-apartheid measures, including comprehensive U.S. sanctions against South Africa.

The Progressive National Baptist Convention was joined at a meeting in Washington, D. C. by the National Baptist Convention of America, the National Baptist Convention, USA, three Methodist bodies and the Church of God in Christ in declaring:

"The intensifying brutality of the Pretoria regime, death and detention of children, attacks against the churches and church leaders and the war against South Africa's neighbors compel us to speak out as one united voice for an end to the pain being inflicted upon our sisters and brothers."

The effort announced here originated in a September 1987 challenge by a leading South African anti-apartheid activist to the major black churches in the U.S. Speaking to a group of leaders in Atlanta, the Reverend Dr. Alan Boesak called on the denominations to "exert every effort possible to bring an end to the long night of suffering by the people of South Africa."

During the recent Washington gathering, sponsored in part by the World Council of Churches' U.S. office, the church leaders said they would rally their memberships behind:

- Increased U.S. economic sanctions against South Africa's white minority regime;
- U.S. economic aid to the black-ruled states bordering South Africa;
- An end to U.S. backing of South Africa-supported rebels trying to over-

throw the government of Angola;

- The international boycott of Shell Oil, which has clashed with anti-apartheid activists and churches over its commercial role in South Africa.

Dr. Boesak, president of the World Alliance of Reformed Churches, said that U.S. sanctions against South Africa recently have proved effective, and influenced its decision to reach a recent settlement of conflicts in Namibia and Angola.

"The pressure of sanctions forced them to the negotiating table," said Dr. Boesak. "If that is true for Namibia and Angola, it must also be true for South Africa," he added, saying Western nations must cut off oil supplies and air links to his country.

As part of the new effort, the seven U.S. denominations plan to promote May 26 as a day of prayer and fasting for an end to apartheid. □

## Concern over new law tied to future Chinese rule

HONG KONG

Christians here are worried that a recently enacted law requiring registration of places of worship in a south China province will lead to further restrictions on religious activity in China and Hong Kong.

A preliminary concern is that the provincial regulation comes at a time when officials are drafting a Chinese national law on religion, which also will govern religious activity in Hong Kong after 1997 when China assumes authority over the British colony.

In addition to requiring that all places for religious gatherings must be registered with the government, the new code stipulates that government approval is required for religious workers and seminary graduates to work at religious sites, to travel to other provinces, and to publish and disseminate religious materials.

Referring to the time of repression when Christians gathered for worship in "house churches," Bishop K.H. Ting, a leader of the church in China, observed, "If this is a measure aimed at eliminating meetings of Christians in homes without first providing more suitable places for them, it is an infringement on religious freedom." □



## NEWS-SCAN

### Ontario school policy allows religious exercises

The provincial government of Ontario, Canada, has adopted a policy permitting readings of religious materials from several groups in public schools in response to an appeals court ruling that barred readings that are devotional or that reflect only one religion.

The announcement came on the heels of a suit filed by the Canadian Jewish Congress against a local school board for allegedly violating a court ruling banning the sole use of exercises that were Christian and thus a breach of religious freedom.

Education Minister Chris Ward said opening exercises in public schools may include a moment of silence "and/or one or more readings that impart social, moral or spiritual values and that are representative of our multi-cultural society."

He said the Lord's Prayer may be included among the readings, but "readings from any one religion may not be used exclusively or be given a position of primary." □

### European Baptist men plan program on family

BUDAPEST  
European Baptist men, when they meet here next year, will be challenged to consider the vast changes that have taken place in attitudes and in society.

"We want to see how these changes have affected us as Christians and what the Bible teaches us," explained David Beaumont, European vice president of the Baptist World Alliance Men's Department.

The men's meeting will take place on July 16, 1989, during the Congress of the European Baptist Federation, under the theme, "The role of the man in the family today." □

### Church-state relations a low priority in England

BOURNE  
Anglican Bishop Colin Buchanan has voiced the strongly held views of many politicians and church people in calling for the "disestablishment" of the Church of England. Yet his call for action is unlikely to be heeded.

Since the Reformation, the Church of England has been state-controlled. In practice, Parliament still has the final say in the affairs of the church, so that if British Anglicans eventually approve women in the priesthood Parliamentary approval still will be needed.

Bishop Buchanan and his supporters, estimated at one-third of the church's members, prefer the United States' type of separation of church and state. The other two-thirds insist that disestablishment would be an admission that Britain is no longer a Christian society.

The call for disestablishment is not likely to be heeded in the near future. Most politicians consider church-state relations to be of low priority. And though Anglicans now number less than one in ten Britons, most are determined to hold on to their privileged status. Most voters technically are non-believers. □

### Czech Cardinal calls for end to 'crude violence'

Cardinal Frantisek Tomasek has called on the government of Czechoslovakia to "end the period of injustice" in condemning the latest round of arrests of opposition leaders including Vaclav Havel, an internationally known playwright and essayist.

"The justified yearning of citizens to live in a free environment, something which has become a matter of course in the twentieth century, cannot be stifled by crude violence," the cardinal said in a letter to Prime Minister Ladislav Adamec.

Cardinal Tomasek said he feared that "by suppressing the dialogue between the citizens and the government a confrontation is being provoked to the detriment of all of us."

Petr Uhl, a leader of the Charter 77 human rights movement, said that Mr. Havel "is the only writer of significance in jail anywhere in Europe." He called for protests against the crackdown by governments and church organizations. □

Nujoma contends that "the independence process" will be seriously jeopardized if the peacekeeping force is reduced. □

The respected monitor of religious and human rights oppression in Eastern Europe countries, *Das Land Und Die Welt*, reported that "there are no longer any Evangelical Christian-Baptist prisoners" in the Soviet Union. It also noted that while currently there are no cases of imprisonment or exile (excluding psychiatric hospitals) under Article 70 of the Russian Criminal Code or its equivalents, there also is no reason to believe that the same is true for incarceration under other Articles.... General secretary Frank Chikane of the South African Council of Churches, believes there is only one way left, short of violence, to dismantle apartheid in South Africa: comprehensive sanctions. At a press briefing in the Interchurch Center in New York, Chikane spoke of a subtle form of racism in a policy — as propounded by the Reagan administration, for example — that rejects sanctions on the ground that they would hurt those they are intended to benefit.... The National Association of Evangelicals in a report issued by a task force of its relief agency, World Relief, says that the U.S. Immigration and Naturalization Service (INS) violated its own criteria in denying refugee status to forty-four Soviet Pentecostal emigres now living in Rome. The World Relief report charges INS with using an "abrupt, cold, formal and mechanical" interviewing style, whereas agency guidelines "encourage a warm, personal style," with arbitrary criteria that resulted in denial of refugee status to nine members of a church by one case officer, while another officer granted that status; and with raising biblical questions that had no bearing on whether the persons were victims of persecution. The task force, in Rome, sat in on several hearings in which applications were rejected for a second time, the team concluding that of the ninety-nine rejections upheld, an overwhelming majority should have been overturned. In agreement with World Relief, one of four Christian agencies working to resettle Soviet Pentecostals in the U.S., were officials from Church World Service, Lutheran Immigration Refugee Services, and the Episcopal Migrant Ministry.... The head of the South-West Africa People's Organization and the Council of Churches in Namibia have appealed to the U.N. Security Council not to cut the 7,500 troops stationed there to supervise its transition toward independence. Sam

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## NAMING, from page 16

them, sincerely intended utopian revolutions can produce authoritarian dictatorships and even stagnate economies. Shaull praises efforts being made in Nicaragua, correcting anti-Communist stereotyping; but he would be more convincing, and healthier for Third-World efforts to create change, if he dealt with sincerely intended criticism from those who oppose the Contras but who know the importance of what glasnost and perestroika are now trying to invent anew. Human rights include economic justice for the poor, as Shaull insists; and they also include crucial political and civil rights.

I want to make a plea for clear understanding. In our unfortunate present ideological polarization, many who urge us to overcome stereotyping all Marxists as Stalinists themselves end up stereo-

typing all who insist on political and civil liberties as "classical liberal individualists," as if our concern for human rights had no understanding of the social nature of selfhood or of the fundamental economic rights of housing, food, healthcare, and a job. And many who emphasize the latter, slight the rights of basic human and economic needs. Either nearsightedness is reactionary and deprives millions of their rights. A biblical understanding of human rights is neither marxist nor liberal individualist in the above senses. It was articulated by the Baptist, Richard Overton, well before John Locke or Karl Marx. It includes the economic rights Shaull has here affirmed, plus the political, civil and religious liberties Max Stackhouse affirms in his important book *Creeds, Societies and Human Rights*, and the importance of voluntary associations and base communities that both affirm. □

Glen Stassen

## Senate, from page 7

But Grubb rejected the concept of Congress' giving public schools a monopoly over child-care programs by earmarking federal funds for the schools' exclusive use.

Where the schools have good reputations or in rural areas where the schools are the only potential providers, many of the programs would be provided by school districts.

But in areas where there are community-based organizations with strong reputations for early childhood programs or where the schools have mediocre reputations or are indifferent to early childhood programs, the earmarking of funds for school-based programs would not serve the interests of children, parents,

schools or the federal government, he added.

He suggested a voucher mechanism, such as that now being used in California, as one possibility. Vouchers, as opposed to tax credits, which he described as poor instruments for funding child-care programs, can direct funds to families with the greatest needs; expand parental choice; and provide information and monitor for quality, he said.

During the hearing, other witnesses voiced a need for federal child-care standards.

Deborah A. Phillips, an assistant professor of psychology at the University of Virginia, said proposed federal standards are minimum standards designed to protect the health and safety of children in child care. Although a variation exists among current state child-care standards, she added, a majority of states would be in compliance with federal standards now being considered.

"Any federal standards should be small in number and focused on the basic elements of quality documented by research, as well as on basic health and safety features," Phillips testified. "They should be phased in gradually to avoid disruption. And there must be technical and financial support available to states as they upgrade their standards."

"I ask you always to keep in mind that child care is a service for children," Phillips concluded. "Child-care policy invariably involves business concerns, turf issues, issues of states' rights and powerful ideological arguments. But the end product that I believe we all seek is healthy, alert, trusting and spunky children." □

Kathy Palen

## Register Citizen Opinion 1989

The election of a new president results in major administration changes, in addition to the revised Senate and House membership and committee assignments. Register Citizen Opinion contains that information, with addresses, telephone numbers, and much more. Its suggestions will enable you to communicate directly and effectively with government. (Expected off the press for April mailing. Order today!)

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The 'wall of separation' is a metaphor rooted in good theology... patently useful as the guarantor of liberty, and while it is not absolute, it is not obsolete ...

## REFLECTIONS

James M. Dunn  
Executive Director



Could it be that the true and dangerous liberal among us is the one who has too much confidence in human institutions? Apart from "liberal" or "conservative" political agendas, is there not real peril in a theological submission to the state because it is "ordained of God"? Can we invest too much trust in the church which is at best a divine-human institution?

One reason that our wary forebears, whether sons of the enlightenment or children of the Puritan promise, insisted upon separation of church and state is their shared estimate of humankind. All the peoples of The Book — Jews, Christians and Muslims — did in days past hold a pessimistic perspective of human nature. They spoke of sin. The biblical formulas for original sin and total depravity crept into the common conversation of the most progressive religionists in colonial days. The deists, free-thinkers and even atheists could not communicate without appealing to "man's fallen nature."

Somehow there was a ring of truth from personal experience. When we have learned the truth, been shown the good, understood what is right and seen clearly our own self-interest, we blow it. Who is so naive as to believe that if we know what's right we'll do it?

That's true of us as individuals, at least at times. It's more true of collections of individuals. Reinhold Niebuhr sized up sin in its social and political expression and let slip his conclusion in the title: *Moral Man and Immoral Society*.

We will never forget. The holocaust took the measure of human hate and fear. It took place in the lifetime of many of us. Lebanon. Idi Amin. Kampuchea. The words alone suggest a theological insight into corporate sin.

Is it any wonder that those founders who thought in religious constructs should insist on separation of church and state? Remember, Madison was a theologian at Witherspoon's fledgling Princeton. Jefferson, well taught in theology, could see as Edwin Gaustad says, "... European history needlessly besmirched and tragically bloodied by the heavy hand of despotic religion."

The Baptist separationists, from Roger Williams and John Clarke through Isaac Backus and John Leland, trusted neither church nor state because "all have sinned and come short of the glory of God." They were quite sure that the world was made up of two kinds of people, saved sinners and lost sinners, but all sinners to be sure.

When the United States Congress was considering the exchange of ambassadors with a church, Kenneth W. Dam was asked at a public hearing why our State Department would want such an arrangement. He replied, "So the United States can influence the political policies of the Roman Catholic Church." The state influence policies of the church, indeed! Unfair. Out of bounds. A blatant violation of church-state separation.

Perhaps President Bush will refuse to appoint another ambassador to the Pope. Surely all people who see the sense in keeping church and state separate will make this appeal.

Chief Justice of the Supreme Court, William Rehnquist, has said, "The 'wall of separation between church and state' is a metaphor based on bad history, a metaphor which proved useless as a guide to judging. It should be frankly and explicitly abandoned." Some of us believe

that it is a metaphor rooted in good theology: "unto Caesar what is Caesar's, unto God what is God's," that it has proved patently useful as the guarantor of liberty, that while it is not absolute, it is not obsolete, that it should be treasured as a distinctive aspect of the American experiment.

Perhaps President Bush will take special care in the appointment of federal judges to inquire of their record on church-state issues. Last year he gave eloquent testimony to the vitality of his belief in the separation principle. "Was I scared," he said, "floating in a little yellow raft off the coast of an enemy-held island...? Of course I was. What sustains you in times like that? Well you go back to fundamental values. I thought about Mother and Dad and the strength I got from them — and God and faith in the separation of Church and State." Useless metaphor? Surely everyone who shares Mr. Bush's faith in the separation of church and state will encourage and support him in this direction.

One think tanker, Walter Berns, consistently advocates "a program of assistance on a non-discriminatory basis across the board, to all churches, all religions, all sects." How in the world does "fallen man" muster the wisdom, the will, the skill to dispense the limited public treasure to unlimited pluralistic religions and sects? How, in heaven's name, does imperfect government, tainted, scarred and effaced by sin, fairly relate to limited organized religion, self-admittedly made up of sorry sinners? No, it is ridiculous revisionism to think that the state can perform any religious function whatsoever. It is still sinful and tyrannical to take tax dollars by coercion, as is necessary, and divide them by any formula however ingenious among sects, religions or belief systems.

Perhaps President Bush will give no comfort to those who would use public funds for parochial purposes. Surely every conservative interested in preserving the tradition of church-state separation and every liberal dedicated to keeping heavy-handed government out of religion will stand behind the President in safeguarding scarce tax dollars for truly public causes. Both will resist the statism that allows government to be all in all. Close to the essence of sin in the biblical revelation is the pride in one's own ability to go it alone, to do it himself, to mistake the creature for the creator. All of us understand in our innards on an intimate level Elton Trueblood's warnings against the "insufferable conceit, unbelievable self-righteousness" which resides in every heart. We may not yet have seen the utter folly in elaborate schemes that would mix and merge church and state in an inextricable embrace for child-care legislation. We may not have understood the inevitable unfairness and injustice in exchanging ambassadors with one church. We may not have admitted to ourselves the ludicrous leap of logic in thinking that the common purse can provide evenhandedly for our various religious institutions.

Whether we call our limitations, recalcitrance, perversity and predicament "sin" or not, we'd better exercise the caution that takes it into account. The founders were not so dumb after all to build into the structure all sorts of safeguards, including separation of church and state. □

# REVIEWS



## NAMING THE IDOLS:

Biblical Alternatives for U.S. Foreign Policy. By Richard Shaull. Oak Park, IL: Myer Stone Books, 1988. 170 pp. \$9.95.

Richard Shaull offers a kinder and gentler policy toward Latin America. He suggests seven biblical criteria that can help us understand more accurately, respond less fearfully, and act more constructively. Each biblical criterion has been influential both in the Western worldview and among thousands of Latin American Christian base communities and indigenous groups:

- Every human life is of ultimate importance; we should be dedicated to creating conditions for every person's fulfillment.

- God transcends nature and the social order, so no status quo is sacred. In an unjust order, social revolution is mandated.

- Transnational encounters and technologies have shattered the isolation of traditional cultures; we are one global culture and need a new international order.

- The Bible orients us toward a promised future, a utopia, a Promised Land, a new covenant, a new creation or new Jerusalem, the coming reign of God, and not toward a golden past.

- The church is not merely to proclaim a new order but to make it reality through its own community life. Through that community life, Puritans were called forth for the British and American revolutions, and many Third-World leaders are now converted to the revolutionary struggle for justice.

- God is passionately concerned about the poor, loves them, hears their cry, and is actively working in history to set them free; the fate of nations is determined by whether they are working for or against justice for the poor.

- Idolatry arises when part of the social order, such as the pursuit of wealth, power, or political empire, is

made sacred. It causes lies, self-deceptions, hypocrisies, and the resistance against reasoned discussion that we experience.

From this perspective Shaull could condemn present U.S. policy toward Central America vociferously. For example, he points out that the Nicaraguan government is mixed in ideology and in economic practices, by contrast with rigidly Marxist Eastern European countries; has not invaded and occupied neighbors as China did in Vietnam; was elected in voting open to varieties of parties and promises another election next year, while China doesn't even talk about holding elections; and has not massacred its citizens as the Khmer Rouge did in Cambodia and as rightist dictatorships have done. Yet, the U.S. government aids rigidly Marxist East European nations, China, the Khmer Rouge, and rightist dictatorships, while waging economic and Contra war against the democratically elected government of Nicaragua. "For anyone who looks honestly at this picture, it is difficult to avoid the conclusion that our anti-Communism is all too often a weapon used to block the type of social change that could improve the life of the dispossessed people in the Third World" (p. 56).

But Shaull's approach is gentler. He suggests how the biblical perspective has "gradually transformed my perception of what is happening in a revolutionary world.... It has freed me from fear of revolutionary change, forced me to look more honestly ... and, most important of all, made me aware of options available to the United States" (p. 107). Shaull mentions that "I began my missionary career living in a large house in a wealthy neighborhood and going to work in a chauffeur-driven car; during

our last assignment in Central America, my wife and I lived in one room with a poor family" (p. 74). He spent forty-five years as a missionary in Latin America, and as Professor of Ecumenics at Princeton, and has learned to change. He urges us also to change as a nation; to learn to identify with the people of Latin America who are struggling to overcome the social conditions that cause poverty and injustice. We should withdraw support from oppressive regimes and give support to those who are building a new international order. We should be willing to work with Marxists if they are faithful to a utopian vision of economic well-being for all, and if they are working for the participation of the people at the bottom in the exercise of political power (p. 83). He testifies that very many who are working for justice in Latin America are motivated by Christian faith, and at the same time are "marxist" in a general sense. But they are not doctrinaire or dogmatic and do not want to become subservient to the Soviet Union. If we are willing to work with them, we can advance the cause of justice for the poor, peace for Latin America, and a new respect for the United States.

There is a lot that is right in Shaull's arguments. He corrects much that is wrong in reactionary policy. Yet I want him also to emphasize the biblical understanding that there is sin in every utopian revolution, and there is the image of God in every person, so it's crucial that every "utopia" have checks and balances, separation of powers, regular elections with the universal right to vote, and freedom of religion, freedom of speech, freedom of press and the right to assembly for multiple political parties.

My problem with Marxism is not simply that its adherents are dogmatic, but that its ideology obscures the need for checks and balances and political and civil liberties. Utopias can be helpful or dangerous, depending on whether they build in these criteria, along with the criteria Shaull correctly identifies. Failing

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### Reviewer

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