

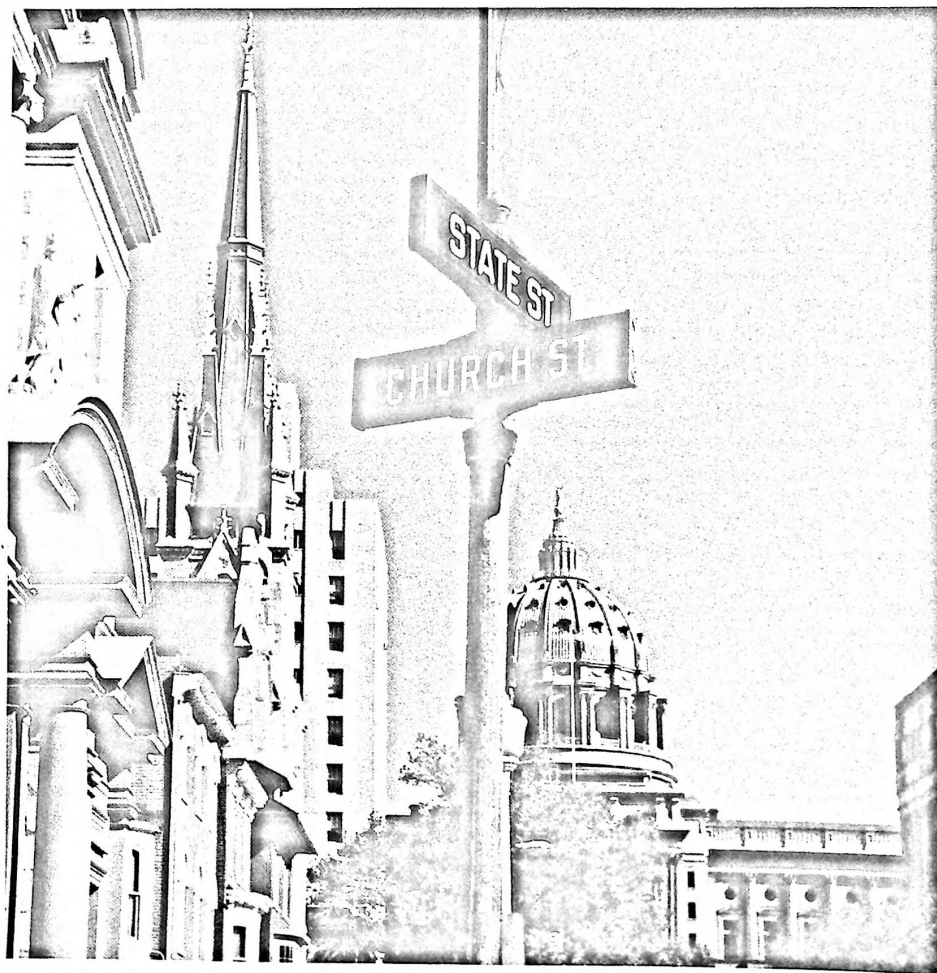
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REPORT from the CAPITAL

Busy intersection



REPORT from the CAPITAL

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

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Cover: Photograph of the intersection of Church and State streets in Harrisburg, Pa., is provided by Richard Dowhower, pastor of All Saints Lutheran Church, Bowie, Md.

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The lure of power

(EDITOR'S NOTE: This commentary is provided by Patrick N. Horn, BJC information services assistant, whose primary responsibilities have involved production and distribution of the 1992 Baptist Heritage Calendar.)

Perhaps the greatest challenge and most difficult task for the Christian is to translate faith into action. This is most evident in the American political arena where the lure of power can cause a person to forget the goal. Rather than make responsible use of power, the end is supplanted by the desire to attain more power. What began as Christian involvement in the political system suddenly becomes just another quest for political power. The entire process is characterized by this popular definition of fanaticism: the redoubling of efforts when the goal has been forgotten.

It is natural that Christians want to accomplish wonderful things through the political processes of government. It should be. The biblical ideals of peace, justice and freedom are legitimate ends of government. But the greatest accomplishments on this earth are those made in the hearts of people. The business of the kingdom of God has not changed. The gospel has always been the Good News for people, not the Good News for how to run a political state.



It would be a mistake to move into another era in which the gospel is identified with the political forces of the day. One of the confounding notions of the kingdom of God is that the first shall be last and the last shall be first. This principle runs counter to the excessive respect that society pays to political authority.

The mother of James and John went to Jesus to ask him that her sons be placed on either side of him when he came to the throne. She, along with the disciples, fully expected the kingdom of God to be a combination of God's justice and a military strength to rival that of the Roman Empire. Jesus' response to her has deep and profound implications for our day: "You don't know what you are asking."

Jesus' words are equally applicable to those who seek to identify the kingdom of God with earthly political and military might. □

— Patrick N. Horn

PRESIDENT GEORGE BUSH'S PLAN to allow federal tax dollars to fund private and parochial schools has hit a considerable obstacle: the U.S. Senate. After soundly rejecting amendments that would allow for private and parochial school "choice," the Senate adopted the Neighborhood Schools Improvement Act (S. 2). The Senate did allow an amendment sponsored by Sen. Thad Cochran, R-Miss., that authorized grants to establish 535 new, innovative schools across the country, but only after the proposal was altered so that the money could not be used for private or parochial schools. The Senate bill, sponsored by Sen. Edward Kennedy, D-Mass., was approved by a 92-6 vote. The Senate demonstrated that it is possible and indeed necessary to enact a bill designed to improve education for America's children without using tax dollars to support parochial schools.

The fight to prevent parochiaid, however, is not over. The House of Representatives' Committee on Education and Labor has approved a bill that would allow states to use federal funds for private school education if permitted by state law. The Comprehensive Neighborhood Schools Revitalization Act (H.R. 3320) has not come to the House floor for action. If approved, it would have to be reconciled with the Senate bill before reaching President Bush for his signature. Representatives should be reminded of the harmful church-state implications of financing parochial schools with tax dollars.

• (KHH)

HEARINGS ARE EXPECTED THIS MONTH on the Religious Freedom Restoration Act (H.R. 2797), a bill that would restore the "compelling state interest" test to free exercise of religion cases. The bill has 135 co-sponsors. Also this month, Sens. Joseph Biden, D-Del., and Orrin Hatch, R-Utah, will introduce RFRA in the Senate. Americans interested in preserving religious freedom should contact their representatives and senators to voice their support for this important legislation. • (KHH)

PRESIDENT BUSH, in a recent speech to the National Religious Broadcasters, made statements on the role of religion in the country. Although he said that there is no place in America for religious prejudice, he declared that America was "Christ ordained" to be a light unto the world. He affirmed his belief in the right to "nondenominational, voluntary school prayer" and asserted that God had been banished from the classroom. He was wrong. Christ commissioned Christians, not nations, to be "salt" and "light." Neither God nor student prayer has been ruled out of the classroom. Only state-sponsored religious exercise has been removed, and properly so. • (KHH)

P.S. to Constitution

Forebears left important addendum

Red and yellow tulips were blooming in Philadelphia that May of 1787. The first street lamp in the city bathed Ben Franklin's blossoms in a mellow glow. The Pennsylvania Statehouse, known to us today as Independence Hall, had been mopped and dusted. Everything was ready for the 74 delegates named to attend the Convention.

All the states were sending official delegates, except Rhode Island. There, reactionary politicians in the statehouse had blocked the citizens who wanted their state to be represented. A Boston newspaper, reporting on the negative action, dubbed the state: "Rogue Island," disgusted by its lack of cooperation.

May 14 was the date set for the Convention to begin. But up and down the Eastern seaboard, torrential rains had been falling during the past week. Post roads and highways had become muddy ruts, hard going for those coming by horse and carriage. Consequently, only Virginia and Pennsylvania delegates were there on the 14th. James Madison, assiduously prepared for the Convention, had arrived two weeks early while delegates from Pennsylvania were favored by Philadelphia's proximity. But with the delayed arrival of other delegates, a quorum was established as 55 of the 74 delegates assembled.

Their task, assigned by Congress, was to revise the Articles of Confederation under which the new nation had been languishing. From the outset, many of the delegates had concluded that a revision of the Articles would prove hapless. Some persons arrived with resolutions in hand to offer as the basis for a new Constitution.

From the middle of May 1787 until their very last working day — Saturday, Sept. 15, the Convention endured the hottest summer Philadelphia had seen in almost 30 years. In the summer heat, these representatives wrote and spoke, debating the monumental issues vital to their nation's future. At the end, their

Dr. William F. Keucher has served as a pastor, editor, executive minister, seminary president and denominational official in the American Baptist Churches, U.S.A. He served for 20 years as an ABC representative on the Baptist Joint Committee. His sermon commemorating the 200th anniversary of the Bill of Rights was delivered at a community celebration at First Baptist Church, Granville, Ohio, and is printed with permission.



"Most of all, the Bill of Rights and our civil liberties are jeopardized by our amnesia and by our apathy. Amnesia allows myths to supplant truth. Apathy allows injurious voices to prevail in the public forum."

— William F. Keucher

vision looked beyond captious, independent states, loosely confederated to the reality of a new union. Their summer's work could be summed up in a single verb. Before the Constitution, people wrote: "The United States are." The Convention's task successfully completed made it possible for the people now to write: "The United States is!"

Following the formal signing ceremony on Monday, Sept. 19, the new Constitution was forwarded to Congress for its referral to the people for their approval. By August 1788, 11 states had acted to ratify, more than the nine needed. Rhode Island, relieved of its earlier intransigence, and North Carolina made adoption unanimous.

The new Constitution was a remarkable document. Like the earlier Declaration of Independence, the Convention gave the people a written document, conserving rights and liberties dating back to England's Magna Carta. The United States now had a workable system of government with checks and balances to protect the power vested in the people. The preamble of the Constitution seems to sum it all up:

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

However, the new Constitution provoked disappointments. A black abolitionist would later say: "I take hold of this Constitution and it looks mighty big, and I feel for my rights, but there ain't any there."

Women also remained disen-

franchised. Abigail Adams' warning to her husband had to await a postponed future, as she wrote: "Remember, dearest friend, that all arbitrary power is bound to fall and that we women shall in due time not only 'free ourselves,' but 'subdue our Masters' as well."

The greatest criticism came from people who wanted a Bill of Rights, protecting the hard-won gains of conscience and civil liberties. The Constitution impressed these citizens as a series of handsome arches. But, they were quick to point out that arches need a sure foundation so they could withstand the tumultuous winds of change and future political controversy.

Our own Baptist forebears were among those persons who kept agitating for a Bill of Rights to be added. John Leland, Baptist pastor in Virginia, led the fight in that state. When James Madison was running for election to the newly constituted House of Representatives, Leland announced against him. A subsequent conference with Leland in which Madison pledged himself, if elected, to present a Bill of Rights to the new Congress led Leland to withdraw from the race. He then rallied support among Baptist voters and helped Madison win his seat by a narrow margin.

When the new Congress met in 1789, Madison honored his pledge and offered the House of Representatives a series of proposals as the basis for a new Bill of Rights. After June 7, when Madison spoke, debate continued in July in the House Select Committee. Their proposals were considered in August by the House, meeting as a Committee of the Whole. The final version was sent to the Senate where debate raged during early September. A watered-down version was sent back to the House for Conference Committee consideration.

In short order, members of the Conference Committee, encouraged by Madison, reached agreement on a draft, familiar to us today, as the beginning of the Bill of Rights: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." The added words protect freedom of speech and of the press, together with the right of people to peaceably assemble and to petition their government for a redress of grievances. With 11 additional amendments, the conference report was approved by the House on Sept. 24 and by the Senate the very next day, Sept. 25, 1789.

It was submitted to the 13 states for ratification, and by June 2, 1790, nine states had acted favorably on 10 of the amendments; only one more state was needed. But the vote stalled in Virginia, and another year and a half went by until Virginia finally ratified. On Dec. 15, 1791, the Bill of Rights became the "Postscript Foundation" for civil liberties and for the Constitution itself. It was the best P.S. our forbears could have left for their posterity.

Here, in historic Granville, Ohio, churches, community and Denison University are observing the 200th anniversary of this important postscript. Such a celebration is timely because ink fades on parchment with the passing of time. Such an observance is needed because many persons in our nation seem to be suffering from amnesia. Forgetful of past history, we have allowed myths to develop that undermine the foundation of our precious freedoms.

One popular mythical version, told and retold, goes like this: "America was founded as a God-fearing, Christian nation. Leaders and people were faithful churchmen. Because of their higher calling, ministers served also as civil magistrates so that religious duties could be enforced by law and offenders could be punished. But (so this version continues) secular, humanistic forces have corrupted America as evidenced by Supreme Court decisions banning prayers and religious exercises in public schools and other public places." This mythical version usually ends with a plea for America to return to "the good old days."

Suppose, for a moment, that we could go back. What would the "good old days" be like? In nine of the colonies,

"It is amnesia that puts us at the mercy of mythologies, perpetuated by crusading, zealous people who often prove to be foes of freedom and friends of intolerance."

there would have been established churches. If you were a Baptist, Quaker or member of some other sect; or, if you were a skeptic or seeker or a member of the Jewish faith, you could count on being taxed, persecuted and disenfranchised because of your different religious beliefs. Taxed, to support religious views you did not subscribe to. Persecuted and removed from your job, as Harry Dunster was as Harvard's president. Disenfranchised, because dissenters could not vote or run for public office. Those were the good old days. The repeated myth obscures the fact that our Founders, supported by disestablished church leaders, deliberately secularized the state to provide a fair and equal playing field for all religious groups in America while leaving ample room and protection for those persons who chose not to play on any team or to wear any religious uniform. The rights of conscience are upheld for every citizen. No candidate for public office can be subjected to religious tests. That's how it is in constitutional America today. Freedom of conscience — that's guaranteed in the postscript Bill of Rights our forbears bequeathed to future generations, including us: you and me!

One more question needs to be asked about this repeated myth about America's good old days. How Christian was the nation before churches were disestablished and professions of faith were voluntary and uncoerced by custom or law? William Warren Sweet, church historian, concludes that America had more unchurched people in proportion to the population than any other land in Christendom! In Georgia, at the time of the second Constitutional Convention, there appear to be fewer than 500 people on church rolls. A mission society in Europe discussed missionary needs and opportunities in North Carolina in the same paragraph with appalling needs in India and China. Myths about the past die hard, when amnesia allows them to be told and repeated, unchallenged by the facts. To recall and to remember the foundational truths in our Bill of Rights can alleviate widespread amnesia that would allow historic freedoms to be jeopardized in exchange for oppressive securities.

It is amnesia that puts us at the mercy of mythologies, perpetuated by crusading, zealous people who often prove to be foes of freedom and friends of intolerance. Some are suspicious about the Bill of Rights and would like to see it altered or modified. Some would like to see their orthodoxies mandated by law so dissent could be curbed and dissenters silenced. Some would like to dim the flame of conscience and of choice. Some advocate limiting rational inquiry and scientific investigation in American

"We can give to Caesar what is owed to Caesar; but Christians dare not give to Caesar what belongs to Christ alone."

schools so they might impose oppressive religious explanations upon school boards, superintendents and teachers. Some would like to burn library books and textbooks not on their approved reading list. Some would like to see prayer and religion mandated by law and official public policy. Some would like to stitch up again the Veil of the Temple, denying or limiting access to women and others whose diversities threaten their single issue views. Burning with the zeal of "true believers" such persons are foes of freedom. Guileless citizens can be taken in by the passion of their myths that our amnesia fails to challenge and correct.

To celebrate and remember the P.S. given us in our Bill of Rights will do more than cure amnesia. The celebration can ignite a cleansing flame, purging us of apathy and indifference. When Jesus was crucified, the Record reminds us that the voices of adversaries in the crowd prevailed because the voices of Jesus' friends and disciples were silent. You and I can leave a P.S. of our own as a legacy to generations that will follow us. We can speak up and act in behalf of justice and in support of civil rights and a lively conscience. We can resist the intrusion of the state when and where it seeks to limit the freedom for religious groups to define and pursue their mission. We can give to Caesar what is owed to Caesar; but Christians dare not give to Caesar what belongs to Christ alone.

Our constitutional freedoms, secured in the Bill of Rights, may always be in jeopardy—from Congress, from the judiciary, from the executive branch of our government, depending upon which group is lobbying its point of view. But most of all, the Bill of Rights and our civil liberties are jeopardized by our amnesia and by our apathy. Amnesia allows myths to supplant truth. Apathy allows injurious voices to prevail in the public forum.

Let's not be a Rip Van Winkle. When he fell asleep, a portrait of King George of England was hanging over the fireplace mantle in the inn. Twenty years later, when Rip woke up, the visage of England's George was gone. In its place, there was a portrait of America's George Washington. Rip had slept through the period of the American Revolution with-

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Senate rejects parochiaid proposals

The U.S. Senate rejected attempts to include President George Bush's plan to channel tax dollars to private and parochial schools as it approved a major education bill Jan. 28.

The Senate approved the bill 92 to 6. The vote signals that the Senate will not go along with the "choice" aspect of Bush's America 2000 plan as part of a major education bill (S. 2). Bush's choice proposal would allow parents to use vouchers to send their children to public and private schools.

In two key actions Jan. 23, the Senate defeated one amendment to the Neighborhood Schools Improvement Act and approved another only after it had been modified to delete provisions that would have allowed the use of public funds for private schools.

The Senate defeated, 57-36, an amendment sponsored by Sen. Orrin Hatch, R-Utah, that would have established a school choice demonstration project. The amendment would have authorized \$30 million to carry out a maximum of six demonstration projects providing low-income parents with federal money to help pay for public or private education.

"The Hatch choice demonstration amendment was pure parochiaid," said J. Brent Walker, Baptist Joint Committee associate general counsel. "Even though it was a relatively small program and was sweetened by its attempt to help low-income families, it would have opened the gates for a flood of tax dollars to go to church schools in the future."



James M. Dunn, BJC executive director, addresses Senate staff members during a Jan. 17 briefing on a major education package (S. 2). Dunn urged rejection of expected amendments that would channel tax dollars into private and religious schools. During floor debate, the Senate rejected all attempts to use federal funds for private schools.

"It would also result in destructive governmental meddling," he continued. "Governmental regulation will inevitably follow public funding — even when doled out under a voucher program."

Another amendment, sponsored by

Sen. Thad Cochran, R-Miss., attempted to include Bush's plan to authorize grants to establish 535 new, innovative schools across the country. The Cochran amendment was approved 96-0 after Cochran agreed to alter the proposal. One change was that no grants could be used to establish private or sectarian schools.

"The votes in the Senate are significant," said James M. Dunn, BJC executive director. "No bona fide liberal, no Democrat worth his salt can support tax money for parochial schools, because they lack accountability, deny public support for all children regardless of race, disability or educational difficulty, and weaken the common school."

He continued, "No honest conservative, no real Republican can vote for some voucher scheme because all such plans represent another inflationary, expensive entitlement and a guaranteed bundle of government regulation."

However, the Senate's action does not mark the end of the choice battle. The House Committee on Education and Labor has approved a bill that would allow states to channel federal funds to private schools if state constitutions permit it. The bill (H.R. 3320) has not come to the House floor. Before an education bill can be sent to Bush for his signature, any differences in the two bills must be ironed out.

S.2 would authorize \$850 million in annual grants to states to finance comprehensive education improvement designed to help the nation reach its six education goals by the year 2000. □

Helms' prayer amendment defeated 55-38

The U.S. Senate rejected an amendment urging the Supreme Court to reverse two landmark decisions banning school-sponsored prayer and Bible reading during debate on a major educational reform bill Jan. 23.

The amendment, offered by Sen. Jesse Helms, R-N.C., was defeated 55-38.

Helms' amendment to the Neighborhood Schools Improvement Act (S. 2) would have expressed a "sense of the Senate" that the Supreme Court use a pending graduation prayer case to reverse *Engel v. Vitale* and *Abington School District v. Schempp*. The 1962 and 1963 Supreme Court decisions ruled public-school-sponsored prayer and devotional Bible reading unconstitutional.

In November, the Supreme Court heard oral arguments in *Lee v. Weisman*. At issue in the graduation prayer case is the long-standing *Lemon* test used to

decide whether governmental actions violate the First Amendment's ban against an establishment of religion.

The Bush administration has asked the court to abandon the test, which requires government neutrality toward religion, in favor of a more lenient standard that would allow government involvement in religion as long as no coercion is present.

During debate, Helms said the deterioration of school discipline began with those decisions. The vast majority of Americans agree with what this amendment proposes, he said.

But Sen. Paul Simon, D-Ill., disagreed. He said that the national interest and the cause of religion in America would be best served if Helms' proposal was defeated.

Simon warned the Senate to be careful in relegating the responsibility of American homes, churches and synagogues to

public schools.

Simon also applauded the *Lemon* test, which was articulated in *Lemon v. Kurtzman* in 1971, noting the separation of church and state has served the country well.

Helms denied separation of church and state was at issue. He said he offered the proposal so that "voluntary prayer, Bible reading, or religious meetings" in public schools or buildings could be allowed to the extent such activities are not mandatory.

But a Baptist Joint Committee attorney said those rights already exist.

J. Brent Walker, associate general counsel of the Baptist Joint Committee, said, "The Helms amendment was ill-conceived. The amendment appeared to try to restore state-sponsored classroom

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VIEWS OF THE WALL

Oliver S. Thomas
General Counsel



Don't say we didn't warn you. For years attorneys for religious organizations have been admonishing their clients about the dangers of political activity by tax-exempt organizations. Apart from the many practical and philosophical considerations (See *Report from the Capital*, January 1992, p. 7) partisan political activity — or electioneering as it is sometimes called — is strictly forbidden by the Internal Revenue Code. Section 501(c)(3) provides that exempt organizations must not "participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office."

Despite its presence in the tax code, the prohibition against political activity has seldom been invoked. It was last invoked against a religious organization during the 1964 presidential election when *The Christian Century* and *Christianity and Crisis* endorsed presidential candidate Lyndon Johnson. And, it has never been invoked against a church — until now.

On Dec. 17, 1991, Jimmy Swaggart Ministries (recognized as a church for federal income tax purposes) announced that after an extensive investigation the Internal Revenue Service had found the ministry to be in violation of Section 501(c)(3). As a condition of retaining its exempt status Jimmy Swaggart Ministries agreed to refrain from future political activity and to pay \$171,122 assessed in back taxes and interest for the years 1985 and 1986.

The principle concern of the Internal Revenue Service was that Jimmy Swaggart Ministries had endorsed Republican presidential candidate Pat Robertson in the 1988 election. The endorsement involved two separate incidents, either of which standing alone would constitute impermissible political activity.

The first occurred at a regularly scheduled Wednesday evening worship service on Sept. 10, 1986, at the Jimmy Swaggart Family Worship Center. Members of the church, as well as members of the press, were in attendance. Swaggart announced from the pulpit that Pat Robertson would probably be running for president and that he, Jimmy Swaggart, would support him.

The second incident involved the Oct. 6, 1986, issue of *The Evangelist*, the official publication of Jimmy Swaggart Ministries. In Swaggart's column titled,

"From Me to You," Swaggart stated, "We are supporting Pat Robertson for the office of president of the United States," and, "We are going to support him prayerfully and put forth every effort we can muster in his behalf." Circulation of *The Evangelist* is estimated at 300,000-400,000, and the publication is identified on its masthead as "The Voice of Jimmy Swaggart Ministries."

The IRS takes the position that the acts and statements of a religious organization's ministers at official functions of the organization and its official publications are the principle means by which a religious organization communicates its views to members and supporters. According to the IRS, when a minister endorses a candidate for public office at an official function of his or her church or when an official publication of a religious organization contains a political endorsement by the organization's minister, the endorsement will be considered an endorsement by the organization itself. The IRS acknowledges that the prohibition against political activity does not prevent ministers from being involved in political campaigns as long as the ministers do not in any way utilize the religious organization's financial resources, facilities or personnel and clearly and unambiguously indicate that their actions or statements are their own and not those of their sponsoring organizations.

What does this mean for ministers and churches?

The IRS has served notice on the religious community that it is serious about enforcing the law. For those that wish to avoid problems with this government behemoth, the following is advised:

1) Do not endorse a candidate for elected public office directly or indirectly whether through a sermon, church newsletter, sample ballot, etc. Statements supporting or opposing a candidate must be avoided. In addition, churches should avoid using pejorative or inflammatory labels when mentioning

a candidate by name. Technically, a church may not be endorsing one candidate by referring to another candidate as the "pro-abortion, anti-family candidate" but the effect is the same. If a minister endorsed a candidate without authorization from his or her sponsoring organization, the organization should issue a disclaimer in the same forum, indicating that the minister's statement does not reflect the views of the organization itself. If, for example, an endorsing statement is made in a sermon, the chairman of the deacons may wish to make such a disclaimer at the close of the worship service. Corrective measures cannot undo the endorsement, but the IRS may take such action into consideration when deciding whether to initiate revocation proceedings.

2) Do not provide financial or other support to a campaign for elective office. An exempt organization may not provide financial support for any candidate, party or political action committee. Similarly, it may not provide volunteers, mailing lists, publicity or free use of facilities unless those facilities are made available on an equal basis to all other parties and candidates in the community.

3) Do not distribute or display campaign literature on church premises. Permission should not be given to individual church members who wish to distribute campaign literature before or after services, except in the context of a public forum or debate where all candidates are given an opportunity to state their views and distribute their literature. Such public forums must be conducted in an unbiased manner.

4) Do not organize, establish or support a political action committee. Individual church members may wish to establish a PAC for the support of a particular party or candidate, but the church may not support this effort or provide a platform for particular political views.

The list of prohibited activities almost can be summarized in a single sentence: An organization may take sides on the issues but not on the candidates. □

* For a list of legitimate voter education activities that churches may conduct without jeopardizing their tax-exempt status, please contact the Baptist Joint Committee Office of General Counsel, 200 Maryland Ave., N.E., Washington, DC 20002; phone (202) 544-4226.

"The IRS has served notice on the religious community that it is serious about enforcing the law."

Supreme Court to review charitable solicitation ban

In a case that could have significant implications for evangelistic efforts on government-owned property, the nation's top court has agreed to decide whether solicitation of funds and distribution of literature may be banned from airport terminals.

The U.S. Supreme Court recently announced that it will review a federal appeals court ruling that in-person solicitation of funds by a religious group can be banned in airport terminals but that distribution of literature, viewed as a less-disruptive activity, must be allowed.

Attorneys for the International Society of Krishna Consciousness (ISKCON) challenged a ban on solicitation and literature distribution implemented by the Port Authority of New York and New Jersey in terminals at the three major New York area airports. After a lower court struck down the ban as unconstitutional, the 2nd U.S. Circuit Court of Appeals issued the divided ruling, upholding literature distribution but allowing airport officials to prohibit solicitation.

The Supreme Court is expected to settle the question of whether airport terminals are considered public forums — areas in which courts have been reluctant to permit limitations of free speech rights.

In upholding the ban on solicitation, the 2nd Circuit held that airport terminals are not public forums, a ruling at odds with decisions by five other federal appeals courts.

Both the Port Authority and representatives of the Hare Krishna religion appealed the 2nd Circuit ruling. The Port Authority has asked the high court to review the decision allowing ISKCON to distribute literature inside terminals.

ISKCON attorneys contend that the airport terminals are public forums for First Amendment purposes and that the distribution of literature and solicitation of donations may not be banned. ISKCON argues further that activities may not be banned from non-public forums unless the activities are incompatible or interfere with the normal activity of a particular place.

In another free speech case, the Supreme Court announced it will review a federal appeals court finding that private organizations may be charged only

a nominal fee for use of city streets and parks for First Amendment activities.

Rejecting a lower court's finding, a majority of the 11th U.S. Circuit Court of Appeals struck down a Forsyth County, Ga., ordinance requiring advance payment of a fee of up to \$1,000 per day for private organizations or persons to conduct a parade or public meeting on roads or other public property.

The appeals court held that existing court precedents permit only nominal fees and that the Forsyth County ordinance exceeded that requirement.

Both free speech cases, which are scheduled for argument in March, could have significant impact on the rights of religious and other groups, according to Baptist Joint Committee General Counsel Oliver S. Thomas.

"Airports should be able to place reasonable time, place and manner restrictions on evangelistic activities, but they should not be able to ban them altogether. New York is seeking to create a First Amendment free zone that has dangerous implications for all religious and political groups," Thomas said.

"The Georgia ordinance is equally bad. What religious or political group can afford to stage a public protest or demonstration if the fee is \$1,000," he said. □

Court upholds ruling in Christian Science death

In a Jan. 13 order, the Supreme Court let stand a ruling by the Minnesota Supreme Court affirming the dismissal of manslaughter indictments against Christian Science parents whose child died after being treated through prayer and spiritual means rather than by conventional medical care.

Ian Lundman, 11, died in May 1989 after being treated with Christian Science healing methods but not conventional medical care while suffering with a complication of diabetes mellitus. His mother and stepfather, Kathleen McKown and William McKown, were charged with second-degree manslaughter in October 1989 by a Hennepin County Grand Jury. Medical witnesses told grand jurors the youth's diabetes apparently was treated through conventional medicine.

Minnesota's highest court held that it would violate the McKowns' due process rights to prosecute them for manslaughter when the state's child neglect statute specifically allows parents to rely in good faith on spiritual treatment and prayer. The court noted that the child neglect statute failed to provide fair notice that parents might be prosecuted under other state laws, such as the manslaughter statute, if spiritual healing methods fail.

The Minnesota court emphasized its ruling did not mean the state could never prosecute an individual whose reliance on spiritual treatment results in the death of a child.

"Rather, we hold that in the particular instance, where the state has clearly expressed its intention to permit good faith reliance on spiritual treatment and prayer as an alternative to conventional medical treatment, it cannot prosecute respondents for doing so without violating their rights to due process."

Oliver S. Thomas, BJC general counsel, said the Minnesota Supreme Court should be commended for standing up for fairness "despite a clear trend to decide these cases against Christian Scientists. A state should not create an exemption for spiritual healing and then turn around and prosecute the parent who dares rely on it."

Since the death of Ian Lundman, the Minnesota legislature has amended its laws governing treatment of minors to require that practitioners of healing arts report to proper authorities if a lack of medical care may cause imminent and serious danger to a child's health.

While the McKowns cannot be prosecuted, the child's father, Douglass Lundman, has been given the legal go-ahead to proceed with a civil lawsuit, which he filed last May.

In his decision to allow the civil suit, Judge Sean Rice of Hennepin County District Court said a duty exists for parents to protect children against unreasonable risk of harm.

"Here the risk to Ian was the most serious risk, death," Rice wrote. "Considering the nature of the risk involved, the court finds there could be special circumstances requiring some or all of the defendants to have taken additional precautions to protect Ian."

Rice said that while the freedom to believe is absolute, the freedom to act may face legislative restrictions. He said the case focused on the actions of the Christian Science couple rather than on the religious beliefs that motivated their actions. □



Judge says church may use school's facilities

A federal judge has ordered a Nevada school district to permit a church to rent space at a public high school.

U.S. District Judge Bruce Thompson ruled in Reno that since the Washoe County School District allows outside groups to rent the McQueen High School, school officials must allow the Northgate Community Church to rent the school for worship services on Sunday mornings.

The case began when the church's pastor, Jim Wallace, asked to rent the building on Sundays and was told the district did not allow use of school property for religious purposes.

U.S. District Judge Howard McKibben denied a motion by Wallace to force the school district to open its facilities to the church on the grounds that the church might then be permanently located at the school. The pastor sued again, contending that the school district maintained a policy of content-based discrimination toward religious use.

Judge Thompson then ruled that since several civil and political groups had been allowed to rent the school, the policy barring religious groups is unconstitutional. □

Judge rules out cross display on public land

A federal judge has ruled against the display of a cross on public land atop a mountain in La Mesa, Calif., and against its prominent display as part of the logo of the city police department.

U.S. District Judge Gordon Thompson Jr. ruled in San Diego that the cross atop Mount Helix must be taken down and the logo replaced before March 1.

Some opponents of the decision have suggested that the land on which the cross stands be transferred to a private, non-profit foundation so the cross could remain on top of the mountain. That would not affect the ruling on the police logo, however.

The suits in opposition to the cross and logo had been filed by the American Civil Liberties Union.

The 35-foot-high concrete cross was placed atop Mount Helix in 1925 by a family and was situated adjacent to a nature theater that was also sponsored by the family. The site was subsequently deeded over to the County of San Diego

along with a \$30,000 trust to maintain the park.

The police logo, which appears on police shoulder patches and cars, gives prominence to the Mount Helix cross, while the cross is barely noticeable in the logo for the city of La Mesa. □

U.S. Justice Department files religious bias suit

The Justice Department has filed suit against the village of Airmont, N.Y., charging that it was created in April for the purpose of excluding Orthodox Jews.

The founders of the Rockland County village, 32 miles from midtown Manhattan, are considering zoning restrictions that are expected to include a ban on small synagogues in homes because of the noise and congestion they bring to residential neighborhoods.

Earlier this year, four Orthodox Jewish residents of Airmont filed a similar federal lawsuit against the village.

The controversy reflects the influx of Orthodox and Hasidic Jews into Rockland County to the point where they comprise 23,000 of the total population of 94,000. Airmont's population of 9,500 includes an estimated 250 Orthodox Jews and many other Jews who are not Orthodox.

In April, the town of Ramapo authorized the creation of the village of Airmont. Supporters campaigned on a platform of zoning restrictions that included banning the construction of synagogues in homes. The restrictions would effectively exclude Orthodox Jews because their faith prohibits them from traveling by car on the Sabbath. □

Colorado school agrees to allow Christian paper

DENVER

Two students at Wasson High School in Colorado Springs may distribute a few copies of a Christian newspaper to their friends but are barred from "substantial distribution" of the periodical in the building under an out-of-court settlement of a federal lawsuit.

The students sued last year after the school's principal, George Houston, refused to allow them to distribute en masse in school a monthly periodical that presents issues from a conservative Christian perspective.

In April, U.S. District Judge Daniel Sparr of Denver refused to issue a temporary injunction against the school officials. He said if the two Christian students and 46 other groups that wanted to disseminate materials in the school were allowed to do so, unacceptable disorder would result.

"Common sense dictates that the hallways would resemble a three-ring circus," he said.

Attorneys for a national legal organization called Christian Advocates Serving Evangelism appealed on behalf of the two students. They said that although the students had been barred from carrying more than one copy of the Christian paper inside the school, other students had been allowed to carry three copies of *Sports Illustrated* in the building.

Under the settlement, the Christian students will be allowed to distribute their newspaper on the basis of "normal everyday personal exchanges of written materials." The principal has discretion to determine if the students exceed that standard. □

Ten Commandments can remain at state capitol

DENVER

A monument inscribed with the Ten Commandments will be allowed to remain on the grounds of the Colorado State Capitol under a ruling issued by a district judge here.

Judge William Martin rejected an argument from the Freedom from Religion Foundation in Madison, Wis., that the location of the monument on government property is a "dangerous step" toward establishing a state religion.

According to Martin, the monument "does not prefer, foster or establish any religion" and has not done so since it was erected in 1956.

The monument was presented to the state by the Fraternal Order of Eagles as part of a national campaign for a youth guidance program that coincided with the national distribution of Cecil B. DeMille's film, "The Ten Commandments." □

Compiled from staff and news service reports, including Religious News Service, American Baptist News Service, Associated Baptist Press and European Baptist Press.

Dubious tactics

Churches should exercise care in accepting legal, tax advice, noted attorney warns

Editor's Note: The Baptist Joint Committee Office of General Counsel invites the attention of church leaders to the following article. The article warns that churches have recently received mailings using "scare tactics" to advertise expensive tax seminars for church leaders.

The article, written by Richard Hammar, an attorney and certified public accountant who is a respected authority on church law, appeared in the November-December 1991 issue of *Church Law & Tax Report* and is reprinted with permission.

BJC attorneys have reviewed some of the misleading advertisements discussed in the article. For example, a recent slick brochure has a cover picture of a clergyman being hand-cuffed. Inside, the brochure erroneously says, in bold type, "Churches are not automatically exempt — you must file." This statement is misleading, of course, because churches, their integrated auxiliaries and conventions are presumptively exempted by statute from payment of federal income tax; therefore, they are not required to apply for an exemption with the Internal Revenue Service.

Should a pastor or other member of your church staff have a question about an advertisement for a particular tax seminar, you may call the BJC at (202) 544-4226 and discuss your concerns with its staff attorneys.

Church leaders need to be very careful in selecting legal or tax seminars and "mail order" accounting services. While a number of credible seminars exist, and several reliable firms provide services through the mail, unfortunately, some clergy and churches are victimized through the use of "scare tactics" or unfounded promises into purchasing questionable "accounting services" or publications. Here are some tips to follow in protecting yourself against such individuals.

1. Be cautious about "legal" or "law" seminars that are not taught by licensed attorneys, or tax seminars that are not taught by either licensed attorneys or certified public accountants.

Certainly not all attorneys or CPAs are knowledgeable about legal or tax issues that impact churches or clergy. And clearly some non-attorneys and non-CPAs work hard at providing informed and legitimate services to churches and clergy. That is why careful consideration must be given to the total background of the individual or sponsor. The point of concern, however, is this: as incredible as it may seem, some self-proclaimed "experts" are conducting seminars on complex legal issues though they are not attorneys. In these instances a little knowledge can be a dangerous thing. Be careful if such experts leave the impression that they are attorneys though in fact they are not. Other non-attorneys claim to have expertise on the basis of degrees from unaccredited institutions or diploma mills. Church leaders must be careful.

If a seminar advertisement indicates that legal topics will be considered (e.g., the word "law" is included in the seminar title or description, or "illegal" activities are described), you should contact the organization conducting the seminar and confirm the identity of the person who in fact will be in charge. Ask if the person is an attorney, and if so, in what state. Also ask for the person's bar registration number and be prepared to call the state bar association to confirm that the person is an attorney (simply call directory assistance for the state capital and ask for the bar association's telephone number). Do not accept evasive answers ("we don't know who will be in charge," or "we have several attorneys who conduct seminars," or "we have a staff of attorneys working for us"). Do not be deceived by advertisements listing attorneys as potential seminar leaders or as an organization's "legal counsel."

2. Avoid persons who use blatant "scare tactics" in their seminar advertisements or in their seminar presentations.

Be wary of any individual or organization that relies upon scare tactics to frighten church leaders into attending seminars. It may be that false or misleading information is presented in an attempt to frighten you into purchasing questionable and expensive "accounting services" and publications. Our recommendation — do not attend a seminar because of a seminar advertisement that attempts to frighten you. And, if you leave a seminar in a state of confusion and fear, this is a good indication to stay away from the organization's services or products.

Fear tactics may be used to compensate for a total lack of professional qualifications. After all, anyone can appear knowledgeable and authoritative by frightening seminar audiences with phony tax forms and false reporting requirements. Few people are knowledgeable enough to question such tactics.

Here are some fear tactics that have been reported to us:

- Emphasizing several ways that clergy and church leaders can "go to jail." If a seminar leader dwells on ways that you can go to jail, our recommendation is that you get up, walk out and demand a refund. We have heard of several examples of this tactic, all of which are false. Such tactics are shocking and reprehensible.

- Emphasizing "illegal" activities. Take note of any seminar leader who spends much of his or her time describing all the activities of churches and church leaders that are illegal. Most of the examples given are false.

- Be aware of organizations that create their own unique tax forms and then imply either directly or indirectly that these forms are necessary to comply with the tax code. Church leaders should not be frightened into purchasing excessively priced "accounting services" or publications that claim to help churches to "comply" with legal "requirements" and for church leaders to "stay out of jail." Remember, the government provides all the forms

that it deems necessary and does so for free.

3. Be cautious of seminar leaders and experts who make ridiculous claims either about the services they can provide or their own personal qualifications or background.

Unfortunately, such claims can be made during seminars with little fear of contradiction. These claims then become the basis for charging outlandish fees.

4. Carefully examine the qualifications of persons who ridicule attorneys and CPAs.

Again, some seminar leaders use this tactic to compensate for their total lack of professional qualifications. Remember, in addition to the requirement of passing certification exams before they can provide public services, attorneys and CPAs must comply with a strict code of professional ethics; self-proclaimed experts do neither.

5. Stay away from any so-called expert or authority who tells you that he or she is the "only one (who) can help you."

This is a ludicrous claim. Competent attorneys and CPAs recognize that there are several knowledgeable professionals who can be of assistance to you.

6. Call the seminar office and ask whether the seminar leader has published legal or tax articles in major publications (such as denominational and well-known professional journals).

Ask for review copies of such articles. While this is not a determinative factor, it provides insight into the leader's qualifications and standing within the broader professional community. Legitimate speakers often will have published articles in such publications and will be happy to send a review copy of one or more of their published articles. Self-proclaimed authorities generally will be unable to produce such articles.

7. Call the seminar office and request endorsements from major clergy publications or from recognized denominational officials.

Unscrupulous seminar leaders seldom are able to provide such endorsements. Again, be careful. Don't let the seminar office mislead you with an endorsement from some unknown organization. If you have never heard of the endorsing organization, then it may not exist. Also, do not rely on an endorsement by an unknown attorney who is on retainer with the organization.

8. If your church is affiliated with a denomination, check with your regional or national denominational officials regarding a particular seminar speaker or sponsor.

Have they heard of the person? Do they recommend him or her? Has the person ever published articles in any of the denomination's publications?

9. Finally, consider calling the Evangelical Council for Financial Accountability (703) 435-8888; the National Association of Church Business Administration (817) 284-1732; or the Christian Ministries Management Association (714) 861-8861; about anyone you have questions about.

Following these steps can help you avoid wasting your money on seminars and on expensive accounting services offered by unscrupulous and self-proclaimed experts who are interested only in profiting from the desire of clergy and church leaders to receive accurate and timely tax information.

Unfortunately, seminars are being presented in which church leaders are needlessly frightened into believing that they are engaged in illegal activities that can put them in jail. Not surprisingly, the seminar leader may claim to be the only solution. All too many churches have succumbed to this disgusting and shameless tactic.

Regrettably, church leaders must be prepared to do some investigating before attending seminars, or purchasing accounting services. But a little effort on your part will save you time, money and peace of mind. □

Choosing legal/tax seminars

- Never attend a seminar based on advertising that attempts to frighten you.
- Do not attend a "legal" or "law" seminar without confirming that the seminar leader is a licensed attorney.
- If a seminar leader attempts to frighten you by emphasizing "illegal" actions and various ways that church leaders can "go to jail," get up, walk out, and demand a refund of your money.
- Never purchase church accounting services from an out-of-town organization on the basis of scare tactics.
- Avoid seminar leaders who make preposterous claims.
- Avoid any seminar leader or organization who claims to be the "only one that can help you."

INTERNATIONAL DATELINE



Religious leaders credit Gorbachev

As Russian President Boris Yeltsin made the transition as the top leader of the new Commonwealth of Independent States, observers predicted that he will probably continue and expand the religious liberty that was brought to the Soviet Union by Mikhail Gorbachev.

While noting Yeltsin's good relations with the Russian Orthodox Church as a bellwether, several experts credited Gorbachev with having brought religious liberty to a nation where faith had long been driven underground.

Rabbi Arthur Schneier of New York, president of the interfaith Appeal of Conscience Foundation, praised Gorbachev as "the first Soviet leader to recognize and publicly state that religious believers were valued and valuable citizens of the U.S.S.R."

During the Gorbachev era, "the pariah status" ended for millions of believers — a status that meant repression and punishment for decades in a country that made atheism its official doctrine. Even apart from his other accomplishments, his efforts on behalf of religion would ensure Gorbachev a place in history, Schneier said.

Max J. Okenfuss, associate professor of history and of religious studies at Washington University in St. Louis, agreed. Religious belief and practice will no longer "be a problem for anyone in politics in the Soviet Union," he said.

In his resignation speech delivered on Christmas Day, Gorbachev cited freedom of worship as one of several reforms that "have all become reality."

Specific religious freedom accomplishments under his leadership since March 1985 include:

- The government enacted a freedom of conscience law that gives religious groups official permission to teach the faith to their children. The law also allows believers to become involved in social welfare projects and establish contact with counterparts overseas.

- The government returned property, formerly confiscated by the state, to churches, synagogues and mosques.

- Gorbachev met with the pope in Rome, becoming the first Soviet leader to do so, and established diplomatic relations with the Vatican.

- Gorbachev became the first Soviet leader to publicly condemn anti-Semitism and broke a long and bitter impasse with Soviet Jews by enabling

hundreds of thousands to emigrate to Israel and the United States.

The Rev. Leonid Kishkovsky, a priest of the Orthodox Church in America and president of the National Council of Churches, said Gorbachev "saw the religious liberty question as an important part of the question of a freer society."

In retrospect, Kishkovsky said he helped move the country "to a real religious liberty and to dynamic involvement of religious communities in public life."

Kishkovsky recalled that in months leading up to the celebration in 1988 of Christianity's 1,000th anniversary in Russia, doubts had circulated over Gorbachev's intentions. People were unsure, Kishkovsky said, "whether he and the Soviet system were going to do more than a kind of window dressing," making public relations gestures rather than substantial changes leading towards religious liberty.

But as 1988 unfolded, "we began to see really significant changes," he said.

With Gorbachev's resignation and Yeltsin's new role of prominence, experts remain optimistic.

Kishkovsky said of Yeltsin, "It seems clear that he wishes to project not only open-mindedness toward religion and lack of hostility to it, but even a positive attitude toward it."

While Yeltsin has said on several occasions that he is not a believer, he also has said he finds it "morally cleansing" to attend worship services.

The Rev. Gregory Havrilak, director of information of the Orthodox Church in America, was even more optimistic: "(Yeltsin) appears to be more flexible and more open to religious liberty than his predecessor."

Havrilak pointed to Yeltsin's close involvement with the Russian Orthodox Church, citing the prominent role assigned to Patriarch Aleksey II at Yeltsin's inauguration in July.

Also in July, Yeltsin held a private meeting with evangelist Billy Graham. Graham later said the meeting was "an extremely satisfactory conversation, primarily about moral and religious subjects."

Yeltsin also has maintained contacts with the Russian Jewish community.

One area in which some observers have voiced doubts is Yeltsin's positive relationship with the Russian Orthodox Church. "Insofar as he in any way

establishes the Orthodox Church as a dominant or leading or privileged church in the Russian Republic, he will have problems with the other republics," said Okenfuss. □

Mission agencies divided over the future of Zaire

A coalition of mainline Protestant and evangelical churches has launched a plan to provide food and medicines to Zaire, but American mission agencies are divided on whether to maintain a missionary presence in the country in the wake of a surge of violence in September.

The National Council of Churches recently announced that the church coalition hopes to send 2,000 medical kits and 1,000 tons of food to Zaire through the State Department's Office of Foreign Disaster Assistance and the Agency for International Development.

Some American churches continue to view the situation in Zaire as potentially volatile and are permanently reassigning missionaries who were among scores of church workers evacuated in September.

At the same time, the Africa Inland Mission, a major interdenominational evangelical agency with one of the largest missionary corps in Zaire, has decided to keep virtually all of its personnel there. And the United Methodist Church's mission agency plans to send missionaries back into the country but has yet to determine when.

The Christian Church (Disciples of Christ), a 1-million-member denomination headquartered in Indianapolis, is reassigning the missionaries it had in Zaire.

The denomination, like most other American-based churches, withdrew its missionaries after looting erupted in the capital city of Kinshasa on Sept. 23, following a violent demonstration by 3,000 government troops over wages.

Although missionaries were unhurt during the uprising, some observers fear the regime of President Mobutu Sese Seko may topple, creating a new round of violence.

Dan C. Hoffman, Africa executive for the Disciples, said that denominational officials believe it would be unfair to leave missionaries in limbo regarding their return to Zaire. But a spokesman for the Africa Inland Mission, founded in



NEWS-SCAN

1895, said the organization will keep its missionary force in Zaire.

According to Hoffman, two other denominations, the American Baptist Churches and Presbyterian Church (U.S.A.) — which evacuated most, if not all, of their missionaries — have slated retreats for the missionaries they had in Zaire to map out a course of action. □

Baptist mission board administrators resign

Two administrators of the Southern Baptist Foreign Mission Board have taken early retirement to protest the decision of the agency's trustees to cut off funding for a Swiss seminary.

"We no longer work in an atmosphere of trust," Keith Parker, FMB area director for Europe, said at a news conference in which he and Isam Ballenger, vice president of Europe, Middle East and North Africa, announced their decisions to take early retirement.

"The political agenda within the SBC has overtaken most of our work to the near-exclusion of missions," Parker said in a statement. He quoted from a letter written last May by Ron Wilson, a trustee from California, who was a major force behind the decision to stop funding the seminary. The letter outlined a series of proposals, including a requirement that new missionaries subscribe to fundamentalist beliefs.

The 15-million-member SBC has been embroiled for 13 years in a battle between moderates and fundamentalists seeking control of the denomination's national agencies and institutions.

The Coordinating Council of the Cooperative Baptist Fellowship, an organization of Southern Baptist moderates, voted to hire Southern Baptist missionaries in Europe who no longer want to work for the FMB, including the two administrators. But the council's decision represents more of a commitment than a plan of action, since it came without specifics. It is unclear how much the fledgling Fellowship will be able to spend on the initiative and which missionaries it would like to adopt. □

Australian Anglican to defy church practice

An official of the Episcopal Church predicts Anglicans will be thrown into turmoil if an Australian bishop carries out plans to ordain 11 women as priests without the church's permission.

James Solheim, press officer at St. Paul Church headquarters in New York,

predicted that the ordinations, if they go forward, will be challenged vigorously by conservatives in the Anglican Church of Australia and could create severe fissures in the denomination.

Australian Bishop Owen Dowling of the Diocese of Canberra and Goulburn has announced that he will ordain the 11 women Feb. 2 in ceremonies at St. Saviour's Cathedral in Goulburn. Observers say Dowling's plan to defy church policy is an indication of growing and widespread restlessness among proponents of female priests.

Only about a fourth of the 28 independent Anglican bodies around the world officially permit female priests — including the Episcopal Church in the United States and Anglican churches in Canada and New Zealand. Only two have women bishops — the United States and New Zealand.

Individual churches that have yet to ordain women are being urged by leaders to await a "consensus" of all the churches before going forward with female ordinations. The "mother" church of Anglicanism, the Church of England, has not authorized female priests but is scheduled to vote on the issue at the church's General Synod in November. □

Archbishop offers Israel advice on peace process

Archbishop of Canterbury George Carey, during an historic visit to Israel, said the country should be prepared to discuss all issues in the Middle East peace process, including establishment of a Palestinian state.

During a six-day visit, Carey, who is the spiritual leader of the worldwide Anglican Communion, also sharply criticized the government for a recent decision to deport 12 Palestinians from the West Bank and Gaza Strip.

The Anglican Church has traditionally maintained good relations with the Arab world, but its ties with Israel are weaker. While Carey's visit is officially linked to the 150th anniversary of the founding of the Anglican Diocese in Jerusalem, the trip is viewed primarily as a move to strengthen Anglican-Jewish ties and to involve the church in the ongoing Middle East peace process.

Carey said that Israel should consider the effect of "what it means to give the Palestinian a home in his own homeland. The issue of statehood must come up at some particular point." □

International Ministries of the American Baptist Churches reports that while conditions in Haiti remain relatively calm in the aftermath of the September coup, peasants there have been hit hard by the U.S. economic embargo. IM has stated its opposition to the embargo, which has produced curtailment of electricity and clean water in many areas. ... The Peruvian Evangelical Church (IEP) reported the detention or disappearance of four more evangelicals. The four were working as coordinators of relief projects administered by World Vision in the remote and impoverished Andes district of Ayachuko in cooperation with the IEP. Three of the missing men are members of the IEP and one is a member of the Pentecostal Church. The National Evangelical Council of Peru had earlier publicized the disappearance of another of its members in a newspaper ad. ... The Baptist Peace Fellowship of North America launched a campaign last month in response to the continuing human rights abuses in Myanmar (formerly Burma). In a call to action issued by the fellowship and other organizations, Baptists are urged to pray and press for an end to the Myanmar government's "extrajudicial executions, torture (and) arrest of opposition members." Fellowship President George Williamson, pastor of First Baptist Church, Granville, Ohio, noted "special ties with this conflict, since a good number of those experiencing repression share common kinship with us as Baptists." ... A clandestine group's death threat against board members of El Salvador's National Council of Churches was a "last, desperate attempt" to scuttle the peace process in El Salvador, said church leaders. The printed threat followed arrests by security forces of two members of the board since November. Source of the document was a group calling itself the Secret Army of National Salvation. The threat represents opposition to the witness of the church in El Salvador and an obstacle to the signing of the peace agreement that was scheduled Jan. 16 in Mexico City, according to an international affairs specialist for the World Council of Churches in Geneva. □

Compiled from staff and news service reports, including Religious News Service, American Baptist News Service, Associated Baptist Press and European Baptist Press.

P.S.

Continued from Page 5

out voice or influence.

The words of Zechariah beckon and empower us. "Jerusalem is to be a city without walls." Every human heart hungers for freedom. As C. H. Dodd reminds us: In Christ, we gain a founded freedom together with unbounded circumference; room enough for all God's people with their diversities. Stand fast, therefore, in the freedom gained in the household of faith, where all the walls are down. Secure in our founded freedom, we are at liberty to pursue our vocation in the unbounded circumference of God's expanding universe. In it, the secular state is our arena for action, as to the Bill of Rights, we add our responsibilities as citizens and our resolve as Christians. Praise be to God, Amen. □

Helms

Continued from Page 6

prayer. That would be clearly unconstitutional. Nobody in *Lee v. Weisman* is urging the court to go that far — to deal with classroom prayer. To the degree the amendment had less ambitious aims, it was unnecessary. Students already can pray and read Bibles privately and meet in groups to do the same under the Equal Access Act. So the amendment's aim was either unconstitutional or superfluous." □

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Now in the 1990s, pan-Baptist projects are popping up like crocuses.

REFLECTIONS

James M. Dunn
Executive Director



Sometimes I wish I had been born a few years later. I would like to be around to see how it all comes out. I am thinking particularly of kaleidoscopic change in Baptist life. Most of the shifting of the plates relates to the awakening among Southern Baptists, but all believers will be touched simply because of the size and spread of Baptists across the land.

It has taken Southern Baptists 147 years to "get that way," hence, whatever comes next may take decades to emerge. That's why I'm not sure that within a normal life span I'll be around to see the new day.

One thing is certain, though, a new day is dawning.

Organized religion in general and free churches in particular are in a state of flux. The marketplace of religious offerings has never been more determinedly individualistic. The society has seldom screamed so stridently for spiritual help. Economic despair, drugs, crime, AIDS, family failure and political corruption demand resources that only religious reservoirs can provide.

Baptists in all our manifestations bear the awful burden of freedom. Pursuit and realization of that responsible freedom keeps us redefining ourselves, recapturing our identity, restating our theology for this generation and reorganizing to meet new challenges.

Just a few years ago, the Baptist Joint Committee was all that different breeds and brands of Baptist did together. It was the one agency with a national agenda, multi-denominational support, a common purpose and a single voice for the vast majority of Baptists.

We at the BJC worked happily, and still do, with the international Baptist family through the Baptist World Alliance. Study and research, education and evangelism, relief and development, fellowship and mutual encouragement are undergirded by the Baptist World Alliance. The worldwide impact of the BWA is amazing, especially considering its meager financial base.

Now in the 1990s, pan-Baptist projects are popping up like crocuses. Worthy ventures are aspiring to touch the broad-based Baptist family.

One should have anticipated just such phenomena with our diversity and democracy, our autonomy and independence. As old centralized structures crumble, the energies and enthusiasms that have been channeled through them are let loose on the world. Historically, diaspora has changed the face of the church.

Just at the time that the word "Baptist" has probably reached an all-time low in respect and confidence among the American people, an exciting revitalization is taking place. When Religious Right politicians, wealthy TV evangelists, "Christian Nation" theocrats and feuding factions within Baptist life have given Baptists a bad name, something is happening among us that all believers, as well as all Baptists, will find interesting and encouraging.

What is coming next is not at all clear. Yet, there is an ecumenism, a global vision, a multi-racial bonding, an authentic evangelism, a fresh freedom, an appreciation of our heritage, a dedication to the Lordship of Christ and an unhindered gospel that pervade these new movements.

With fear and trembling (I will certainly fail to mention an organization that deserves listing), I would introduce you to some Baptist bodies that cross traditional lines.

The Baptist Peace Fellowship aim at uniting and enabling "Baptist Christians to make peace in our warring

world. We are called by God to witness to the Gospel of Peace," says the statement of purpose. Although the Baptist Peace Fellowship is not affiliated with any Baptist convention, members come from 14 different Baptist bodies. One can join and subscribe to their publication, *Baptist Peacemaker*. (Baptist Peace Fellowship, 499 Patterson St., Memphis, TN, 38111).

Baptists Today is a newspaper eager to reach all sorts of Baptists. It is "a national autonomous publication of news and opinions" published 22 times a year. It offers a good way to keep up with Baptist actions and attitudes and is increasingly reporting on the diverse Baptist conventions and conferences in the United States. (*Baptists Today*, 222 E. Lake Drive, Decatur, GA, 30030).

Associated Baptist Press is a news service which serves both religious and secular publications and other media. Greg Warner, an award-winning journalist, who is ABP, is ready and willing to distribute news stories to and from every kind of Baptist. He welcomes inquiries. (*Associated Baptist Press*, P.O. Box 10224, Jacksonville, FL, 32247).

The Baptist Theological Seminary at Richmond is involved in a consortium of theological schools, including the Union Theological Seminary in Virginia and the Presbyterian School of Christian Education, both sponsored by the Presbyterian Church (U.S.A.); and the School of Theology of Virginia Union University, affiliated with American Baptist Churches, U.S.A.

Among other new Baptist theological programs are the Baptist House of Studies at Duke Divinity School and Baptist programs at Candler and Vanderbilt divinity schools. Tom Graves is president of the Richmond Seminary. (Baptist Theological Seminary at Richmond, P.O. Box 9157, Richmond, VA, 23227-0157).

Smith and Helwys is billed as "a free press for Baptists" and is active in publishing both books and Sunday school literature called *Formations*. Smyth and Helwys suggests that to find out more about its Sunday school resources you should send \$5 for a sample kit to: Smith and Helwys, P.O. Box 92, Greenville, SC, 29602.

The Southern Baptist Alliance is involved with the American Baptist Churches, U.S.A., and its Board of International Ministries and is building a relationship with the Progressive National Baptist Convention. Those interested in the Alliance might want to attend the 1992 Convocation, March 5-7, at Providence Baptist Church, Charlotte, N.C. (Southern Baptist Alliance, 1328 16th St., N.W., Washington, DC, 20036).

Finally, one other group spawned by the turmoil and vitality in Baptist life is the Cooperative Baptist Fellowship. Thousands of Baptists, mostly related to the Southern Baptist Convention, will gather in Fort Worth April 30-May 2 in what promises to be a dramatic and groundbreaking approach to Baptist life together. For information write: Cooperative Baptist Fellowship, P.O. Box 450329, Atlanta, GA, 30345.

And, if you need a tangible reminder of what we Baptists have in common, order a Baptist Heritage Calendar, 200 Maryland Ave., N.E., Washington, DC, 20002.

Since the new year has begun, the calendars are for sale at half price.

Other ventures more specifically designed for Southern Baptists are springing up. We applaud their vitality, affirm their right to exist and appeal for a fair hearing for them.

Don't you wish you could see how it comes out? ☐

REVIEWS



A Government of Laws: Political Theory, Religion, and the American Founding

Ellis Sandoz
Louisiana State University Press,
Baton Rouge, 1991, Volume XVI, 259
pages.

Professor Ellis Sandoz of Louisiana State University has written a timely book on the complex roles of political theory and religious heritage in the founding of this country. His thesis purports that "the American founders consciously, explicitly, and shrewdly sought within the limits of the practicable to establish a just political order, one fully attentive to the demands of human nature and its differentiated ontological structure." (page 12)

The book is an outgrowth of the professor's previous work; in fact, all but one of the eight chapters have appeared in other forms. However, the whole is greater than the sum of its parts, because Professor Sandoz is an excellent stylist and a persuasive essayist.

Sandoz sees the founders as men fully attuned to the interests and knowledge of the common man of their era, as well as conversant with the political theory and philosophy of the 18th century. He is concerned that historians in the past generation have obscured the impact of the founders' belief in natural law and the role that divinely instilled virtue played in the success of the enterprise. Reviewing philosophical understandings of man's nature and the development of civil theology from the classics and in Renaissance writers, Sandoz turns to the role of these ideas and Christian traditions in the achievement of the founders.

A composite of ideas, called Americanism, emerged in the period following the Great Awakening and matured during the Revolution. As Sandoz documents, this in itself is not new. Carl Bridenbaugh and others developed these ideas a generation ago. Sandoz' contribution is to show explicitly how the classical and Christian concepts of man and law were used by the founders to develop the constitutional innovation of separation of powers and the system of checks and balances, as well as the idea of liberty as law tied to the biblical idea of liberty under the sovereignty of God.

The primary guarantee of the constitutional order was the virtue of the people insured by the continued practice of true religion. This view, preached repeatedly

in the 18th and early 19th centuries, struck a chord among those in the pews and among politicians. Sandoz shows prayer and repentance played an inspirational role throughout the Revolution and sessions of the Continental Congress. During the ratification debates, the chief concerns in the states were over the role and position of religion in the new constitutional order — concerns that led directly to the First Amendment.

Professor Sandoz is always careful to make clear that there were many factors at work during the founding period and that no single causation theory of events is acceptable. He believes that recent, secular scholarship has inappropriately reduced the role the broad religious con-

sensus played in the founding. Sandoz notes that the founders' achievement was, for them, pragmatic and secondary as a guarantee of the society and the just government they desired: "the integrity and virtue of the people remain the primary force shaping civic consciousness ... the sense of equality, dignity, and self reliance generated ... above all, by religious teachings of a Bible centered faith premised on the priesthood of all believers. ..." (p. 239) □

Dale C. Smith, associate professor of history at Uniformed Services University of the Health Sciences, Bethesda, Md., is a member of Redland Baptist Church, Derwood, Md.

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