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REPORT from the CAPITAL

SOUTHERN BAPTIST HISTORICAL
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MARY McLEOD BETHUNE
1875-1965

Let her works praise her



REPORT from the CAPITAL

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

Vol. 44, No. 10 November-December 1989

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Cover: Mary McLeod Bethune, an aspiring missionary, instead became a noted educator who blended religious training with basic educational skills. The school started in her home with five children became Bethune-Cookman College. Finally, not as a missionary but as the nation's envoy, she served in Liberia under appointment by President Harry Truman. (Sculpture in Lincoln Park on Capitol Hill, Washington, D.C.)

Executive Director: James M. Dunn
Editor: Victor Tupitza

Contributing Editors: Rosemary Brevard, Susan Hill, Kathy Palen, Oliver S. Thomas, J. Brent Walker (Washington, D.C.); Glenn Saul (Mill Valley, California); Kenneth L. Smith (Rochester, New York). Circulation: Gordon L. Northcutt.

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Separation, a faith principle

Who we are as Baptists and what we intend to be in the future requires an honest reexamination and evaluation of where we have come from, writes Ronnie Prevost in the lead article for this issue. The Southern Seminary professor believes that the way we approach the issue of religion in American life contributes greatly toward answering what essentially is an identity question. It's no secret that in large numbers, "denominational" Baptists join independent Baptists and a mix of other Christians to call for greater state support of their values and missions. That's a radical departure from our roots in separation, dating back from John Smythe and Thomas Helwys in England to Roger Williams and John Leland in America, and one that has added to the identity confusion among some Baptists today.

Brent Walker, associate general counsel for the BJC, makes his debut in REPORT with a VIEWS column on taxation. It is one that is both confessional and informational in that he confesses his antipathy toward the legal tax practice but goes on to argue in behalf of change in the IRS code to extend deduction of charitable contributions to nonitemizers. Ironically, non-itemizers comprise a large category of low-income persons who contribute a greater percent of their household income than do those with higher incomes. It's not only a matter of justice, Walker says, but it will serve important social ends.

Neal Riemer, professor of political philosophy at Drew University, writes on creative breakthroughs, assesses the contributions of Roger Williams and James Madison, and arrives at the conclusion that key religious ideas, including religious liberty and the separation of church and state, have had a central and creative role in American politics. Moreover, Riemer contends, these ideas will have a prominent part in resolving current and future problems. For Williams, the problem was one of reconciling religious orthodoxy and political order with the facts of religious diversity and political conflict. Madison faced the question of the possibility of a just republican government in a large state. Because of length, the article will conclude next month.

"Church-state separation is clearly a faith persuasion...", says James Dunn, in a reflective piece that underscores the harmony possible because each recognizes its particular contribution to society. Separation guarantees that the state shall not marginalize human conscience and that religious institutions shall not shape the social order according to their singular tenets. The principle extends choice of belief or unbelief to all Americans: Religious freedom flourishes in the midst of increasing pluralism while citizenship benefits through the moral influence and example of all social institutions and individuals committed to the commonwealth. Separation creates an environment protective of "soul liberty" and of democracy. □

Victor Tupitza

o **A STATE APPEALS** court has ruled clergy malpractice suits may be filed against pastoral counselors.

In a recent unpublished opinion, the Ohio Court of Appeals reversed a lower court decision that dismissed charges of professional negligence against a Seventh-day Adventist pastor.

The dispute involved Leroy and Garnet Byrd, a couple from Knox County, Ohio, and Richard P. Faber, pastor of Hill Church there.

The Byrds claimed they sought marital and personal counseling from Faber in 1984 and continued in counseling with him through early 1987. Throughout that period, the couple said, Faber told them he was a qualified marriage counselor and discouraged them from seeking counseling elsewhere.

The couple alleged Faber used information he gained during counseling sessions with them to induce Garnet Byrd to engage in sex with him against her will. The Byrds also alleged the Seventh-day Adventist Church knew or should have known of Faber's inclination to commit such actions and thus was negligent in allowing him to assume the position of pastor.

In reversing the trial court's decision, the appeals panel held an earlier Ohio Supreme Court opinion, *Strock v. Pressnell*, does not preclude legal action against a pastoral counselor if that counselor is negligent in treating a patient.

"It is clear that Strock was not intended to prohibit the filing of clergy malpractice actions where the facts support such a claim," the court wrote. "Additionally, Strock recognized that a church could be held liable on agency principles for the tortious acts of its employees committed in the course of employment."

The ramifications of the case, which is under appeal to the Ohio Supreme Court, are serious, said Oliver S. Thomas, general counsel for the Baptist Joint Committee.

For one thing, damages in these cases can be severe, Thomas said. "In a recent Alabama case, for example, the husband, upon learning of his wife's sexual relationship with their counselor/pastor, committed suicide," he explained.

Such cases also present First Amendment problems, Thomas said.

"When a couple is in marriage counseling and the counselor begins having sex with one of the

counselees, the counselor should expect to be held liable," he said. "The fact that the counselor happens to be a minister should be irrelevant. These cases, however, should not be termed 'clergy malpractice.'"

The term "malpractice" means falling below the established standards of conduct for a particular profession, Thomas explained.

"The rub comes in determining the standards for clergy," he said. "Courts are wholly incompetent to establish standards for a spiritual enterprise such as pastoral counseling, and the Constitution strictly forbids their even attempting such tomfoolery."

"There are existing legal theories such as 'outrageous conduct' and 'breach of fiduciary duty' for handling such cases without encroaching upon the First Amendment."

Thomas said the U.S. Supreme Court's refusal earlier this year to review a California clergy malpractice case led many church-state practitioners to believe such challenges were dead.

That decision left standing a unanimous ruling by the California Supreme Court that individuals who are not licensed as counselors or therapists cannot be held legally liable for failing to provide proper advice or for failing to refer their counselees to licensed therapists.

"After California had finally put the specter of clergy malpractice to rest, it's unfortunate Ohio has conjured it up once again," he said.

o **A THREATENED LAWSUIT** apparently has prompted Central Missouri State University officials to abandon a 40-year relationship with the Missouri (Southern) Baptist Convention.

Since 1949, the convention has paid the salary for a professor to teach religion classes for university credit at the Baptist Student Center near the campus in Warrensburg. At the invitation of school officials, the classes were moved to the university two years ago.

American Civil Liberties Union officials charged the relationship violated church-state separation and threatened legal action against the college if the relationship continued.

School officials announced the religion courses would be moved back to the Baptist Student Center for the current year, after which the relationship would be ended. (BP)

Dr. Prevost is an associate professor of Christian education at Southern Baptist Theological Seminary, Louisville, Kentucky. This article, adapted for use in *REPORT*, first appeared in *Review and Expositor*. It is used with permission of that theological journal.

Roots

Baptist Identity in Scripture and History

The question of church-state relations is one of the most important, divisive, and emotion-packed issues confronting the United States in general and Baptists in America in particular. The purpose of this article is to examine the reasons this issue carries such impact.

Someone has said that the three topics of discussion most likely to lead to a fight are religion, politics, and one's dog. These three relationships obviously are extremely personal. For our purposes, we must also understand that the church-state issue involves tension between two of a person's most significant and intimate spheres of relationship, self-concept, and identity: They are (1) one's concept of the divine, whether one is an atheist, an agnostic, or a participant in the world's myriad religions; and (2) one's relationship with the temporal powers that affect one's daily physical existence. Michael Scherschligt and Wilson Yates have expressed it, on the other hand, in terms of the demands of the two institutions on the individual:

In most societies, the institutions of law and religion share a great deal. Both lay claim to authority, both rely heavily on tradition, both surround their processes with solemn ritual, and both involve their practitioners in the explication of authoritative texts usually couched in specialized language. Most important, both are viewed by the societies in which they exist as central to the creation and sustenance of a just, peaceful and orderly community.

The emotion bred by discussion of church-state relations often arises out of one's definitions of terms and practices. One very obvious example is that of prayer. Persons who see one role of prayer as that of an outward expression of piety and devotion to God tend to feel

confined and even oppressed if they or their children are not allowed or encouraged to pray in a public school. On the other hand, one who defines prayer in terms of an outwardly imperceptible and highly personal communication with God tends to see the issue of public prayer in a public school as moot and, perhaps unimportant, except as it relates to the rights of others. When these two views come into conflict, individuals see the need to defend their respective definitions and expressions of their personal religion against what they perceive as an attack.

In many other church-state issues, personal definitions and expressions of piety are obviously the crux (e.g., religious symbols on government property, or distribution of religious materials in government-sponsored facilities). Others are not so apparent. Some are not even included in most discussions of church-state relations. For instance, Leo Pfeffer, a noted authority, has pointed out that even the abortion question may be a church-state issue because of varying concepts of "ensoulment." Another problem is whether or not, or in which instances and to what degrees, the courts should become involved in church and denominational affairs, such as a lawsuit brought by individuals against their church or denomination or its officers.

Other church-state issues evoke emotion for reasons other than personal piety. Parental responsibility and authority in the education of children and "governmental intrusion" into that relationship provoke resentment. Also, the question of assessment, collection, and allocation of tax revenues is a frequent element in church-state issues. Concern about these and other such questions is especially evident in conversations about tuition tax credits for paro-

chial and private schools, the state supplying textbooks, educational equipment, and teachers in parochial schools. Most recently, groups concerned about separation of church and state have challenged the broadcast of religious services over a government-financed radio station.

To perceive church-state issues only in terms of the emotion they evoke or as simply based on emotion would be both a dangerous misunderstanding and a serious underestimate of the importance of the issue as a whole. Syndicated columnist Charles Krauthammer contends that "A debate over the relationship between religion and government is about the meaning of our national existence."

The Framers of the Constitution

The quest for "the meaning of our national existence" leads over many and varying routes. For some, the beginning point is the Constitution itself. Indeed, the term, *First-Amendment issue*, is sometimes used synonymously with the term, *church-state issue*, although Article I, the First Amendment, to the Constitution includes clauses on the freedoms of speech, of the press, of peaceful assembly, and of petition, as well as clauses concerning church-state relations.

Discussions of the constitutional approach to the church-state issue often produce claims that one can understand exactly what "the Founding Fathers" intended. Actually, there was much disparity among these great men concerning the proper relationship. During the Revolutionary War and the period of the Articles of Confederation there were, in the respective state constitutions, widely varying approaches to the relationship of government and religion and the general issue of religious freedom.

Requirements of states included assent

to the doctrines of the inspiration of the Bible and of the Trinity, subjection in ecclesiastical matters, belief in heaven and hell, and acceptance of Protestantism. The Continental Congress selected a chaplain, an Episcopalian who later defected to the British, and the Northwest Ordinance of 1787 included the granting of public land for the support of religions. On the other hand, Alexander Hamilton spoke against prayer in the Constitutional Convention and prevailed for four months. James Madison, who composed the First Amendment, wrote a tract in 1784 titled "A Memorial and Remonstrance Against Religious Assessments" in which he decried use of public funds for religious purposes. Richard B. Morris, noting the wide disagreement among the Founding Fathers, refers to the particular differences between the rationalists (Thomas Paine and Benjamin Franklin) and the orthodox pietists (John Adams and John Jay).

Even during the period of the framing and ratification of the Constitution, the general view was at best multifarious. Although most documents that arose out of the Continental Congress had with regularity mentioned God, or used some Divine synonym, the document proposed by the Convention omitted any reference to God. This omission as well as the lack of proscriptions against those who would not profess the Christian faith were concerns among many of those who participated in the Constitutional Convention as well as the ratifying conventions of the respective states.

Despite such questions, doubts, differences of opinion, and suggested substitute amendments, the Constitution in general and the First Amendment in particular were ratified. Although the words *church, state and separation* are not found in the Constitution, questions soon arose concerning separation of church and state because of the obvious reference to religious liberty in the First Amendment. In 1802 Thomas Jefferson responded to questions of the Danbury Baptist Association of Connecticut:

Believing with you that religion is a matter which lies solely between man and his God . . . I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should 'make no law respecting an establishment of religion, or prohibiting the free exercise thereof,' thus building a wall of separation between Church and State.

Even in the face of such historical data

The manipulation of history to prove that church-state separation is a 'novelty conjured up in this century' is one of the ploys of those who 'whittle away' at this esteemed principle.

many today would rather believe (or have others believe) that the Founding Fathers and the framers of the Constitution spoke with a totally united voice concerning the relation of church and state and allegiance to the Divine. Such a view, regardless of one's current stance on the larger issue, is dangerous because it tends to shackle a wonderfully flexible yet basic document. Richard E. Pierard points out that the manipulation of history to prove that church-state separation is a "novelty conjured up in this century" is one of the ploys of those who "whittle away" at this esteemed principle.

Judicial Reivew of Constitutional Principles

The role of the Supreme Court in the process of judicial review is both highly significant and extremely complex. Lawsuits are brought by individuals who claim to have been denied some particular right or sets of rights reserved for them by the Constitution. Such lawsuits wind and work their way through the judicial system and its appeals process up to the highest court of appeals — the United States Supreme Court.

At first few cases related to the church-state issue were considered by the Supreme Court. Thayer Warshaw points to two reasons for this. First, the Supreme Court viewing the First Amendment as restricting only the federal government, refused to hear cases involving establishment and freedom of religion under state laws. Second, the population was fairly homogeneous. Despite obvious doctrinal, ethical, and liturgical differences, Americans were "generally religious," presupposed a God, and accepted some form of the Protestant or Reformed tradition.

By 1925, the Supreme Court had begun to apply the First Amendment

rights within the context of state laws. In delivering an opinion of the Court in the case of *Gitlow v. New York* (1925), Mr. Justice Sanford wrote:

For present purposes we may and do assume that freedom of speech and of the press — which are protected by the First Amendment from abridgement by the Congress — are among the fundamental rights and "liberties" protected by the due process clause of the 14th Amendment from impairment by the States.

Such continuing review of constitutional principles enables this 200-year-old document to speak to the present situation while, hopefully, remaining faithful to the basic rights as originally held and stated.

The Contribution of Baptists

The emotional and divisive character of the state-church problem extends particularly to Baptists in the United States. Not only are they citizens concerned with constitutional issues and, therefore, involved in the disputes mentioned above, they are also Baptists who are struggling over their historical and doctrinal heritage. This struggle is an element in the disunity being experienced, for example, in the Southern Baptist Convention.

As early as the 16th century, Baptists were expressing serious reservations about church-state relationships as part of the larger issue of religious liberty and beliefs related to soteriology. Baptist historian Robert G. Torbet shows that virtually every significant early Baptist leader, including John Smyth and Thomas Helwys, and their followers made statements pointing toward a separation of church and state. These Baptist views were expounded in England by John Bunyan and John Milton and in the American colonies by John Clarke, Roger Williams, Isaac Backus, and John Leland. Further, Baptists were among the most significant group supporting the First Amendment.

Following the lead of these Baptists in early America, the emphasis historically has been on religious liberty and church-state separation. George W. Truett, pastor of the First Baptist Church of Dallas, Texas, on the steps of the United States Capitol in May 1920, delivered an address titled "Baptists and Religious Liberty." He alluded to the heritage of Baptists in support of religious liberty and pointed to religious liberty as one of the great contributions of not only the

Continued on page 14

VIEWS OF THE WALL

J. Brent Walker
Associate General Counsel



As a fledgling law student 15 years ago, I struggled to find my niche in the legal profession. Since I was interested in many different areas of the law, I had a hard time deciding. But, I was sure of one thing: I was not cut out for a tax practice. I liked words, not numbers, and the tax code was nearly incomprehensible anyway. Besides, tax law was for rich folk, not those who cared about social causes. I wanted no part of it.

While in private practice, I pretty much managed to stay away from tax law. And, during three years at Southern Seminary and after hiring on at the Baptist Joint Committee, taxes seemed like a world away — save that dreaded encounter in mid-April. I came to Washington with lofty musings of Madison's Bill of Rights, Jefferson's proverbial "wall," and the legacy of J. M. Dawson.

So, it was a little ironic and a bit disconcerting to find, after less than a month in Washington, how thoroughly tax questions pervade religious liberty issues and the work of the Baptist Joint Committee. From fighting attempts to tax church property in Colorado, to giving advice on how to articulate Christian values in a public forum without losing one's tax exemption, to seeking to limit intrusive IRS investigations, to chairing a liaison committee between church groups and the IRS — the Baptist Joint Committee is up to its elbows in tax matters.

A front burner tax question now has to do with whether individual taxpayers who take the standard deduction should, nevertheless, be permitted to deduct their charitable contributions. Obviously, this is an issue that profoundly affects both churches and other charitable institutions and is one about which all Baptists ought to become informed.

Under the present tax code, most taxpayers who have sufficient expenses to allow them to itemize can deduct all of their charitable contributions, no matter how small. But, those who find it most advantageous to take the standard deduction cannot deduct their charitable gifts, no matter how large.

This has not always been the case. As a part of tax reform in 1981, Congress permitted nonitemizers to start deducting their charitable contributions — with the amount of the deduction phased in up to a full deduction in 1986. The law included a "sunset" provision that would cause the charitable deduction for nonitemizers to end after 1986 if Con-

gress did not act to extend the measure. Although in 1985 the House Ways and Means Committee approved legislation to make the charitable deduction for nonitemizers permanent (with a \$100 floor), the Senate defeated a similar bill by a narrow margin. Thus, the charitable deduction for nonitemizers ended with the 1986 tax year.

During the upcoming months, the Baptist Joint Committee, along with other interested groups like the Independent Sector, will be working hard to encourage favorable consideration of a new bill to reinstitute the practice of charitable deductions for nonitemizers. This measure probably will be sponsored by Sens. Bob Kasten, R-Wis., and Daniel K. Inouye, D-Hawaii, and Rep. Byron L. Dorgan, D-N.Dak.

Simple fairness argues strongly for the bill's passage. Few nonitemizers are wealthy. Approximately 90 percent of all nonitemizers have annual incomes under \$30,000. A report done by the Independent Sector suggests that individuals with low-to-moderate incomes contribute on a percentage basis more generously to nonprofit organizations than wealthier givers. For example, in 1986 contributors with incomes under \$10,000 gave 2.8 percent of their household income; but those with incomes of \$75,000-\$100,000 gave only 1.5 percent.

Moreover, the impact of the present unfairness is widespread. Seven out of ten taxpayers are nonitemizers. Thus, some 77 million taxpayers are denied a deduction, even though they give away a sizable percentage of their incomes.

Restoring charitable deductions for nonitemizers would be a fair and equitable tax policy and serve important social ends.

There are also practical reasons for Baptists and other church folk to support this measure. It is now clear that even nonitemizers with low-to-moderate incomes are sensitive to changes in the tax code. According to IRS data, charitable contributions by nonitemizers increased by 40 percent (\$4 billion) in 1986 — the only year non-itemizers were permitted to deduct all of their charitable contributions. By contrast, giving by itemizers increased by only 11 percent that year.

Further, the percent of income contributed by all individuals to charitable causes increased by .06 percent of personal income in 1986. That percentage increased by only .01 percent in 1987, when nonitemizers were no longer able to deduct their charitable gifts.

And all of this comes at a time of dire need for encouraging charitable gifts. Federal funding of human services provided by nonprofit organizations was cut by approximately \$27 billion (excluding medicare and medicaid) from 1982 to 1986. It is now imperative that nonprofit organizations garner additional sources of income. Indeed, both the Reagan and Bush administrations have encouraged a spirit of "voluntarism," asking private sector organizations to expand their charitable activities. Yet, the federal tax code discourages the giving that would make this possible by eliminating the major tax incentive supporting it. Non-itemizers get the same standard deduction, whether they give \$500, \$10 or nothing to charity.

Certainly, this change in the tax law would not come without a price. Only the most politically credulous could think otherwise. Some diminution in governmental revenues is bound to occur if nonitemizers are allowed to deduct charitable contributions.

So, can we afford to allow non-itemizers to deduct? Actually, we can't afford not to! A recent newspaper account stated that one major city is spending \$3,000 per month to shelter a single homeless family. By contrast, a church in that city is sheltering a dozen families for the same amount. Admittedly, this is an extreme example, but the point remains — the private sector is often more efficient at providing basic social services than government. Any revenues lost by providing a tax deduction are more than offset by the tremendous overall savings to society.

An Administration and a Congress that can see its way clear to forego long-term revenue by reducing the capital gains tax ought to take similar action to aid those who generously give away a portion of their income to benefit others.

Restoring charitable deductions for nonitemizers would both be a fair and equitable tax policy and serve important social ends. Americans of modest means give primarily to causes that are still struggling to overcome cutbacks in federal funding. Such giving deserves the same encouragement from tax policy that undergirds the gifts by itemizers. □

BJC board meets; adopts 89-90 budget, resolutions on three current issues

The Baptist Joint Committee on Public Affairs adopted three resolutions and a proposed 1990-91 budget during its annual meeting October 2-3 in Washington.

The resolutions dealt with clergy malpractice, the right of religious institutions to enforce their religious doctrines and practices, and the Report of the Secretary of Health and Human Services' Taskforce on Youth Suicide.

Members adopted a resolution in support of recent court rulings dismissing suits that alleged clergy malpractice.

The resolution cites a recent proliferation of professional malpractice suits, including suits that have been brought against ministers, priests, and other church personnel.

Such suits, the resolution states, "tend to burden the free exercise of religion; hamper pastoral counseling; discourage the process of repentance, confession, and forgiveness; and generally disrupt the clergy/parishioner relationship."

Court decisions dismissing such suits "constitute wise public policy, as well as prudent adherence to precedent, and pay due respect to the First Amendment guarantee of religious liberty," the resolution concludes.

The BJC adopted another resolution on "the right of religious institutions to enforce their religious doctrines and practices." The resolution grew out of a discussion of an amendment — introduced by Sen. William R. Armstrong, R-Colo. — to the District of Columbia appropriations bill.

A year ago, Armstrong introduced an amendment to the appropriations bill instructing the D.C. government to allow Georgetown University to deny a group of homosexual students official recognition and support. When the original amendment was overturned by a federal court, Armstrong introduced a new amendment, known as the Nation's Capital Religious Liberty and Academic Freedom Act.

A resolution supporting the new Armstrong amendment was introduced by J. I. Ginnings, an oilman from Wichita Falls, Texas. Ginnings said the Georgetown issue is a local issue but might set an important precedent.

Albert Lee Smith, a Birmingham, Alabama, insurance executive, said that while the issue is "local, it has national implications."

Larry Lewis, president of the Southern Baptist Home Mission Board, said: "The

real issue is government ordering Georgetown to recognize with full recognition and funding a student organization of homosexuals. Does government have the right to order a church organization to do that? I intend they do not have that right."

After tabling the resolution just before a lunch break, the BJC adopted "a more generic" action supporting "the right of religious institutions to enforce their religious doctrines and practices, including their moral and ethical standards, among their faculties, staffs, memberships, student groups, and student bodies."

It suggested that "religious institutions that wish to claim their right to discriminate on the basis of religion to refuse direct government funding because accepting it compromises the free exercise rights of such institutions and leads inevitably to an unhealthy entanglement between church and state."

Members also adopted a resolution that noted the report of the taskforce on youth suicide "includes a paper which criticizes the theological and ethical teachings of Baptist and Catholic churches on homosexuality."

The resolution calls on the Department of Health and Human Services "to refrain from dictating or appearing to dictate the policies, teachings, or behavior of churches" and recommended that any future taskforce "that might deal with theological and ethical issues and with the possible role of organized religion in dealing with such issues include representatives of the religious community."

The BJC also adopted a proposed 1990-91 budget of \$722,772.

Southern Baptist member Tom Pratt, pastor of Calvary Baptist Church in Brighton, Colorado, noted the SBC was being asked to increase its contribution from \$391,248 in 1988-89 to \$403,556 in 1989-90 and asked why.

James M. Dunn, BJC executive director, said the SBC was the only one of the BJC's nine member bodies that had cut its contributions. He noted the 1987 funding from the SBC was \$448,000, adding the new request does not get funding back to that level.

Pratt called the amount contributed by Southern Baptists a "gross inequity" and said of the requested increase, "We know it is not going to be granted."

As part of the budget discussion, committee members were given a listing of donations made to the BJC by associations, churches, individuals, other Bap-

tist entities, and state conventions from October 1, 1988, to October 1, 1989.

The report shows associations contributed \$250; churches, \$43,574.46; individuals, \$22,043.30; other Baptist entities, \$9,969.60; and state conventions, \$26,139.38, for a total of \$101,976.74.

Members also were provided information on the specific donors but were told the information was for their own use only.

When Southern Baptist member Roy Gean, Jr., an attorney from Fort Smith, Arkansas, copied data out of the book, the committee again was told the material is "confidential information. We want everyone to be faithful to that."

The committee elected John Binder, executive director of the North American Baptist Conference, Oak Park, Illinois, as its new chairperson. He succeeds Marvin Griffin, pastor of Ebenezer Baptist Church, Austin, Texas, and a representative of the National Baptist Convention of America.

Other new officers are Landrum Leavell (SBC), president of New Orleans Baptist Theological Seminary, first vice chairperson; Tai Shigaki (American Baptist Churches), a layperson from St. Paul, Minnesota, second vice chairperson; and Charles G. Adams (Progressive National Baptist Convention), pastor of Detroit's Hartford Avenue Baptist Church, secretary. □

(This article is based upon a report by Dan Martin, news editor of Baptist Press.)

Quoting

Andrew Burroughs
Baptist Times

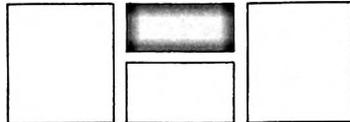
I became gripped with the idea of journalism at a deeper level than before.

The unpleasant, Marxist government of the Seychelles deliberately and flagrantly suppressed information they did not want their people to receive: and even the Indian government closely controlled the radio output going to their vast populations.

I came to see journalism as a vital part of personal freedom, providing the material on which people can make up their minds for themselves — and this freedom isn't something we can ever take for granted.

These ideas of freedom of personal conscience come from the Western Christian tradition that flows from the Reformation. The notion of truth is one of the fruits of Christian democracy. □

News in Brief



Court opens term, turns down church-state cases

WASHINGTON
Returning to the bench for its 1989-90 term, the U.S. Supreme Court rejected three church-state disputes.

The high court refused to hear appeals from a religious group that was ordered to return \$5.5 million in donations, a blind ministerial student who sought state vocational rehabilitation funds, and a South Dakota man who asked for a religious exemption from a state insurance requirement.

In the first case, the Supreme Court left standing a First Circuit Court of Appeals decision that ordered *The Bible Speaks*, a fundamentalist religious community in Lenox, Mass., to return \$5.5 million in donations to Elizabeth Dovydenas, a former TBS member and an heir to the Dayton-Hudson fortune.

During a 12-month period beginning in late 1984, Dovydenas, then 34, gave the religious group more than \$6.5 million. After she left the church, she sued to have her donations rescinded, claiming TBS had placed undue influence on her.

A bankruptcy court judge ordered the ministry to return all of Dovydenas's donations. But the First Circuit allowed TBS to keep a \$1 million donation Dovydenas made in December 1984 and several smaller gifts she contributed during the following months.

The appeals court held the church made "secular statements of fact" — such as that Dovydenas's gifts had cured the pastor's headaches — that led to her later donations of \$5.5 million. Since those statements were not part of the church's religious beliefs, the court ruled, they placed an undue influence on Dovydenas. (88-1977, *The Bible Speaks v. Dovydenas*)

In a case that already had made its way to the high court once, the justices refused to review a decision by the Washington Supreme Court that the state's constitution prohibits a blind student from receiving state vocational rehabilitation funds to study for the ministry at a Bible college.

In January 1986, the Supreme Court unanimously ruled the U.S. Constitution's First Amendment ban on an establishment of religion did not prohibit the student, Larry Witters, from receiving those funds to pursue religious training at Inland Empire School of Bible, a pri-

vate Christian college in Spokane, Washington.

But the high court sent the case back to the Washington Supreme Court, informing the state court that it could decide to apply the state's stricter ban on any form of aid to sectarian institutions if it so chose.

In reviewing the case, the Washington Supreme Court held the state constitution's clause that "no public money ... shall be appropriated for or applied to any religious ... instruction" prohibits Witters from receiving the vocational rehabilitation funds because he is "getting a religious education."

The state court also rejected Witters's claim that the First Amendment's free exercise clause requires the state to provide him with the funds. Witters, the court held, "is not being asked to violate any tenet" of his religious beliefs. (89-94, *Witters v. Washington Department of Services for the Blind*)

In the third case, the Supreme Court rejected the appeal of Lindy D. Cosgrove, who was found guilty of violating South Dakota's motor vehicle financial responsibility law. Under that statute, every driver or owner of a motor vehicle in South Dakota is required to purchase liability insurance or post a bond, certificate of deposit, or certificate of self insurance with the state.

Cosgrove claimed a religious conviction precluded him from purchasing the insurance and that the other three options would place a financial burden on him.

The South Dakota Supreme Court refused to grant Cosgrove a religious exemption from the law. The court held there was a compelling state interest in protecting citizens from uninsured drivers. It also held the law was not overly restrictive since it provided three options to purchasing insurance. (89-10, *Cosgrove v. South Dakota*) □

Church-state issue still hot in child care debate

WASHINGTON
The role churches should play under proposed child care legislation remains a hotly contested issue in Congress.

Recent floor debate in the House of Representatives revealed continuing questions about how to send federal funds to religiously affiliated child care centers without violating the Constitution.

The House recently passed a comprehensive child care measure that includes plans designed by two separate committees. The Ways and Means proposal is silent on the church-state issue, but the Education and Labor plan forbids the use of federal funds for "sectarian activity, including sectarian worship and instruction."

Proponents of the House measure rejected charges that it would exclude churches from participation. They added the measure's restrictions on federally funded child care services provided by churches and synagogues are the same as those that already exist under the Head Start program.

"Churches could provide child care services and receive federal assistance as long as they refrained from religious teaching in the program and did not discriminate in enrollment and hiring decisions," said Rep. Constance A. Morella, R-Md. "Many Head Start programs operate in churches; there is no reason why child care services could not also be provided in or by churches."

But House opponents argued the restrictions would preclude church-related centers from participating.

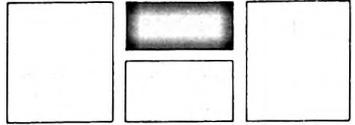
It is not enough to allow churches to provide child care services in their basements, said Rep. Thomas J. Tauke, R-Iowa. The problems arise, he said, over whether such centers will be able to display religious symbols, control personnel, and lead children in praying or telling Bible stories.

"The reality is that the churches who provide child care will not accept those restrictions and, therefore, the money will not flow to them," Tauke said.

At one point, the debate on the church-state issue became so heated that House Majority Leader Richard A. Gephardt, D-Mo., came to the floor to assure members that the body's Democratic leadership had no intention of supporting a bill that would exclude religious child care centers.

In an earlier letter to House members, Gephardt said the Democratic leadership believes House child care conferees "should, and will, move toward the Senate position on this issue" when the measure goes to conference for reconciliation with the Senate's child care proposal.

The Senate version would allow parents to use federally funded child care certificates at sectarian child care centers as long as such use does not violate the



Constitution. But, according to that bill, providers receiving direct grants would be prohibited from engaging in religious instruction, worship, or other sectarian activities.

"The leadership on the Democratic side is committed to a conference report on this issue that deals with this question in a way that would be appropriate for the religious institutions that are now delivering child care," Gephardt said. "We do not want to be in a position, we do not want to be in a world where you could not have our children in church basements, could not have our children in religious institutions, receiving child care."

Once a compromise is worked out by House and Senate conferees, it must be approved by both bodies before being sent to President Bush for his signature.

Outside observers — including Oliver S. Thomas, Baptist Joint Committee general counsel — say it is difficult to predict exactly how the final child care compromise will look. Thomas added, however, the BJC will continue to monitor carefully the measure's church-state ramifications.

"If government wants to provide tax breaks to parents with preschool-age children, that's fine," he said. "If government wishes to use public schools or assist private businesses in the task, that also is acceptable.

"But when government begins to fund or regulate the child care ministries of local churches, that's where we draw the line. Such an unhealthy entanglement between church and state inevitably compromises the free exercise of religion and short changes individual taxpayers.

"As long as Baptists oppose aid to parochial schools, the Baptist Joint Committee will oppose aid to parochial preschools." □

Schools may teach about, not celebrate, holidays

WASHINGTON

Although a new national climate has emerged concerning religion in public schools, at least one perennial problem remains. What should public schools do about religious holidays?

A broad coalition of 16 educational and religious organizations — including the Baptist Joint Committee on Public Affairs — released a publication on the issue during a recent news conference.

In introducing "Religious Holidays in the Public Schools," Oliver S. Thomas,

BJC general counsel, told reporters: "The brochure is a consensus document that we hope will promote a climate of cooperation between school boards, administrators, parents, and teachers in school districts throughout the country.

"We offer general guidelines for treating the question of religious holidays in schools in ways that are constitutionally permissible and educationally sound. We discuss how and where religious holidays may be taught about in the classroom. And we address the 'December dilemma' that is often a flash point for conflict."

The publication offers brief answers to a variety of questions, including:

—How should religious holidays be treated in public school classrooms? "Teachers must be alert to the distinction between teaching about religious holidays, which is permissible, and celebrating religious holidays, which is not."

Recognition of and information about holidays may focus on how and when they are celebrated, their origins, histories, and generally agreed-upon meanings, according to the publication. Teachers may not use the study of religious holidays as an opportunity to proselytize or inject personal religious beliefs, it adds.

—What about Christmas? "Decisions about what to do in December should begin with the understanding that public schools may not sponsor religious devotions or celebrations."

Schools should devise holiday programs that serve an educational purpose for all students and that make no students feel excluded or identified with a religion not their own, the publication explains. Holiday concerts in December may include music related to Christmas and Hanukkah, but religious music should not dominate, it states, adding that any dramatic productions should emphasize the cultural aspects of the holidays.

—May religious symbols or music be used in public schools? "The use of religious symbols, provided they are used only as examples of cultural and religious heritage, is permissible as a teaching aid or resource.... Sacred music may be sung or played as part of the academic study of music."

School concerts that present a variety of selections may include religious music, the brochure states, adding that concerts should avoid programs dominated by religious music, especially when they coincide with a particular

religious holiday.

—What about religious objections to some holidays? "Administrators and teachers should understand that a policy or practice of excusing students from a specific activity or discussion cannot be used as a rationale for school sponsorship or religious celebrations or worship for the remaining students."

—May students be absent for religious holidays? "Students should be allowed a reasonable number of excused absences, without penalties, to observe religious holidays within their traditions.

"To the secularists who would sweep every vestige of religion out of our schools and to the zealots who would convert the schools into an evangelistic arm of the church, this brochure says, 'No,'" Thomas said. "The proper approach is to view religious holidays as opportunities to educate the next generation of Americans about our cultural and religious diversity and heritage.

"Obviously, this calls for sensitivity on the part of teachers and administrators as no child should be made to feel alienated in his own school."

In addition to the BJC, organizations sponsoring the publication include the American Academy of Religion, American Association of School Administrators, American Federation of Teachers, American Jewish Committee, American Jewish Congress, Americans United Research Foundation, and Association for Supervision and Curriculum Development.

Other sponsors are the Christian Legal Society, National Association of Evangelicals, National Conference of Christians and Jews, National Council of Churches of Christ in the U.S.A., National Council on Religion and Public Education, National Council for the Social Studies, National Education Association, and National School Boards Association.

Copies of the publication are available from the BJC. □

Challenge to marriage law

WASHINGTON

The Supreme Court refused to hear a challenge to a Virginia law that regulates who may perform marriages.

Roy R. Toracaso, a member of the American Humanist Association, argued the state favors ordained ministers and thus violates the First Amendment.

In order to be certified, an individual must show proof of ordination or be a state resident and post a \$500 bond. □

Neal Riemer's article was published as a chapter in the book, *Religion in American Politics*, edited by Charles W. Dunn. It is used by permission of the publisher, the Congressional Quarterly Press, Washington, D.C. Liberty and Creative Breakthrough. It has been divided into two parts because of length, and will be concluded in the January 1990 issue.

CREATIVE BREAKTHROUGHS

What is the relationship between the idea of religious liberty and creative breakthroughs in American politics? My thesis is that the idea of religious liberty led to the first creative breakthrough in American politics in the theory and practice of Roger Williams, and that the idea played an important part in the second creative breakthrough in American politics in the theory and practice of James Madison. Moreover, I contend that future breakthroughs in American politics will continue to draw fruitfully from concepts, problems, and activities in the religious domain.

What is meant by the concepts of "creative breakthrough" and "politics," taken together? A creative breakthrough in politics is a significantly fruitful resolution of a major problem in connection with one or more of the major interrelated tasks of the discipline of political science.

In connection with the breakthroughs to be examined in this article, I shall first identify the problem that called for a breakthrough; second, articulate the theory that addressed itself to the problem; third, highlight the breakthroughs in their ethical, empirical, and prudential dimensions; and, finally, highlight the central or significant role that key religious ideas played in the breakthrough.

Roger Williams and the Breakthrough to Religious Liberty

The troubling problem that faced Williams in 17th century America had been agitating Western thought and practice since at least the advent of Christianity, and it had become more acute with the Protestant Reformation: Is it possible to reconcile the dominant ideal of religious orthodoxy and political order with the facts of religious diversity, religious persecution, and political conflict?

The facts of religious and political life underscored the realities of disagree-

ment (primarily but not exclusively between Catholics and Protestants, and also between Protestants and Protestants) on who possessed the one true faith. The facts of religious and political life also underscored religious and political warfare rooted significantly, if not solely, in such religious disagreement.

At the risk of making Williams's position more coherent and modern than it was, let me develop his related arguments: (1) on behalf of religious liberty, and (2) on behalf of separation of church and state.

Williams makes a religious and moral and a historical and expedient argument on behalf of religious liberty. Williams's religious and moral argument consists of two main points: First, persecution is contrary to the spirit, teaching and deeds of Jesus; and, second, persecution is hypocritical.

Williams argues that persecution is contrary to the spiritual nature of Christ's gospel and kingdom. Is it not anomalous, Williams deftly asks, for Christians — in the name of Christ, the Prince of Peace — to persecute, to wield the sword, to spill blood, to divide person against person? Christ himself indicated that disbelievers must be allowed to live in this world, that their punishment would come in the next. People should come to God freely, not because of the fear of earthly persecution, pun-

ishment, and coercion. Rape of the soul — Williams's vivid image for religious persecution — is incompatible with God's message that people be drawn freely to divinity. Enforced uniformity, Williams holds, ravishes conscience and violates Christ's message.

Williams used a famous New Testament parable — the parable of the wheat and the weeds (tares) in Matthew 13 — to drive home his argument. The weeds (that is, the unregenerate, the impure, the faithless) may grow unmolested among the wheat (the elect) until harvest time — that is, death. Why? Because the wheat may be endangered by plucking (persecuting) the weeds. At harvest time (Judgment Day) the weeds can safely be gathered and burned; that is, at the time of Judgment Day, punishment can safely be meted out. God's battles in this world, Williams insists, must be fought with God's weapons — God's words — not with swords and prisons, not with persecution and civil disabilities.

A policy of persecution is malicious, vicious, and counterproductive; moreover, persecution is hypocritical. Individuals should not be forced to believe what their consciences forbid them to believe or to support a church (and beliefs) their consciences do not endorse. In an imperfect world how can we, Williams asks rhetorically, say we are godly and, therefore, have the right to persecute the ungodly who adhere conscientiously to their own beliefs?

In his historical and expedient argument Williams maintains that religious persecution both undermines civil peace, law, and order, and results in grave injury to true believers. He notes the alternating persecutions of Protestants by Catholics, Catholics by Protestants, and Protestants by Protestants. He contends that enforced religious conformity destroys the very prerequisites of civilized society, or true civility — law, order, peace, respect — and injures true believers.

He also emphasizes that persecution

Future breakthroughs in American politics will continue to draw fruitfully from concepts, problems, and activities in the religious domain.

for cause of conscience has not, in fact, produced the alleged "good" sought by the persecutors. Religious uniformity has not been achieved. Disbelievers persist. True believers, moreover, are clearly martyred; and civility is clearly damaged. On the other hand, Williams argues on the basis of the historical record that religious liberty is compatible with the teachings of Jesus and with true civility. This point is more fully developed in Williams's argument on behalf of separation of church and state.

Oddly, from a modern point of view, Williams's argument is rooted in the conviction that only one church-state (biblical Israel) ever possessed the legitimate power to persecute unbelievers. The key question for Williams in the 17th century thus became this: What is the proper conception of church and state since Israel and Christ?

The church, Williams argues, is spiritual in nature. It is concerned with souls. The weapons for its rightful defense must also be spiritual. Wordly props, he maintains, would undermine the church. Therefore, a spiritual church can make no use of a secular state for its spiritual purposes. God, he writes, has not "appointed the civil sword" as a "remedy" for the sores of His Body and His Church. The church must be understood as a corporation with an independent existence. Dissent and division within the church need not endanger the peace of the political community.

The state is self-sufficient and has peace as its objective. The state is different in essence; it existed before corporations or associations and will remain when they are gone. The state does not need the church in order to preserve peace and order. The political community does not require enforced religious conformity for its continuance. The prince, civil magistrate, or state has limited responsibilities: To preserve peace and order in the political community.

Religious uniformity is neither a necessary nor a sufficient condition for such peace and order. Indeed, when the civil magistrate persecutes for cause of conscience, he undermines peace and order. The sword and the prison should not, must not, be used to enforce the alleged one true religious faith. In brief, matters of religion are to be left to the individual and to God. The practice of religious

Rape of the soul — Roger Williams's vivid image for religious persecution — is incompatible with God's message that people be drawn freely to divinity. Enforced uniformity ravishes conscience and violates Christ's message.

faith is not to be a matter of concern to the civil magistrate. Religion is to be placed beyond the power of the state.

The most creative breakthroughs are breakthroughs along several fronts — ethical, empirical, and prudential — and are well illustrated by Williams's religious and political philosophy. Ethically, Williams articulates an admirable philosophy of politics, of how we *ought* to live together. He affirms a philosophy of people of different religious faiths living together — freely, happily, harmoniously, civilly, peacefully, prosperously — in the same political community. For Williams, in practice, this community is to be a democratic political community. Religious freedom, the separation of church and state, a democratic and constitutional polity — these are for Williams preferred and crucial values. They become more strongly established in political American practice in the late 18th century (with help from philosopher-statesmen such as James Madison) and provide the basis of expanded notions of basic rights and republican rule, and thus serve to ensure a more generous democratic and constitutional regime.

Empirically, Williams articulates a new hypothesis, which will become a cornerstone for his "lively experiment" in what is later to be called Rhode Island, and which will be subsequently tested more fully in the United States. The new

hypothesis is that in the United States people of different religious faiths — enjoying religious liberty — can in fact live together without the evil effects that some feared (incivility, immorality, disrespect for law and order, war); that in fact religious persecution is the great enemy of society, of harmony, of peace, and of prosperity.

Prudentially, Williams makes the judgment that it is wise to ensure religious liberty and to separate church and state. He does so by calling attention to the ill-effects, hypocrisy, and illogic of persecution; by acting to limit the abusive power of the state in religious matters; and by establishing legitimate domains of operation for church and state.

Religious ideas clearly play a central role in the creative breakthrough to religious liberty and to the principles of separation of church and state. Williams, an orthodox Puritan in essentials, does not deny that there is only one true faith; but he does emphatically reject the proposition that it is the duty of the ruler of the state to maintain the one true faith. And he clearly rejects the conventional wisdom at key points.

Those adhering to the conventional wisdom could only believe Williams's ethical recommendation on behalf of religious liberty to be outrageous; his empirical proposition that religious liberty and political peace are compatible to be false; and his prudential judgment that religious liberty and separation of church and state are wise to be absurd. However, when the decision on behalf of religious liberty is tested, it works. In time religious liberty would become enshrined in the First Amendment as a cardinal and admired value. Religious liberty serves in fact to advance social harmony. Both religious liberty and separation of church and state function to protect against the abuse of religious and political power. The way to democratic and constitutional pluralism is open.

Let me now turn to James Madison and note how he articulates in his theory of the extensive republic the second great breakthrough in American politics. This breakthrough, I will argue, owes a great debt to Madison's fundamental commitment to religious liberty and separation of church and state, and to his cardinal insight about the link between the multiplicity of religious sects and freedom. □



INTERNATIONAL DATELINE

Opportunity increases for church influence in Europe

LONDON

Christians in the East and West have a unique opportunity to influence the dramatic changes now taking place in Europe, according to the General Secretary of the transcontinental Conference of European Churches.

Jean Fischer, a Swiss Protestant told Britain's *Baptist Times* "We must inject the values of the Kingdom of God into our contemporary European society.

"Democratization in the Soviet Union, Poland, and Hungary; agreements on human rights; the momentum for disarmament; the drive for 'Europe 1992' — these are dynamic processes affecting the future of the whole continent," he pointed out.

The Vienna Conference on Security and Cooperation in Europe saw key agreements on the free movement of peoples and the rights of religious and other minorities.

Churches must put on pressure when their governments don't act in accordance with their pledges — and this includes Western Europe, said Fischer.

He believes the Church can help maintain the momentum toward disarmament and that churches "should press for continuing superpower discussions so that more weapons, including chemical ones, can be destroyed.

In countries like Britain with major arms industries, "there is a challenge to Christian economists and industrialists to help governments transform these industries into peace-producing industries," said Fischer.

Known affectionately as the churches' "Mr. Europe," Fischer called attention to the part Baptists can assume in evangelizing the younger generation, and in opposing the evils of consumerism and hedonism.

In addition, he said "because Baptists are a very important part of European church life, having a presence in virtually every country, their involvement in building East-West links and their commitment to evangelism is absolutely vital. □

Doctors initiate campaign to free Nicaraguan youth

MANAGUA

U.S. church workers are organizing a campaign to free young Nicaraguans

they claim are held "in a web of lies" inside Contra camps in Honduras.

To initiate the effort, an ecumenical team of U.S. missionaries in Nicaragua paid a "pastoral visit" to southern Honduras late in September.

The effort grew out of a March visit to the main Contra base by two U.S. physicians working in Nicaragua. Drs. Tim Takaro and Susan Cookson, who head up a Presbyterian Church (U.S.A.) program for training rural health volunteers, tracked 10 kidnapped teenage health workers to a camp near Yamales, Honduras.

Subsequent pressure on the U.S. government and the Contras led to the release of four people on the physician's list. The physicians remain convinced that hundreds, perhaps thousands, of the young people who remained in the Contra camp were being held against their will. Contra officials deny such charges. RNS

Churches call for reform brings GDR verbal assault

BERLIN

The Communist leadership of the German Democratic Republic has reacted to calls by church leaders for reform by accusing them of attempting to make East Germany "capitalist and ripe for a reunification takeover by West Germany."

In what is being called the most sharply worded attack on the church in two decades, the communist party daily newspaper, *New Germany*, said that the proposed reforms would accomplish what the enemies of East Germany have not been able to do in 40 years.

The Federation of Protestant Churches in East Germany, in a five-day meeting in Eisenach, had urged the ruling Socialist Unity Party (the name of the East German Communist Party) to adopt reforms in order to stem the tide of refugees to the West.

European Baptist Press reported that this exodus of GDR citizens through the Hungarian-Austrian border included at least two Baptists. A young printer and his wife, a dentist, were members of a small church in the southwestern area of East Germany.

The couple had been won to Christ recently, and disciplined by the church. Both had relatives in the West. Their departure, however, was a discouragement to the church because they had added much to its life. □

Polish Baptists approve election but remain wary

WARSAW

Baptists in Poland are expressing their approval over the election of union activist Tadeusz Maszowiecki as president of the Polish Parliament while at the same time adopting a "wait and see" stance regarding the new government.

Baptist Union President Konstanty Wiazowski reported that Maszowiecki said the "government wants to cooperate with the Catholic Church and all other confessions in Poland. Religious freedom is a natural and undeniable right of mankind, and every attempt to abolish it is an act worthy of condemnation."

Wiazowski commented that "The tone of the speech was very noble and full of hope, and was very well received by the people."

Some Baptists remain wary because of the new government's close ties with the Roman Catholic Church, observing: "We don't know yet if [they] will continue to give us freedom of religion. Because of history we have to be cautious." □

Restrictions increased as China seeks normalcy

NANJING

The Nanjing Theological Seminary began classes in September with 180 regular students and 65 short-termers. Despite increased restrictions following the massacre in Tienanman Square in Beijing, the situation here was not unlike that at many other Christian schools and agencies operating in China.

Although its education, medical and health projects continue together with Christian groups around the world, Amity Foundation, initiated by Chinese Christians, experienced a one-third decrease in the number of its teachers.

Church attendance is up in all areas except Guangzhou ("Canton") in the south. Canton is also the most economically advanced area of China. EPRS

Albanian leader adamant in opposition to religion

TIRANA, Albania

Attacking the new political course taken by governments in Hungary, Poland, and the Soviet Union, Albania's communist party leader Ramiz Alia



NEWS-SCAN

declared that Albania will adhere to its current policy and make no concessions to reform.

On the subject of religion, Alia reaffirmed the country's commitment to atheism, saying: "There must be no concession to religious ideology in any of its various forms.

"We take this stand as convinced atheists, but also in order to protect our unity as a people who, over the centuries, suffered from rifts and divisions inspired by churches and mosques."

Albania outlawed all religious practice in 1967. Alis's strong denunciation came at a time when some ray of hope for at least the toleration of religious practice appeared on the horizon. □

Synod amnesties pastor; religious liberty advocate

Christian social worker Geza Nemeth, who in 1972 was unfrocked for political reasons by the Synodical Court of the Hungarian Reformed Church, has been amnestied by that church's ninth synod.

Nemeth, who had been deeply influenced by the ministry of Martin Luther King, Jr., was zealous in his parish work and an outspoken defender of religious liberty. He will again become eligible for paid employment as a pastor.

Since his dismissal, Nemeth has worked as the leader of the Community of Reconciliation, which has become prominent in providing spiritual and material aid to Budapest's down-and-out young people. It also serves the thousands of refugees who come from Romania.

Working also as an art dealer during his dismissal, Nemeth founded the first Christian art gallery in a Soviet bloc country. (KNS)

Moldavian priest-deputy supports language change

The only Orthodox priest to be elected a people's deputy, Fr. Peter Buburuz, has spoken out strongly before the Supreme Soviet of Moldavia in support of the draft law on languages that would make Moldavian the national language in place of Russian.

Buburuz pointed out the integral role played by the Christian Church in Moldavian culture. In his remarks he

called for the establishment of an Orthodox seminary and the return of confiscated church properties. He alluded to the need for literature, including books for the 400 newly opened churches.

Complaining that the Moldavian-language literature can be obtained only from the Romanian Patriarchate, he asked the Kishinev diocese be given paper and printing materials in order to produce Bibles, New Testaments, prayer books, and church calendars, all requested by Moldavian believers. □

USSR called upon to honor 'human spirit' pledge

Citing the claim by Soviet President Mikhail Gorbachev before the U.N. last December that the USSR is solving its emigration problem in a "humane spirit," two members of the United States Congress nevertheless are urging the Soviet Union to respect the rights of anyone to leave any country.

According to the U.S. government list, more than 2,000 people who applied before January 19 have still not received exit visas.

Sen. Dennis DeConcini, Arizona, and Rep. Steny Hoyer, Maryland, in a *Chicago Tribune* editorial question reasons given by Soviet authorities for the delay in complying with a plan designed to lead to human rights improvements.

The head of the its visa office said recently that the Soviet Union pledged at Vienna to review 1,850 refusenik applications and that 1,556 individuals had been granted permission to leave while 299 others were refused, mostly on grounds of possessing state secrets.

Gorbachev addressed the secrecy issue in his U.N. speech, giving assurances that "strictly warranted time limitations on the secrecy rule will now be applied." At least 50 percent of the remaining cases involve people who have been refused for five or more years on the grounds of alleged access to "state secrets."

Secrecy is not the only grounds for denying emigration permits. In many instances, relatives of prospective emigrants have a virtual veto over applications; others are disqualified because they lack close family ties abroad.

DeConcini and Hoyer, who serve as the chair and cochair of the U.S. Helsinki Commission, conclude that the result remains the same: "unjustified denial of the right to leave." □

Spanish Baptists, in a major restructuring of their union, have named their first full-time general secretary — Manuel Sarrias — and created two new boards for missions and stewardship. The decisions were taken during the 37th annual assembly in September. . . . Juri Nikolajevitch is the new Chairman of the Council of Religious Affairs in the Soviet Union, replacing Konstantin Kharchev. The latter was ousted from that position, it is said, because of progressive reformist views which proved unacceptable to leadership in both the state and the Russian Orthodox Church. . . . The Sopron branch of the Hungarian Democratic Forum has proposed that Pope John Paul II should conduct the reburial of Cardinal Mindszenty's ashes during his forthcoming visit to Hungary. The late Hungarian cleric had felt betrayed because the Holy See did not offer him full support in the years up to his death in 1976. . . . Addressing the Central Committee plenum devoted to nationality questions, Mikhail Gorbachev touched on the complex relationship of religion and nationalism in the USSR: ". . . The churches today are being given the opportunity to pursue their activities in normal social conditions fully in keeping with constitutional principles. . . . A law on freedom of conscience, now being drafted, should regulate the whole range of problems connected with the position and activities of church organizations in today's conditions" Two more parishes of the Russian Orthodox Church in the Western Ukraine, located in the villages of Lavochna and Mernava, have rejected the jurisdiction of the Moscow Patriarchate and have declared their adherence to the Ukrainian Autocephalous Orthodox Church. The Pope has been asked to present the demand for legalization of the now-outlawed Ukrainian Church when he meets with Gorbachev in November. . . . The teaching of Hebrew in Odessa's synagogue have been banned, according to the Moscow human rights bulletin *Express Chronicle*. Instead, classes resumed in the flat of a member of the synagogue; vandals have disrupted these classes by throwing stones and breaking windows. . . . Fr. Dominic Tran Dinh Thu, founder of a Vietnamese Catholic Order, reportedly has been transferred from prison in Ho Chi Minh City to a reeducation camp in Xuan Loc in Dong Nai province. □

Roots, from page 5

the United States but also Baptists. Further, he based this Baptist concern with religious liberty on the doctrine of the Lordship of Christ: "Never, anywhere, in any clime, has a true Baptist been willing, for one minute, for the union of church and state, never for a moment...."

Baptists have been, for most of their history, "on the outside looking in," in terms of the power structure. Truett had stated that much of the time were Baptists pitifully lonely in their age-long struggle. With the 1976 campaign of Jimmy Carter, however, evangelicals (including Baptists), who long had been ignored ... found themselves being sought as a voting bloc. The impact of this shift became apparent in the 1980 presidential election:

In 1981, the Reagan administration came to power supported by an evangelical constituency that placed religious issues at the top of its political

agenda. That group has infused into American political and legal discourse a sectarian flavor that has had a profound effect on the development of constitutional law.

A seeming paradox lies in the fact that Carter, a devout Southern Baptist who kept faith with his Southern Baptist heritage in terms of both separation of church and state and active churchmanship, was replaced in office by Reagan at the hands of the above-mentioned "evangelical constituency."

Conclusion

Our examination of the importance of the church-state issue appears to have come full circle. This profound issue doubtless strikes at the viscera of our national existence, identity, and charter. Now, we find it influencing our elective processes, thereby dangerously politicizing our judicial processes. To preserve our integrity as we confront this issue which seems so unlikely to be settled by compromise will require laying aside mundane, personal, and material interests. To deal with it requires an honest and detailed reexamination of our history both before and after the ratification of the Constitution. Any such reexamination is dangerous, for we may not

find the answers we are expecting. We may find that we have strayed from the way mapped out for us by those in whose footsteps we have followed. Whether that be true or not, where do we go from here?

Have we misinterpreted either Scripture or our history and heritage? What is needed is an honest reexamination and evaluation of where we have come from, who we are, and who we intend to be. Both of these queries are filled with peril. The importance of the church-state issue with its potential for divisiveness, demagogery, oppression, and civil religion, renders them vital. To ignore them puts us in danger of "fighting one another on religious grounds while our precious heritage of religious tranquility and freedom slips away." □

CRUCIBLE, from page 16

The cry of the anti-apartheid leadership is that no Christian is free until all are free — when one part suffers, the whole body suffers. Thus, the Church with one voice must renounce the violence of racism when it becomes instilled in the laws of any land. That voice must utilize any nonviolent means available to it to resist the power of hate until that power is overthrown. Even if the cost is one's very life. The courage of the South Africans recounted in this book stir my heart in the same manner as the stories of missionary martyrs who gave their lives in the cause of evangelism.

And that thought touched another responsive chord in my mind. Not only did the contents of this book encourage me to be part of a church that stands for racial equality, but it also reminded me that racism will remain entrenched in the hearts of men and women even after apartheid as a legal system has died. So I pick up the paper and read of yet another incident of racism in my community, in my state, or in my nation. The civil rights laws have been passed. The great nonviolent marches are history. The sin remains! To stand fast against apartheid, I must not only march for liberty, but I (we) must call individuals to repentance before God and to walk in Christian love with one another. With black South African preachers such as Boesak, we must declare to the kingdoms of this world, "Your Days are Over!" With white South African Christians, we must be reminded by leader such as Beyer Naude, "Make your Christian faith real, meaningful, vibrant, and relevant.... God wants us to be Christians and to be human beings in community." This is one book on the struggle for the soul in South Africa that must be on everyone's reading list. □ J. David Waugh

RESOURCES

Life with Liberty Series

- _____ Baptists and Religious Freedom
- _____ Separation of Church and State
- _____ Christianity in American Life
- _____ Government Intrusion into Religion
- _____ Religion in Public Schools

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[Correction. Re: an item, "Britain's cult watchdog," from Bourne, England, September REPORT. Dr. Eileen Barker writes to advise that: (1) She is the founder of INFORM, not, as reported, the families who claimed that members had been brainwashed into joining new religious organizations, and it was incorrectly stated that she assumed leadership only after INFORM was awarded a government grant; (2) Her book *The Making of a Moonie* received no financial support from the Unification Church; (3) INFORM is not at the center of a bitter British church-state controversy; and (4) She denies that under her leadership, INFORM has become an apologist for controversial cults. A nonsectarian organization, INFORM is a London-based source of information and instrument for reconciliation.]



James M. Dunn
Executive Director

Church-state separation may not be a Baptist "doctrine," a creedal tenet. We don't have many doctrines. Church-state separation is clearly a faith persuasion, a vital belief, a common bond, a lively principle.

REFLECTIONS

In my home state of Texas a whole literature is devoted to exposing the ends to which football loyalties will drive otherwise seemingly sane people. We laugh about football fans, short for fanatics, and their dedication.

Infant boy babies are offered up to the Longhorns, Bears, or Horned Frogs. Terms like devotion, sacrifice, faithfulness, and spiritual commitment, usually reserved for religion, are applicable. The Friday night or Saturday ritual draws great congregations who feel that they must publically invoke Divine favor in public ceremony before bones are broken, brains are bashed and blood is shed.

Alas, ordinary citizens caught up in football frenzy are not the only ones confused about the sacred and the secular. The Congress seems to be sacralizing the secular in their rush to make the pledge of allegiance a religious ritual and the flag a holy relic.

The Supreme Court, too, gives evidence of muddle-headedness in its struggle to resolve the December dilemma. The Court has, it seems, secularized the sacred, falling into a ditch on the opposite side of the road from Congress. To declare the baby Jesus in a manger the cultural equivalent of Rudolph the Red-Nosed Reindeer strains at a gnat. To attempt to calm community clashes by reducing religious holidays to mere folk festivals and spiritual symbols to mere cultural artifacts swallows the camel right out of the creche.

But all the furor — football players and prayers, flag burnings or cross burnings, creche cases and candelabras — is against the backdrop of a culture confused about religion's role in society. We sacralize the secular and secularize the sacred because we don't know the difference.

Cultural confusion reigns because respected public figures fail to honor the separation of church and state. It is one thing to discuss and dialogue and seminar and symposium "the spheres of the sacred and the secular," but another to deny the separation of church and state. To attempt to define by legislation and to trace in case law the boundaries of religion and politics or to delineate the delicate interface of the two, is not to deny the separation of church and state. To insist upon spiritual values in the social order and legitimately to insist upon the freedom for public witness, is not to deny the separation of church and state.

Church and state have different constituencies. No one in the United States is by law born into a church. Our deep gratitude for the heritage of biblical values in this nation should motivate us to hold those values tenaciously, to share those values infectiously, to defend those values intelligently. But organized religion and political subdivisions are not coterminous.

Church and state have different sources of funding. No tax dollars should support religious institutions. Taxes are taken by force of law. Tithes and offerings are freely given. The key question concerning the use of federal funds in religious agencies or institutions is not "are those good church folks doing a good thing?" The key question is not "can we take this money and use it for purposes that the state approves and would like us to carry out for society at large?" That's not the question. The question is "does any proposed legislation or course of action take public money and use it in parochial

channels?" Do sectarian agencies have access to tax monies lifted from believers and unbelievers alike to shuffle around from one pocket to another, and beyond the control of the taxpayers?

Church and state have different goals. The state maintains order, punishes evil, provides for the common defense, promotes the general welfare. But it is none of the business of the state to define the nature and purpose of the church, none of the business of the state to take the place of the synagogue, none of the business of the state to promote safe thinking in the temple, none of the business of the state to instruct worshippers in the mosque.

Beyond the fact that church and state are different and logically separate there is a passionate theological commitment to church-state separation. It burns in the hearts of historians who know the sad lessons learned from church-states and state churches. It drives the social critic who wants enough distance between these institutions of society that religion can fulfill its prophetic role. It fuels the lover of freedom who dreads the heavy hand of government in the mission of the church. Why in the world, for instance, would religious providers of child care be willing to accept the guidelines and regulations that follow government funding?

Baptists have gathered around religious liberty and its companion guarantor, separation of church and state and have seen in the package a principle worth fighting for. Church-state separation may not be exactly a Baptist "doctrine," a creedal tenet. We don't have many doctrines. Church-state separation is clearly a faith persuasion, a vital belief, a common bond, a lively principle.

This surely-held Baptist way of relating to government has served us well and it works today. In Washington politicians know that Baptists at their best do not seek favored treatment, want no privilege, and make no special pleading. Baptists believe in the separation of church and state! Legislators understand that Baptists are not trying to find funds for their institutions, not trying to get tax breaks for their churches, and not looking for advantage for their sectarian causes. Baptists believe in the separation of church and state! Judges remember that Baptists have stood and stand today with unpopular religions and believe that when the religious liberty of anyone is denied, the liberty of all is endangered.

A certain credibility comes to those who refuse not only to seek denominationally selfish advantage but oppose sectarian agendas. The Baptist Joint Committee doesn't endorse candidates or support nominees for government posts simply because it refuses to become entangled in the intrigues and the kaleidoscopic changes that are endemic to politics.

Enough Baptists believe in this brand of freedom to ensure that the dedication to liberty in the context of church-state separation will go on like a river, finding new channels when obstacles are in its path. This distinctive life force has marked worthy chapters in Baptist history since Thomas Helwys.

In the confusion of roles that plague American life, "lively experiment" in the separation of church and state commends itself. □

REVIEWS



CRUCIBLE OF FIRE: The Church Confronts Apartheid

Jim Wallis and Joyce Hollyday, Editors. Marynoll, New York: Sojourners and Orbis Press, 1989. 169 pp.

News item, June 1989 — "South Africa: State of emergency extended — President P.W. Botha extended the national state of emergency for a fourth year today despite a halt in widespread violence."

News item, October 1989 — "New South Africa dawns — In an editorial marking a major Afrikaner holiday, one of the country's staunchest progovernment newspapers told its readers to leave apartheid behind and prepare for 'a new world — a mainly black one.' 'Whether some whites like it or not, a new South Africa is dawning — a South Africa in which people of color walk tall,' said the editorial in *The Citizen*. . . . 'Apartheid is dying and the right will never be able to resurrect it,' the editorial said."

A mere week before the first of these two news stories, I sat in the packed Cathedral of St. Peter and Paul in Providence, Rhode Island, transfixed by the words pouring forth from the hearts of Jim Wallis and Allan Boesak, and I believed those words to be poured through them from the very heart of God. When God had spoken through the prophets of the Old Testament, our sovereign Lord could not have spoken any clearer than the Word piercing my heart through the words which I was hearing. By my ignorance and silence, I had allowed the sin of racism to imprison and oppress my sisters and brothers of color in South Africa — and while it would be easy to blame the source of oppression as the white government, the source which gave and affirmed the power of that government was the white church. "I must act and not be silent," I resolved. And so I did.

The annual convention of the denomination with which I am affiliated was only a week away. "Why not carry the cause of those South African Christians opposed to apartheid to my brothers and sisters in Christ who would be gathered in Las Vegas," I reasoned. Five thousand

copies of a full-page flyer were printed. Although some of the information which it contained was meant to grab the reader's emotions, it seemed innocent enough. A brief article from *Sojourners*, by Michael S. Curry, was reprinted as well as a document entitled "Until South Africa is Free: A Covenant With the Church and People of South Africa." Armed with flyers to distribute, resolutions and motions to present from the floor of the convention in business, I arrived at the convention center. It seemed so easy. I was no longer a silent witness. The people took my flyers. Some even thanked me. Then others began to ask me questions. Many questions I could not answer adequately for my own satisfaction. Some began to challenge my information, protesting that it was biased. My resolution was not brought from the committee. My motion was soundly defeated, and a few persons cornered me to correct my understanding of the South African situation that necessitated the policy of apartheid. In the meantime, a resolution was passed confessing our past racism and "affirming our intention of standing publicly and privately for racial justice and equality." I resolved to become a better informed Christian on the subject of apartheid in South Africa and the struggle for freedom.

Where in this world do we look for leadership when the "Church-at-large" finds itself oppressed by laws supported by the "church-at-state?" Where do we turn when the ones who enforce the laws of oppression speak with the pious tone and conviction of a preacher because their positions come fully endorsed by a segment of the population who have historically spoken for the "church?" Where do we turn when the victims of oppression, who proclaim with prophetic fervor the whole counsel of God contained in the scandal of the Gospel of Christ, are denounced as com-

Reviewer

The Rev. Waugh is pastor of Grace Baptist Church (SBC) in Rumford, Rhode Island.

munist sympathizers at worst and misguided opportunists at best?

I interviewed missionaries who had served in Africa. I read books by white South Africans who opposed apartheid. I communicated with those who had taken exception to my activity in Las Vegas. And then I read this recently published book of interviews, sermons, observations, and letters from some of those most intimately connected with the struggle. The words of these courageous Christian men and women willing to risk everything for the freedom which I so easily take for granted convicted me. The words of those who enforce apartheid with the cloak of "Christian" piety echoed the pious tones of racism that we have heard and continued to hear in our land. I can now stand face-to-face with Christians on this continent and with assurance affirm the Christian leaders who advocate the nonviolent overthrow of all those systems which imprison the human soul.

With many questions, with a summer quest for insight, and foremost, with the profound conviction that I must stand for freedom, I eagerly read *Crucible of Fire: The Church Confronts Apartheid*, edited by Jim Wallis and Joyce Hollyday. This book, published jointly by *Sojourners* and Orbis Books (paperback), provides extensive firsthand coverage of the positions espoused by church leaders such as Allan Boesak, Desmond Tutu, and Frank Chikane. It looks at the role of women in the struggle, the spirituality which undergirds the struggle, and the Gospel which beckons the Christian to take up the cross and follow in faith the Christ of Calvary. Interviews with white South African Christians affirm that those standing for freedom are not limited to persons of color. Correspondence between black church officials and former South African President P.W. Botha are also included as a testimony to the "spirit" which has prevailed for far too long in the halls of "justice." As readers of *Sojourners* have come to expect, the contributions of Wallis and Hollyday are as heart-stirring as they are insightful.

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