

REPORT from the CAPITAL

Evangelicals and church-state separation

During the years of the Ronald Reagan and George Bush presidencies, Americans witnessed the puzzling spectacle of Protestant evangelicals making what appeared to be a complete about-face in their attitude toward the First Amendment guarantees of religious liberty and separation of church and state. The New Religious Right exploited this change of heart to the fullest degree in its campaign to win the evangelicals over to the Republican party and its standard-bearers.

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REPORT from the CAPITAL

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

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Cover: Richard V. Pierard, well-known evangelical author and historian, is well-equipped to assess changes he has seen among some members of his faith group.

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Avert spiritual amnesia

(EDITOR'S NOTE: This commentary is provided by Jeanette Holt, associate director of the Southern Baptist Alliance. Holt is a former staff member and current board member of the Baptist Joint Committee.)

On a recent Sunday, my pastor's sermon was titled "Spiritual Amnesia." He challenged us to remember with courage and pride the family of faith out of which we come. The roll call, included in that sermon, took us through the biblical heroes and heroines, First Century martyrs, Reformation church leaders and iconoclasts, scholars and activists—Abraham to Bonhoeffer.

I was reminded of the passage in Joshua 4, recounting the crossing of the Jordan River by the Israelites. In many respects, the event is similar to the earlier crossing of the Red Sea. The priests carried the Ark of the Covenant into the dry river bed while the people crossed over. Then Joshua called for representatives of each of Israel's 12 tribes to remove a large stone from the river bed. That night they camped at Gilgal and stacked the stones as a monument. And Gilgal, which means "a circle of stones," became a center of Jewish worship.

Joshua told the people that when their children asked them what the stones meant they were to tell the story of God's care and deliverance. The stones were a memorial, a reminder of their history.

We Baptists need memorials to our history, reminders of our heritage. The blessings of religious liberty we enjoy are the legacy of that history. Those blessings have produced a vigorous church and a vigorous democratic society.

We can take justifiable pride in our contribution to the traditions and protections of religious liberty in this country. But we are no more called to worship our past than the Israelites were called to worship the stones at Gilgal. The stones were a tool to remind, to educate, to function as a measure of the faithfulness of God's people to the God who authored that history.

The Baptist Joint Committee is a living memorial to our commitment to religious liberty and church-state separation, honoring our past, educating in the present, working to preserve our constitutional guarantees for the future.

In a Thanksgiving Day column two years ago, Ellen Goodman wrote about her family's recipe for stuffing. Nothing except possibly meat loaf varies more from family to family. But imbedded in that column was a truth that transcends the importance of family recipes: "Tradition is not just handed down, but taken up. It is a legacy that can be accepted or refused. Only once it's refused it disappears."

In the current political, constitutional and denominational confusion, it will take all of our best efforts combined to accept, preserve and enhance the legacy that is ours. And it all begins with knowing, honoring and remembering who we are. To do less would ensure spiritual amnesia. □

— Jeanette Holt



ON THE HEELS OF A SENATE DECISION TO DISALLOW federal tax dollars to fund parochial schools, the House Committee on Education and Labor has recalled its earlier bill (H.R. 3320) that would have allowed states to use federal funds for that very purpose. A new bill (H.R. 4323) has been filed, and the committee is expected to consider it in mid-March. This bill, unlike its predecessor, would not allow states to use federal money to fund parochial education. • (JBW)

CONGRESSMAN DON EDWARDS, D-Calif., chairman of the Civil and Constitutional Rights Subcommittee of the House Judiciary Committee, has agreed to hold hearings on the Religious Freedom Restoration Act (H.R. 2797) in April. The bill would restore a heightened protection for religious liberty that was lost in *Employment Division v. Smith*. The bill now has more than 150 co-sponsors including additional conservative Republicans like Rep. Bob McEwen, R-Ohio, a member of Columbia Baptist Church in Falls Church, Va. RFRA has yet to be introduced in the Senate, but Sens. Joseph Biden, D-Del., and Orrin Hatch, R-Utah, are expected to introduce it soon. • (JBW)

SOME LATE-BREAKING NEWS ON THE CHURCH TAX INFORMATION REPORTING FRONT (See pp. 10-11) -- The administration is backpedaling from its incredible proposal that would require churches to report to the IRS charitable contributions of donors who give more than \$500 annually. Vice President Dan Quayle on the Feb. 23 CBS program "Meet the Press" called the proposal a "nonsense regulation." Because of the size of the budget document, Quayle claimed that neither he nor the president knew about the provision or how it got in the proposal. Fred Goldberg, assistant secretary of the treasury for tax policy, told BJC attorneys and others on March 5 that the reporting proposal as it applies to religious organizations is off the table. Fortunately, the tax bills recently approved by the U.S. House of Representatives and reported out of the Senate Finance Committee do not have the provision in it. Score one for religious liberty (at least for the time being). You can rest assured that it will come up again. • (JBW)

SEN. CARL LEVIN, D-MICH., HAS INTRODUCED A BILL that would require lobbyists to register and report a panoply of information about their activities (S. 2279). The bill also calls for governmental monitoring and supervision of lobbying. Unfortunately, Levin's bill does not exempt churches and religious organizations. The all-inclusive provisions of this bill significantly burden churches' prophetic ministry and public advocacy. They also severely entangle government in religious affairs. The BJC is working for an amendment to exempt religious organizations from this bill. Senators may be contacted by calling (202) 224-3121. • (JBW)

Evangelical conversion

Church-state separation views change

(Continued from front cover)

Perhaps nothing better illustrated the change in evangelical thinking than the comment, "I believe this notion of the separation of church and state was the figment of some infidel's imagination," made by W.A. Criswell. Criswell, pastor of First Baptist Church of Dallas, the largest Southern Baptist church, made that statement on the "CBS Evening News" in 1984.

In fact, determining who really is an evangelical is difficult. The percentage of Americans who may be labeled as "evangelicals" depend upon the types of questions asked in any given survey. For example, seven surveys in 1964-1981 showed a range between 12 percent and 40 percent of Protestants and Catholics who could be classified as evangelicals. When a "born-again" question was posed (that is, an identifiable turning point in one's life that involved a religious experience and commitment), the percentage that regarded themselves as having been born again ranged from 21.2 to 48.7 percent.¹ Therefore, pinpointing the American evangelicals who turned their backs on the separation of church and state and why they did so is no simple matter.

One thing is well-known: a wide range of evangelical leaders and groups have joined in the assault on the wall of separation. For example, in a case testing the constitutionality of school-backed prayers at graduation exercises, which was argued before the Supreme Court on Nov. 6, 1991, a number of distinctly "evangelical" organizations joined the Bush administration and the U.S. Catholic Conference in favoring such officially sanctioned prayers. The litigants actually went even further, calling for the court to overturn its longstanding *Lemon* test forbidding government actions that have a religious purpose, advance or oppose religion or excessively entangle church and state.

In recent years the evangelical battering rams repeatedly have gone to work on the Supreme Court rulings prohibiting officially sanctioned prayers and



"The commitment of so many evangelicals to separation was so soft that they were ripe for the picking. Herein lies a major factor in the triumph of the New Right in the 1980s, and this helps explain why the Republican party now enjoys such solid backing in the evangelical community."

— Richard V. Pierard

devotional Bible reading in public schools, as well as the expansion of these to such things as moments of silence for prayer, posting the Ten Commandments in classrooms and expressly Christian baccalaureate services. Reagan frequently used one of their most popular clichés: "Where were we when God was expelled from the classroom?"

When Reagan sent his first prayer amendment to Congress (appropriately on May 6, 1982, the annual National Day of Prayer that Congress mandated in 1952), he said, "No one will ever convince me that a moment of voluntary prayer will harm a child or threaten a school or state. But I think it can strengthen our faith in a Creator who alone has the power to bless America."

Pentecostal evangelist Cecil Todd had delivered to the president 50 mailbags of petitions containing 1 million signatures calling for school prayer, while Jerry Falwell called May 6 "a bright day in America—the light at the end of the tunnel." The Southern Baptist Convention adopted a resolution endorsing the prayer amendment.²

Southern Baptists' repudiation of their heritage may be the most painful chapter in this sad tale. Baptists were at the forefront of the struggle for religious liberty from the early days of America. While in his Baptist phase, Roger Williams in New England made what may have been the most eloquent appeal of his time for maintaining a "hedge or wall of separation between the garden of the church and the wilderness of the world" and against persecuting people for religious reasons. At the time of the founding of the American republic, Baptists Isaac Backus and John Leland played leading

roles in fighting church establishments at the state and national levels. They also helped to secure the adoption of the federal Constitution that contained guarantees of religious liberty. Thomas Jefferson's celebrated statement in 1802 interpreting the First Amendment's religious clauses as "building a wall of separation between Church and State" was contained in a letter to a Connecticut Baptist body.³

From that time forward, separation was a hallmark of Baptist beliefs, and beginning in the 1930s, a number of Baptists even began working together to promote religious liberty issues in the nation's capital. In 1946, this effort was transformed into the Baptist Joint Committee on Public Affairs, with Southern Baptist Joseph M. Dawson as its first executive director.

The BJC grew to comprise 10 denominations, although the lion's share of the funding traditionally came from the SBC and the BJC's current and previous executive directors are Southern Baptists, James M. Dunn and James E. Wood Jr., respectively. Because of the BJC mandate restricting it to church-state and religious liberty issues, the agency visualizes itself more as an educational body than as a lobby. It does not involve itself in the wide range of issues that other church representations in Washington do.⁴

However, with the rise of the new Religious Right, the BJC found itself in difficult straits. Dunn was adamant in upholding the traditional Baptist position on strict separation, whereas the "fundamentalists" who seized control of the SBC during the 1980s were aligned with the New Right. Those individuals

Richard V. Pierard, a leading evangelical scholar, is professor of history at Indiana State University. He delivered this message at a seminar on "International Perspectives on Church and State" at Creighton University in Omaha. It has been printed with permission.

were solidly behind Reagan and his social program, including organized school prayer, government funding for private and church-related schools, and a total ban on abortions.⁵

As the fundamentalists gained a tighter lock on the convention, they saw that resolutions were adopted at the annual conclave endorsing Reagan's positions on church-state affairs and began reducing the SBC funding to the "far too liberal" BJC. Finally, in June 1991, the SBC cut the BJC out of its budget, although many individuals, state conventions, associations and congregations picked up the slack.

Few Americans will say outright that they reject the idea of separation of church and state. More likely someone will remark, "Why, of course, I believe in the separation of church and state, but not in the separation of the state from God."

The idea is complex and has been the subject of intense debate for a half-century. The references to the deity in the Declaration of Independence, the Pledge of Allegiance and on the national currency reflect how deeply religion is ingrained in American public life and how firmly so many Americans regard themselves as a "nation under God." Thus, Justice William O. Douglas' famous statement in *Zorach v. Clauson*, "We are a religious people whose institutions presuppose a Supreme Being," accurately reflects this sense of religiosity that infused the American character and political system.⁶

Although Thomas Jefferson saw the First Amendment as "building a wall of separation between Church and State," most 19th century Protestants were not bothered by this metaphor. They saw no separation of church from society, and they defined the parameters of America and its national purpose and mission in clearly evangelical Protestant terms. The revivals that swept parts of the country after 1800 insured that the various denominations shared a common core of evangelical values, and these were reinforced in public schools.

The churches were, as Tocqueville observed, a vast network of voluntary associations that led to a healthy public life because they struck a sound balance between the public and private spheres. Thus the two spheres of life were inextricably interdependent, and each helped to sustain the other.⁷

It is noteworthy that the only occasion prior to 1947 where the Supreme Court referred to and affirmed Jefferson's idea of the wall of separation was the Mormon polygamy case, *Reynolds v. United States* (1878), the most important religious liberty ruling in the 19th century. It rebuffed the contention that the First Amendment could be evoked as a defense of polygamy or other "acts inim-

"I believe this notion of the separation of church and state was the figment of some infidel's imagination."

— W.A. Criswell
Pastor, FBC, Dallas

ical to the peace, good order, and morals of society."⁸ The Protestant consensus defined what these were, and Mormon practices were accordingly rejected.

As the century progressed, Roman Catholics were excluded from the consensus that constituted American public faith.⁹ They were objects of intolerance, partly for their beliefs and partly because many were foreign-born. One example of this condescending attitude toward Catholics was the mission of the Bible societies to distribute the Scriptures among these allegedly benighted people. According to the anti-Catholic propagandists, the priests had prevented laypeople from reading the Bible lest they find that the Catholic religion was false. The American Bible Society mounted a campaign to have the Protestants' King James Version read in every classroom in the country, while in New York the Public School Society promoted an evangelical piety complete with Bible reading, prayers and the use of anti-Catholic textbook material.

The Catholics' immediate response was to expand their small network of parochial schools. The growth of public schools lent urgency to this, since they inculcated the American white, Protestant culture in the youth, and the school house became, as historian Jay Dolan said, "the established church of the American republic." The basic conflict between the ideology of the common school and Roman Catholicism fostered the formation of a separate Catholic school system. Evangelical Protestants viewed that with suspicion and fought attempts to secure public funding for it.¹⁰

After World War I the picture drastically changed. The evangelical Protestant consensus crumbled under the impact of industrialization and urbanization, which reduced the political dominance of small-town and rural America, and the increasing immigration from southern and eastern Europe changed the demographic makeup of the country. Added to this was the influx of new ideas like Higher Criticism, Darwinism and the Social Gospel that undermined evangelical beliefs and contributed to the development of theological liberalism. The old Protestant pre-eminence was replaced by a new emphasis on brotherhood and a "three great faiths" understanding of American public religion.

The evangelicals, known since 1920 as

fundamentalists, fought in vain to retain control of the major Protestant denominations and then went into eclipse, where they quietly built a new set of institutional structures.¹¹ They re-emerged in the 1940s full of vigor and ready to challenge an American cultural and political establishment.

The resurgence was marked by several significant developments — the founding of the National Association of Evangelicals, the rapid expansion of missionary evangelistic efforts following WWII, the appearance of Harold John Ockenga and Carl F.H. Henry as the leading spokesmen for the neo-evangelicalism, the founding of Fuller Theological Seminary as the flagship training school, the dramatic emergence of Billy Graham in 1949 as America's leading mass evangelist and the inauguration of *Christianity Today* in 1956 as a more intellectually oriented magazine to represent evangelical concerns.

The newly-formed NAE affirmed in its constitution that one of its endeavors would be the preservation of church-state separation. The NAE intended to counter the trend toward "statism" and government paternalism that might lead to the creation of a cabinet-level "Minister of Religion."¹²

The Catholic leaders attempt to promote a more accommodationist stance in church-state relations caught the group's attention. For example, one NAE figure, Fuller Seminary professor Harold Lindsell, insisted that "the main enemy of the separation of church and state is the Roman Catholic Church."

In 1950, the NAE adopted a strongly worded resolution affirming its unqualified commitment to church-state separation and its grave concern about the militant, aggressive tactics of the Roman Catholic hierarchy.

At this time, the primary concern was the parochial schools. In the nationalistic fervor that followed in the wake of WWI, xenophobia and anti-Catholicism were linked in an attack on private schools. Oregon even passed a law requiring attendance at public schools, but it was challenged by a Catholic teaching order and struck down by the Supreme Court in 1925 (*Pierce v. Society of Sisters*).

Once parochial schools were guaranteed the right to exist, Catholic authorities began pressing for state aid. In 1930, the high court ruled that providing textbooks to pupils in these schools was constitutional because it benefited the child and not the school (*Cochran v. Louisiana State Board of Education*).

Parochial schools were strengthened further in the celebrated New Jersey bus case, *Everson v. Board of Education*, in 1947. In this case, the court held that the state could provide children who attended parochial schools with bus transportation since that was part of the

state's welfare program. Ironically, the decision contained strict separation language to affirm the Jeffersonian wall while at the same time making this concession to public funding of private education.¹³

A second issue was that of U.S. diplomatic recognition of the Holy See. In 1939 President Franklin D. Roosevelt decided to appoint a personal representative to the Vatican — his old friend Myron C. Taylor, an Episcopalian and board chairman of U.S. Steel. This was obviously a device to secure a listening post in the heart of Fascist Italy, but Protestants condemned it as a threat to church-state separation. When Harry S. Truman announced he would keep Taylor on as his envoy and regularize the position, a new wave of indignation followed.

Nothing seemed to outrage evangelicals more than the possibility of diplomatic relations with the Vatican. The NAE, as well as Baptists, held that the Washington-Vatican relationship constituted the recognition of a church as a state, hence validating the temporal power of the pope in America and conferring special honors on one religious body. Therefore, it was a clear and unwarranted violation of church-state separation.¹⁴

The NAE mounted a campaign against the Vatican tie, bombarding Washington with letters and resolutions condemning the action. On Jan. 15, 1952, Gen. Mark Clark who had replaced Taylor announced his withdrawal.

Contrast this resistance to how the evangelicals accepted with barely a whimper the action of their hero Ronald Reagan in establishing full diplomatic relations with the Holy See in 1984.

The NAE was an umbrella organization that fostered evangelical cooperation in many areas, not just religious liberty. One group, however, Protestants and Other Americans United for Separation of Church and State did devote its entire attention to the church-state question, and evangelicals channeled much of their effort through it.

Its roots lay in the BJC, whose founder, Rufus W. Weaver, had been concerned that Baptists not go it alone on the issue of religious freedom. After

Weaver's death in 1947, BJC director Joseph Dawson carried forth his vision of cooperation in maintaining the distinctive American principle of religious liberty for all. Dawson was among several leaders who helped to found the Protestants and Other Americans United for Separation of Church and State (now simply Americans United) in 1947. Its policy was to avoid anti-Catholicism per se, and POAU would resist only actions of the Catholic church hierarchy that infringed upon the Constitution. The POAU was chartered in 1948. The NAE welcomed the advent of POAU, and evangelicals played a prominent role in the organization.

Another issue that galvanized evangelicals to affirm separation was the threat of a Roman Catholic president, especially when it became clear John F. Kennedy was the front runner.¹⁵ This topic cropped up repeatedly in the pages of evangelical publications. For example, Criswell contributed an article to *United Evangelical Action*, which he must have forgotten when he made the off-the-cuff remark in 1984. The Dallas preacher declared, "It is written in our country's constitution that church and state must be, in this nation forever separate and free." The Protestant contention is not for mere toleration but absolute liberty. Religion must be voluntary and uncoerced, and "in the very nature of the case, there can be no proper union of church and state." Jesus' statements — "my kingdom is not of this world" and "render unto Caesar the things that are Caesar's and unto God the things that are God's" — marked forever "the divorce of church and state."

He went on to call Roman Catholicism a "political tyranny" and to argue that the church wins most of its victories with the weapons of time. "If Kennedy wins, with strong emphasis on separation of church and state, then the door is open for another Roman Catholic later who gives the pope his ambassador, the church schools state support, and finally, recognition of one church above all others in America." This is a remarkable prophecy of what would eventually transpire in the Reagan-Bush years, except that the "church" recognized then was the vague Judeo-Christian faith that passed for American civil religion.

The evangelicals also were directly involved in the election campaign. The Southern Baptists at their national meeting in May adopted a resolution expressing strong fears about the possible nomination of Kennedy, and they pressured him to clarify his position on church-state matters, which he did in an appearance before the Houston Ministerial Association on Sept. 12, 1960.¹⁶ Moreover, Billy Graham functioned as an unofficial adviser to Richard Nixon and suggested to the Republican contender in private correspondence how he

might use the religious issue to his advantage, but at the last minute backed away from a planned public endorsement of Nixon in *Life* magazine.¹⁷

After Kennedy's election, evangelicals, although smarting from charges of bigotry, continued to express concern about Catholic encroachment on religious freedom and argued for continued vigilance.¹⁸ However, a new issue loomed on the horizon, namely challenges to prayer and Bible reading in public schools. When these were adjudicated by the Supreme Court in 1962 and 1963, the evangelical consensus on church-state separation was irreparably shattered.

Because Protestant support for separation was linked too closely to anti-Catholicism, it rested on a shaky foundation. Thus, even in the late 1940s, some evangelicals were lamenting the rising tide of secularism and suggesting the need for "Christian" schools.

In 1955, Carl Henry suggested that the public schools are teaching "relativistic and naturalistic values" and this "repudiation of and suppression of Hebrew-Christian values" is paving the way for totalitarianism. Church-state separation with its respect for the right of conscience and individual freedom of religious decision and sympathetic understanding of competitive spiritual backgrounds is praiseworthy, but does not require the exclusion of religious values from public education, the leveling of all religions or the denial that any "true religion" exists.

Hence, separation of the state from religious realities violates the intent of the nation's founders and rests on a superficial interpretation of human nature. Teaching values on a naturalistic basis introduces "all the essentials of humanistic religion" while separation is invoked "as a pious platitude to exclude specifically Christian values." Accordingly, private schools are superior to public ones because of the "spiritually minded people" there who are more sensitive to religion.¹⁹

In 1951, a NAE report on Christian education affirmed church-state separation but criticized the interpretation of it. Separation of public education from sectarianism is one thing, but separation from anything having to do with God is something else. The high court decisions confused "the establishment of religion with religion itself" and "played into the hands of the forces of irreligion and atheism." The report expressed concern that requiring the youth to attend schools "that are being increasingly committed to a propaganda of naturalism disguised as modern educational philosophy is the most obvious prohibition of the 'free exercise' of religion on the part of millions of children of God-fearing Americans."²⁰

Numerous other examples of fear

"No one will ever convince me that a moment of voluntary prayer will harm a child or threaten a school or state. But I think it can strengthen our faith in a Creator who alone has the power to bless America."

— Ronald Reagan

"We are a religious people whose institutions presuppose a Supreme Being."

— Justice William Douglas

about secularism, humanism and naturalism as religion could be cited, some that sound like they were written in the 1980s, to show how tenuous the support for separation really was in this era. Since evangelicals were committed to a Judeo-Christian American civil religion, they would not accept complete neutrality on the part of government as the means to guarantee freedom for all. In their Manichean way of viewing the world, the only alternative to religion was secularism, which in a perverse fashion really was a religion as well, because it required ultimate commitment by the populace and inexorably shaped American life. Hence, when the Supreme Court decisions on prayer and Bible reading were handed down, the evangelical community exploded in anger.

Most evangelicals jumped on the Prayer Amendment bandwagon in 1964. Some 147 resolutions were introduced into the House and 30 into the Senate during the 87th and 88th congressional sessions that were designed to overturn the school prayer decisions. On Dec. 10, 1963, the NAE adopted a resolution calling for such constitutional alteration. Representatives of several evangelical and fundamentalist groups also testified during hearings before the Senate Judiciary Committee on behalf of school prayer. Holding to their convictions, the BJC and Americans United spoke against an amendment.²¹

Resulting from the prayer decisions was a virtual tidal wave of founding of Christian day schools where the values of evangelical Christianity, Christian Americanism and free enterprise could be taught without any objections being raised. At the same time, the "segregation academies" that had sprung up in the South as a response to school desegregation rapidly were transformed into Christian schools and their supporters found a common bond with evangelical educators in the North.

Certainly the evangelicals were susceptible to politicization, and by the mid-1970s, the shrewd Republican operatives who were coalescing into the New Political Right recognized the potential latent in the conservative Protestant community. Their apprehensions about a doctrine of separation of church and state that would allow secularists and humanists to control America could be channeled into the political process to elect candidates who would promise to halt this corrosive development. That

was precisely the program that the New Christian Right adopted at its founding in 1979, and it used this to woo evangelicals.

The commitment of so many evangelicals to separation was so soft that they were ripe for the picking. Herein lies a major factor in the triumph of the New Right in the 1980s, and this helps explain why the Republican party now enjoys such solid backing in the evangelical community. □

ENDNOTES

¹Data taken from Tables 1, 5, 6 in Richard John Neuhaus, ed., "The Bible, Politics, and Democracy," (Grand Rapids: Eerdmans, 1987), pp. 131, 134-135.

²New York Times, May 7, 1982, p. B10; Lynn R. Buzzard, "Schools: They Haven't Got a Prayer" (Elgin, IL: David C. Cook, 1982), pp. 11-14.

³The documentation for this is in Pierard's "Separation of Church and State," in Richard Libowitz, ed., *Faith and Freedom: A Tribute to Franklin H. Littell* (Oxford: Pergamon Press, 1987), pp. 144-148.

⁴James L. Adams, *The Growing Church Lobby in Washington* (Grand Rapids: Eerdmans, 1970), p. 108.

⁵Allen D. Hertzke, *Representing God in Washington: The Role of Religious Lobbies in the American Policy* (Knoxville: University of Tennessee Press, 1988), pp. 181-182.

⁶43 U.S. at 314 (1952).
⁷David C. Burke, "The Impact of Individualism and Privatization on Public Life in America," in Burke, ed., *The Church and American Civil Religion* (New York: Lutheran World Ministries, 1986), p. 127.

⁸98 U.S. at 163-164 (1878).

⁹The question of civil religion in 19th and 20th century America has been a topic of considerable debate. For an introduction to this see Pierard and Robert D. Linder, *Civil Religion and the Presidency* (Grand Rapids: Zondervan, 1988), Chapters 1 and 2.

¹⁰Ray A. Billington, *The Protestant Crusade 1800-1860* (New York: Binehart, 1952), pp. 142-158, 221-230; Jay P. Dolan, *The American Catholic Experience: A History from Colonial Times to the Present* (Garden City, N.Y.: Doubleday, 1985), pp. 262-293.

¹¹Joel Carpenter, "Fundamentalist Institutions and the Rise of Evangelical Protestantism, 1929-1942," *Church History* 49 (March 1980), pp. 62-75; George M. Marsden, *Fundamentalism and American Culture: The Shaping of Twentieth Century Evangelicalism 1870-1925* (New York: Oxford University Press, 1980).

¹²*Evangelical Action: A Report of the Organization of the National Association of Evangelicals for United Action* (Boston: United Action Press, 1942), pp. 42-43, 104, 112.

¹³For a succinct analysis of these cases see Robert T. Miller and Ronald B. Flowers, eds., *Toward Benevolent Neutrality: Church, State, and the Supreme Court*, 3rd ed. (Waco: Baylor University Press, 1987), pp. 452-453.

¹⁴UEA 6 (Dec. 1, 1947), pp. 8-9; (Jan. 1, 1948), p. 8; 8 (April 15, 1949), p. 9.

¹⁵The religious issue in the campaign is treated in Patricia Barrett, "Religion and the 1960 Presidential Election," *Social Order* 12 (June 1962), pp. 267-285.

¹⁶After the election POAU issued a brochure listing Kennedy's pledges on church-state issues. *President Kennedy's Pledges on Separation of Church and State* (Washington: POAU, n.d.).

¹⁷The details of Graham's involvement in the 1960 campaign, drawn from Nixon's vice-presidential papers, are provided in Pierard's "Cacophony on Capitol Hill: Evangelical Voices in Politics," in Stephen D. Johnson and Joseph B. Tamney, eds., *The Political Role of Religion in the United States* (Boulder, CO: Westview Press, 1986), pp. 83-84.

¹⁸"Another Era Underway in the American Venture," *CT* 5 (Nov. 21, 1960), pp. 21-22; "A Protestant Strategy for the Sixties," *USA* 19 (Dec. 1960), pp. 5-7, 16.

¹⁹Carl F. H. Henry, "Christian Education and Our American Schools," *UEA* 14 (Dec. 1, 1955), pp. 3-5, 10, 31.

²⁰Frank E. Gaebelen, *Christian Education in a Democracy: The Report of the N.A.E. Committee* (New York: Oxford University Press, 1951), pp. 84-91.

²¹U.S. Senate, 88th Congress, Second Session, *Committee on the Judiciary, Hearings, Proposed Amendments to the Constitution Relating to Prayers and Bible Reading in the Public Schools*, April 22-June 3, 1964 (Washington: Government Printing Office, 1964), p. 2774.

"Christ's religion needs no prop ..."

George W. Truett's words span the century as a reminder that religion is diminished by government-financed religious schools, government-sponsored prayer in public schools and government-endorsed religious displays.

Religious Liberty Day June 1992

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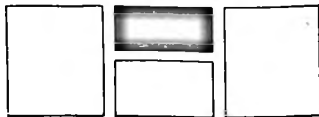
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County ownership of park with religious statues barred

The U.S. Supreme Court declined to review an appeals court ruling that a California county's ownership and maintenance of a park containing statues depicting events in the life of Christ violate the state's constitution.

Left standing was the 9th U.S. Circuit Court of Appeals' reversal of a federal district court ruling that San Bernardino County's ownership of the 3.5-acre Antone Martin Memorial Park did not violate the establishment clause of the U.S. Constitution. The district court had dismissed state constitutional claims against the county on grounds that the state constitution's requirements are substantially similar to those of the federal Constitution's establishment clause.

In reversing the district court, the appeals court found that the county's ownership of the park violated the California Constitution and that federal constitutional questions need not be addressed.

The case originated when five San Bernardino County residents charged in a lawsuit that the county's ownership of the park violated the establishment clause as well as state constitutional provisions. The park contains 36 immovable concrete statues and tableaux weighing from 4 to 125 tons. The park was donated to the county in 1961, and the county has since maintained it at an annual cost of about \$5,500.

The county originally dedicated the facility as Desert Christ Park and advertised the facility as a "World Famous Theme Park ... depicting the life of Christ."

The district court viewed the statues as artistic works of aesthetic, cultural and historical value, but the appeals court characterized the statues as religious symbols. The appeals court noted that five of the six witnesses at the trial "perceived a religious message when they visited the park."

Specifically, the appeals court held that the county's involvement in the park violated two provisions of the state constitution: one barring governmental preference of one religion over another and another prohibiting governmental support for religious purposes.

The case is *Joyner v. Hewitt* (91-878). In other action, the Supreme Court also let stand a ruling by the California

Court of Appeal siding with the Presbytery of the Pacific in a church property dispute.

Following a 1988 division in the Korean United Presbyterian Church of Los Angeles, the presbytery determined that an "exiled" faction was the "true church" and was entitled to the property. The congregation remaining at the original location, which withdrew from the parent denomination (Presbyterian Church U.S.A.) in 1989, filed suit in California Superior Court and the trial court ruled in February 1990 that it was entitled to the property.

On appeal, however, the California Court of Appeal held in May that the trial court erred in awarding the property to the congregation after the presbytery already had determined that the exiled faction was entitled to it.

The case is *Korean United Presbyterian Church of Los Angeles v. Presbytery of the Pacific* (91-879). □

Church, state should not be separate: pope

In secular societies with deep Christian roots, church and state should be distinct but not separate, Pope John Paul II told a group of French bishops.

Religious freedom means more than freedom to worship, he said. It includes "the civil and social freedom which assures to religious institutions the concrete means to exercise their mission," he said.

The pope recently spoke to French bishops at the Vatican for their "ad limina" visits, required every five years to report on the status of their dioceses.

The pope said church and state are working for the well-being of the same people.

"There is, certainly, a distinction between the civil and religious domains, but there is not a separation," the pope said. Having a pluralistic society does not mean "a major portion of the nation's citizens" who profess a faith are somehow less than the rest, he added.

The pope urged the bishops to defend the church's right to take positions on social problems and to defend church interests.

Of special concern should be protect-

ing Sunday as a holy day against the current trends to make it a regular work day or a day devoted solely to pleasure, he said. More people have to work, disturbing their family routines and cutting into "the precious time for liturgical life and spiritual renewal," he added. □

Bush promises hard times 'will not stand'

President George Bush promised the nation that economic hard times "will not stand" during his third State of the Union address.

Speaking before a joint session of Congress, Bush repeatedly reminded the country of Operation Desert Storm, using it as a rallying point in the fight against the recession.

"I know we're in hard times, but I know something else: This will not stand. My friends in this chamber, we can bring the same courage and sense of common purpose to the economy that we brought to Desert Storm. And we can defeat hard times together."

He said Americans stand at a dramatic, promising time in history: "For in the past 12 months, the world has known changes of almost biblical proportions ... communism died this year."

He continued, "But the biggest thing that has happened in the world in my life—in our lives—is this: By the grace of God, America won the Cold War."

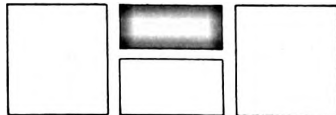
With imperial communism gone, Americans can begin to focus more on their domestic problems, he said. He offered short-term and long-term plans to address the country's economic situation, challenging Congress to join him or prepare for battle.

Acknowledging the "political season" in an election-year speech, Bush admonished Congress to put the public good before party fortunes while at the same time throwing down a gauntlet.

Bush gave Congress a deadline for approving his economic plan, which was submitted the next day. If Congress fails to approve his plan by March 20, then "the battle is joined," he said. "And you know, when principle is at stake I relish a good fair fight."

As part of his long-term plan, Bush urged Congress to approve his America 2000 education strategy to help revolutionize America's schools. That same day, the Senate rejected a major component of his educational reform proposal.

The "choice" component of Bush's plan would have allowed parents to use federal vouchers to send their children to



private and religious schools. The Senate approved a major education reform bill (S. 2) that rejected choice for private schools.

Bush attempted to place much of the country's burdens, and perhaps blame, on Congress, urging members to be good patriots and join him in the fight for recovery.

"We are going to lift this nation out of hard times inch by inch and day by day, and those who would stop us had best step aside. Because I look at hard times and I make this vow: this will not stand."

House Speaker Thomas S. Foley, D-Wash., gave a Democratic response to Bush's speech.

Foley said the economic situation today "should be America's High Noon." In America today, the workers' average earnings-increase has declined from first in the world to 10th, he said, noting "nations whose freedom we protected in the past continue to surpass us in high-paying jobs and in the industries of the future."

"The standard of living of the American people is a first and fundamental measure of the state of the American union," he added.

Foley also assured that Democrats will continue fighting for another right, a woman's right to choose abortion, he said.

"If the Supreme Court removes the guarantee of choice from the Constitution of the United States, this Congress will write it into the laws of the United States."

Foley concluded, "It is time now to turn our attention to our own land and to our own people, to rebuild its economic strength and standard of life, to master the very different challenges of this new era."

Despite calls for non-partisanship in solving the country's problems, the annual State of the Union address, interrupted by applause for and against Bush's proposals, seemed to indicate this election year will be business as usual. □

Senate hears first invocation by Muslim

The U.S. Senate witnessed history Feb. 6 when—for the first time—it heard a Muslim offer the invocation, the traditional opening of the chamber's proceedings.

Imam Wallace D. Mohammed, a

Muslim-American spokesman from Illinois, offered the prayer, asking God's blessings on America and its political leaders.

"Grant to this nation that Americans continue to live as a prosperous nation of 'many in one' and as a people of faith taking pride in human decency, industry and service," he prayed.

"Grant that we Americans understand better our brothers and sisters around the world and reject unsuitable national pride for a global community of brotherhood and peace," he continued. "Bring all citizens and government together, those of great means and small means, to appreciate more our nation's solemn pledge of liberty, peace and justice for all."

After the prayer Sen. Paul Simon, D-Ill., told senators that history was made in a small way this morning. He said it is important for Americans to reach out to people of all faiths.

Sen. Orrin Hatch, R-Utah, heralded the historic moment as "a great day" and "great strides" for the U.S. Senate.

James M. Dunn, executive director of the Baptist Joint Committee, said, "We Baptists affirm the openness to religious freedom and genuine pluralism evidenced by this prayer and made possible by the distinctive American doctrine of church-state separation." □

Religion losing impact, not relevance: survey

Although most Americans may think religion is losing its influence, a majority still believes religion has answers for today's problems, according to a recent survey.

The findings released by the Princeton Religion Research Center shows that more than half (57 percent) of the 1,012 adults surveyed believe that religion's impact on society is decreasing. About one in every three Americans responded that religious influence on American life is increasing, while 9 percent were undecided.

Just five years ago, nearly half (49 percent) of respondents thought religious influence on society was increasing.

However, the perception of less societal impact does not preclude Americans from trusting religion to help them tackle contemporary issues.

Fifty-nine percent noted religion can answer all or most of today's problems, while 22 percent said religion is outdated and 19 percent held no opinion.

Religion is viewed as most relevant by blacks (79 percent), Southerners (73 percent) and women (65 percent). Protestants (67 percent) showed more confidence than Catholics (55 percent) in this matter.

In another survey, the Princeton center noted that many white, born-again Christians in Louisiana supported David Duke, the former Grand Wizard of the Ku Klux Klan, in his unsuccessful bid for governor. Duke, who claims to be a born-again Christian, garnered six white Protestants in 10 (62 percent) and five Catholics in 10 (52 percent), who said they voted for Duke in a statewide exit poll.

Sixty-nine percent of white, Christian fundamentalists supported Duke, while 57 percent of white weekly churchgoers voted for him.

In contrast, only 3 percent of black Protestants and 9 percent of black Catholics voted for Duke.

The Princeton center attributed the Duke vote to his attraction to poorly educated and economically distressed persons who also are politically and religiously conservative. While this description fits a bulk of Louisiana's black voters, they voted against Duke because of the racial issue, the Princeton center noted.

Another survey indicates most Americans believe a personal relationship with Jesus is the only way to salvation. A national, random survey asked 1,005 adults if they agreed that "the only assurance of eternal life is personal faith in Jesus Christ."

Fifty-nine percent said they agree completely with that statement, with 17 percent agreeing somewhat and 21 percent disagreeing. Three percent were undecided.

Blacks (77 percent) were more likely than whites (58 percent) to express personal faith in Christ as the only way to eternal life. Women (65 percent) also were more likely than men (52 percent) to agree completely with this assertion, while Protestants (69 percent) were more inclined toward this position than Catholics (54 percent).

Eighty-five percent of Baptists, compared with 67 percent of Lutherans and 61 percent of Methodists, said they completely agree that Jesus is the only way to salvation. □

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

Should churches report to IRS?

The Bush administration wants to require churches and other tax-exempt organizations to report to the Internal Revenue Service the charitable contributions of donors who give more than \$500 annually.

The proposal, part of the administration's fiscal 1993 budget plan, is aimed at helping IRS catch taxpayers who inflate the amount of their deductible contributions. According to the administration, taxpayers frequently have overstated charitable contributions in filing income tax returns.

The proposal drew criticism from Baptist church-state relations specialists.

"It is yet another ill-informed attempt of government officials who apparently have no depth of understanding regarding the dangers of church-state entanglement," said Baptist Joint Committee Executive Director James M. Dunn. "It is more serious than a superficial reading would indicate because it represents a recurring pattern of willingness to use the churches for government's purposes. It is none of the business of religion to be a government agent."

Existing law requires most tax-exempt organizations that receive tax deductible contributions to file annual reports (Form 990) identifying donors who give \$5,000 or more in one year. Churches and their related organizations have been exempt from this requirement.

"That's the way it should be," said J. Brent Walker, associate general counsel at the Baptist Joint Committee. "This proposal opens the door even more for government to intrude into religious

BULLETIN

The administration in late February appeared to be backing away from the church reporting proposal. See Washington Observations (Page 3).

affairs and would result in unwholesome church-state entanglements. Proposals like this one belie Mr. Bush's public rhetoric about the importance of religion in our country."

Walker said the proposed reporting requirements, which the administration wants in place by July 1, also would create a record-keeping nightmare for churches.

"It would be awfully burdensome for big and small churches alike," Walker said. "Any member who gives as little as \$10 a week will hit the \$500 figure. Multiply that by the millions of church members and you've got a monumental mass of red tape."

The administration's proposal would require churches and other tax-exempt organizations to determine whether the amount is potentially deductible as a charitable gift or whether it is non-deductible because it was received for goods and services—a requirement Walker said could put churches in a "dubious position."

"That should be between the IRS and the taxpayer," he said. "Churches should not be asked to give tax advice."

The Treasury Department says the

proposal is designed to remedy the problem IRS has in distinguishing between charitable gifts and payments for goods and services, such as admission to entertainment events or purchases made at charity auctions.

Charities with annual gross receipts of less than \$25,000 would be exempt from the reporting requirements.

The administration estimates the change would save the federal treasury \$100 million annually through 1996 and recover \$200 million in 1997. The administration would use the savings to offset the amounts it would lose in providing more favorable tax treatment for gifts of appreciated property and gifts by multinational corporations to charities.

The proposal faces an uncertain future in Congress where the House Ways and Means Committee apparently will send competing tax measures to the floor for a vote: the president's proposal and a Democratic alternative that does not contain the reporting requirement.

The Senate Finance Committee was expected to begin consideration of tax legislation in early March.

Representatives of religious groups met recently with administration officials in an effort to resolve the reporting issue.

"We had a constructive meeting with officials of the Treasury Department and IRS," said BJC General Counsel Oliver S. Thomas. "I am hopeful that the administration will alter its proposal, but at this point we have no assurances."

Thomas said additional meetings with administration officials are expected. □

Charitable gift incentives proposed

Some members of Congress and the Bush administration want to make it more attractive for Americans to donate gifts of appreciated property to charitable institutions.

They have proposed to do that by striking a 1986 tax provision that subjected donors of appreciated property to the alternative minimum tax. Appreciated property includes real estate, stocks and tangible items such as art and collectibles whose value rose after being acquired.

The Tax Reform Act of 1986 subjected the appreciated portion of charitable gifts to the alternative minimum tax, a change that precipitated a decline in large gifts to universities, hospitals, museums and other charitable organizations.

But in 1991, after Congress temporarily exempted donations of tangible gifts such as artwork from the alternative minimum tax, gifts in this category skyrocketed.

In a Feb. 10 hearing, representatives of educational, arts and other charitable organizations asked the House Ways and Means Committee to make the exemption permanent and expand it to include all gifts of appreciated property.

Legislation to provide a permanent exclusion for all types of appreciated property has been sponsored by a bipartisan group of senators and representatives. Both the Bush administration's 1993 budget proposal and a Democratic alternative under consideration in the House of Representatives would exempt donations of appreciated property from the minimum tax.

The decline in large gifts due to the 1986 tax law change cuts across all types of charitable organizations, including Baptist institutions.

Houston businessman John Baugh, a member of the Baylor University Board of Regents, said the Texas Baptist institution is among many experiencing a

decline in gifts because of the 1986 tax law. Baugh said he is aware of millions of dollars in gifts Baylor would receive if donors were able to make the contributions without being subject to the alternative minimum tax.

Baugh's description of Baylor's experience is typical of universities throughout the country, as testimony on behalf of the American Council on Education before the House tax-writing panel showed.

Baugh said the tax on appreciated property gifts produces minimal amounts of revenue. Potential donors, he said, can simply keep assets rather than donating them when the donation subjects them to the alternative minimum tax.

"I believe the government would come out the winner, as well as educational institutions and other beneficiaries of charitable gifts."

See Incentives Page 14

VIEWS OF THE WALL

J. Brent Walker
Associate General Counsel



How would you like it if your church were to give the IRS your name, Social Security number and the amount of your tithe and disclose the circumstances under which your various gifts were made? The Bush administration's new tax proposal would require just that if you give more than \$500 a year.

Under existing law, churches and religious organizations (unlike other charitable institutions) are exempt from filing annual reports (Form 990). So this new proposal represents a quantum leap departure from long-standing practice. It would open the door to destructive governmental intrusion into religious affairs and unwholesome entanglement between church and state.

This reporting requirement is linked with a new provision that would allow people who give appreciated property to charitable institutions to deduct the full appreciated value of that property and not pay the Alternative Minimum Tax (AMT) on that value. Of course this will cost the government revenue to the extent the AMT no longer applies. The administration apparently hopes that the new reporting requirement will help keep people from cheating on their taxes and raise enough money to "pay for" revenue that it loses on gifts of appreciated property.

The trouble is, this is like trading apples for oranges. The appreciated property issue and the reporting requirement for churches have nothing to do with each other. It is simply unfair to require churches to pay such an exorbitant price for tax reform that benefits mainly other non-profits such as colleges, hospitals, museums and art galleries. The appreciated property bill is a good one and should be approved, but not at the expense of the churches.

The problems with the reporting requirement are many. You can probably come up with some that I have not thought of. First, it is intolerably *invasive* of church autonomy. Baptists have a profound aversion to governmental intrusion into the affairs of religion. The Baptist Joint Committee has staked its

work on the neutrality principle—government should neither advance nor inhibit religion and not become entangled in its affairs.

The giving of tithes and offerings is not simply a way to keep the lights on in the church house. Rather, giving is an act of religious worship and an integral part of Christian discipleship (Phil. 4:8). It is also an extremely private matter. Indeed, in many Baptist churches only the bookkeeper or chief financial officer has access to those records; not even the pastor or other ministers know how much people give. To require churches to report the names and Social Security numbers of donors and to disclose the "circumstances" of the gifts, including the amount, invades the sanctity of spiritual worship and violates a confidential relationship between the church and its members.

If the member chooses to deduct the contributions to churches, then it becomes at least quasi-public information. But that's between the IRS and the taxpayer. The church should not become involved. If the IRS questions a deduction in the course of an audit, it can legitimately ask the church to corroborate the claim. But this fish net reporting requirement forces churches to be the IRS's unwitting agent for tax enforcement against the individual contributor. This is plainly wrong.

The reporting requirement is also *burdensome*. This is especially true for small churches that have no full-time secretary, computer facility or any elaborate record-keeping capability. As little as \$10 a week (\$520 annually) in the collection plate causes that contributor to be subject to this requirement. Multiply that times millions of church members and you have a mountain of red tape.

Churches do not typically obtain the Social Security numbers of church members, let alone visitors and intermittent donors. This proposal would aggregate donations of property with donations of cash, requiring the church to value the property. Clearly, churches are not capable of property appraisal. The proposal also requires the churches to say if the donation is "potentially deductible." Again, churches are not in the business of giving legal advice and are not competent to make these kinds of judgments, particularly in the close cases. Thus, in addition to being objectionable in principle, this proposal would be extremely burdensome.

Finally, the proposal is too broad. About 75 percent of all taxpayers do not

"To require churches to report the names and Social Security numbers of donors and to disclose the 'circumstances' of the gifts ... invades the sanctity of spiritual worship and violates a confidential relationship between the church and its members."

itemize their deductions. Instead, they take the standard deduction. This across-the-board reporting requirement is therefore too broad and requires the generation of massive data that will be of no value to the IRS at least with respect to 75 percent of the taxpaying population.

The IRS has said that its real objective is not to generate reams of information on church members but to address a very specific situation: the so-called *quid pro quo* transaction. That is, while you can deduct your charitable contributions, if you receive goods or services in exchange for the payment, then it is not deductible. For example, \$10 in the collection plate on Sunday morning is clearly deductible, but the \$10 for your family's Wednesday night dinner is not. The IRS believes that people are *both* receiving valuable goods in return for their contribution and trying to deduct them as well.

If this is what the IRS is worried about then it's rolling out a cannon to kill a gnat. The government should develop a more focused, tailored approach to addressing the specific problem. For instance, it would not be out of line to require churches and other charitable organizations, if and when they receive money in exchange for goods or services, to notify the donor that the contribution is not deductible to that extent and require the taxpayer to list separately those payment on their returns.

Anything more than this amounts to intolerable governmental meddling in religious matters. To this prospect we must voice a hearty "NOT!" (to quote my kids). □

"It would open the door to destructive governmental intrusion into religious affairs and unwholesome entanglement between church and state."

INTERNATIONAL DATELINE



Australian court spikes plan to ordain women

A civil court recently halted plans by a bishop in the Anglican Church of Australia to ordain the church's first female priests, but a second bishop may proceed with plans to ordain another group of women March 7.

Bishop Owen Dowling of Canberra and Goulburn had scheduled the ordination of 11 female deacons to take place during ceremonies at St. Saviour's Cathedral in Goulburn. But just two days before the ceremony, the Sydney Supreme Court issued an injunction prohibiting the ordinations.

However, according to a report to be published in the *Church Times* of London, a leading Anglican journal, Archbishop Peter Carnley of Perth is said to be intent on carrying out his plans to ordain 10 female deacons March 7 despite the court action. His archdiocese is in a jurisdiction not covered by the Sydney Court.

Strong criticism of the court's involvement in church affairs immediately followed issuance of the injunction. "I do not believe that the court should have jurisdiction in matters relating to the ordination of persons to the priesthood," said Dowling. "The freedom of religious expression in our country is brought into question."

Dowling said he was devastated by the injunction. While the national church has not approved ordination of women, Dowling believes he has authority to do so because the concept of female priests has been approved by his diocese.

He warned that progressive dioceses may leave the 3.7-million-member denomination if opponents of female priests, led by conservative Archbishop of Sydney Donald Robinson, continue attempts to block female ordinations. □

Outspoken bishop calls Argentine leader a liar

BUENOS AIRES, Argentina

Bishop Miguel Esteban Hesayne, one of the most outspoken members of the Roman Catholic hierarchy here, went on the attack recently when he told coal miners in his diocese that they had been lied to by the government.

In an appearance before a group of miners protesting the closing of the Hipasam state-run mine in Sierra Grande, the bishop said that President Carlos Menem "has deceived all of us."

He said the president, long a target of

the bishop's criticism over a range of issues, lied when he claimed he had the support of the country's bishops for sweeping economic reforms. Those reforms, while successful in curbing some of Argentina's economic woes, have also caused widespread hardship in the form of unemployment and cuts in state relief programs.

"The president lies when he says that the Bishop's Conference supported the economic plan," said Hesayne, referring to statements made by Menem after a surprise visit to a recent meeting of the local Catholic hierarchy.

Hesayne oversees Patagonia, an isolated and impoverished area in southern Argentina.

The Menem administration, since taking power in 1989, has instituted programs that move large sectors of the economy from state control to private hands. The administration has made wide cuts in other state programs.

Menem and Hesayne first locked horns in 1989 when, early in his presidency, Menem granted pardons to military commanders and guerrilla leaders who had been convicted of kidnappings, murder and torture during the military dictatorship that ruled in 1976-1983. □

Christian artists face new obstacles in Russia

Christian artists, restricted by the former Communist government from exhibiting and selling works, are facing new obstacles in post-communist Russia, this time from the powerful Union of Artists.

Opposition from the union almost prevented some art works from being displayed recently at the first International Christian Arts Festival in St. Petersburg, Russia.

Jerry Eisleys, curator of the exhibit and director of the Washington Arts Group here, said that a leader of the artists' union had locked up the paintings by Russian Christians because they "were not good enough" to be displayed.

It was only after the mayor intervened that the works were released and displayed along with works by artists from Romania and Western Europe, Eisleys said.

The Washington-area arts group, a non-profit Christian organization, co-sponsored the festival. The exhibition was held in the Palace of Culture, a former Communist Party headquarters. Eisleys said it was a stark contrast to the "apartment showings" where work of

Christian artists were relegated under Communism.

Forbidden to hang their work publicly, "the artists displayed their work on their apartment walls for other unofficial artists to see," said Ed Knippers, an American artist noted for biblical narrative paintings. □

Missionaries resign over Switzerland controversy

BUCHAREST, Romania

A veteran Southern Baptist missionary couple of 17 years has resigned from service in Romania to express opposition to what they call a "hostile takeover" of the Southern Baptist Foreign Mission Board and actions by leaders of the Romanian Baptist Union that are "disturbing and immoral."

In their letter of resignation, the missionaries wrote: "The first fruit of this takeover was the defunding of Ruschlikon." They were referring to the controversial vote of the FMB trustees last October to defund the Baptist Theological Seminary in Ruschlikon, Switzerland. Trustees who voted to defund the seminary said they did so because of its moves toward liberal theology.

Charles and Kathie Thomas of Atlanta and South Carolina, respectively, said they would be off the mission field by May 1. □

American Baptists begin historic missions venture

In a historic action, American Baptist Churches and South African Baptist bodies formally have begun long-term commitments to mission partnerships.

The ABC commitments were offered by President James Scott and General Secretary Daniel Weiss, who returned recently from a 10-day visit with Baptists in South Africa. While there they formally initiated a partnership with the Baptist Convention of Southern Africa and a fraternal relationship with the Baptist Union of South Africa.

ABC work with the South African convention began in 1990 with the appointment of Mildred Archie as a special service worker with ABC International Ministries. Archie has served as an office administrator at the convention's Braamfontein office.

The convention, a predominantly black body, separated from the mostly white union in 1987.

"It is a vibrant body trying to position



NEWS-SCAN

itself within the emerging new democratic South Africa," Weiss said. "I was greatly impressed with it from a number of perspectives: theological leadership, commitment, vision and administration. It is offering a tremendous witness to Christian values within a society that so long has suffered from injustice."

Scott said the ABC partnerships with the convention and the union "offer opportunities to explore racially inclusive ministries" without the merger of those two groups. "American Baptists are highly regarded in South Africa," he noted, "because of their respect for the existing structures and relationships." □

U.S. embargo devastates Haiti's poor, leaders say

The U.S. economic embargo of Haiti is having a devastating effect on that country's poor people, according to two staff members of American Baptist Churches International Ministries who recently met with Haitian Baptist leaders for nine days.

Reidar Lindland, who has served as IM's area secretary for the Caribbean, and Charles Chapman, IM missionary correspondent in Haiti, report that while food is available in some areas and gasoline prices have dropped somewhat, many businesses have closed down and job losses have increased dramatically.

Leaders of the Haitian Baptist Convention told Lindland and Chapman that they were grateful for work being carried on by ABC missionaries and Haitians at the Good Samaritan Hospital in Limbe, and expressed hope that ABC missionaries might soon return.

IM officials are evaluating the possibility of a mid-year return to Haiti by some of the missionaries evacuated last fall. Most ABC missionary personnel left the country in the aftermath of the coup that toppled the democratically elected government of President Jean-Bertrand Aristide.

In an effort to meet immediate needs in Haiti caused by the embargo and the ongoing social unrest, Church World Service, the relief arm of the National Council of Churches, has distributed approximately 15 tons of food. □

Gunman kills retired missionary in Jerusalem

A masked gunman recently shot and killed a retired missionary of the Evangelical Lutheran Church in America near Jerusalem. Albert Ernst Glock, 66,

was head of the archaeology department at Birzeit University in the Israeli-occupied West Bank.

Gaby Baramki, Birzeit University president, said Glock was a "Palestinian nationalist" and so his death could not have been linked to the political murders that have occurred in the region in recent months. □

Zimbabwe head gives nod for church school

After negotiations lasting more than four years, the United Methodist Church has cleared the last official hurdle to establishing its first university on African soil.

According to an announcement from the church, Robert Mugabe, the president of Zimbabwe, officially approved a charter for the university.

Negotiations between the United Methodist Church and the government of Zimbabwe began more than four years ago. The process was drawn-out, Methodist officials say, because Zimbabwe had never before had a private university. A special commission on private schools was established during the negotiations.

The first 75 students are scheduled to begin classes March 23. □

Life with Liberty



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Baptist Joint Committee
200 Maryland Ave., N.E.
Washington, DC 20002

The German Baptist Union this year will work to counter a wave of Nazi-inspired nationalism. More than 1,000 attacks on immigrants and refugees by neo-Nazis were reported in Germany last year. The attacks resulted in at least six deaths. The German Baptists plan to strengthen ministries to refugees and hold home missions conferences with participants from many ethnic and racial backgrounds. ... A Baptist church building in the Irish city of Ballymena was recently damaged when a carpet factory next door was bombed by the Irish Republican Army. No church members were injured. The new year has brought Northern Ireland a blitz of IRA bombings. ... The Baptist Convention of Nicaragua is scheduled to begin broadcasting May 1 in Managua on a new FM station called Baptist Radio. The station will broadcast contemporary Christian music with a five-minute religious program at the top of each hour. ... Trans World Radio recently celebrated its 40th anniversary. The broadcaster, based in Cray, N.C., transmits over 1,000 hours of gospel programming each week in 90 languages, with its broadcast signals reaching 80 percent of the earth's surface. The mission's first radio station was located in Tangier, Morocco, targeting the people of Spain. ... Evangelical leaders in Scotland announced they will form a Scottish Evangelical Alliance this summer. "The Scottish Evangelical Alliance (the result of three years of discussion) will provide a framework for evangelicals throughout the country to unite in prayer, mission and active concern for our country," said Colin Sinclair, director of Scripture Union Scotland and chairman of the steering group for the new alliance. Billy Graham's Mission Scotland '91 demonstrated the value of joint action by evangelicals, Sinclair added. The Scottish alliance will be part of the United Kingdom Evangelical Alliance. ... More than 1 million evangelicals in Europe's German-speaking countries gathered in some 1,500 locations for the recent Evangelical Week of Prayer. Evangelicals in Germany, Switzerland, Austria, Denmark and Norway participated. □

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

Incentives

Continued from Page 10

Baugh said the release of the gifts to institutions such as Baylor would lead to construction projects that would benefit the nation's economy. Such job creation, he said, could offset the minimal losses to the treasury.

"When you bottle up significant money, you lose the ripple effect its unleashing would have throughout the economy."

Congressional tax writers are just beginning the process of drafting a tax bill they hope to have on the president's desk by the March 20 deadline Bush set in his State of the Union address.

It is too early to say whether Congress will approve a tax package that exempts gifts of appreciated property from the alternative minimum tax. It is also unclear whether Congress will follow the administration's request to offset any revenue loss by imposing reporting requirements on charitable organizations, including churches.

The administration proposal estimated that by having charitable groups report to the Internal Revenue Service annual contributions from donors over \$500, the treasury could gain about \$100 million annually, more than enough to offset the estimated loss from the appreciated gifts exemption.

While religious groups favor exempting appreciated gains from the minimum tax, the proposal to impose reporting requirement on churches has drawn criticism.

"The appreciated property issue and the reporting requirement for churches are unrelated," said J. Brent Walker, associate general counsel for the Baptist Joint Committee. "The administration married them for political purposes. It's simply unfair to require churches to pay such an exorbitant price for tax reform that benefits mainly other non-profits, like colleges, museums and art galleries."

"The appreciated property bill is a good one and should be passed, but not at the expense of churches and their members," he said. □

Reviews

Continued from Page 16

among religions, not as between religion and non-religion.

Thus, the book has much about it to applaud and much with which to disagree. Though the authors draw some questionable conclusions, they offer some valuable references, including an extensive appendix containing a sampling of historical documents that played a central part in the development of religious liberty and church-state separation in our country. □

—K. Hollyn Hollman



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REFLECTIONS

James M. Dunn
Executive Director



An angry reader complained in a letter to an Arizona paper about the possibility of a school budget override: "I don't have kids, so why should I have to pay to educate other people's offspring?"

The budget increase was voted down. The schools went from bad to worse. *New York Times* writer Barbara Kingsolver would ask that smug non-father "just whose offspring he expects to doctor the maladies of his old age?"

It's "in" to bemoan the "hopeless" state of the public schools. That attitude is unacceptable for people of faith.

Every church, synagogue, congregation and temple in America could join in a proactive agenda built on glimmers of hope. Some aspects of that agenda are obvious.

Believers must go after the public school "problem" with intentionality. It's a doable task. Saul Alinsky said, "Never go up against a bunch of people who sing together." Those of us in churches can make the difference.

- **Expose the selfish retreat from social responsibility illustrated by the Arizona letter writer.** There is a prophetic demand to this assignment, and although prophets are unpopular, it must be done.

- **Preach the ideal.** Hold up the goal. Rekindle the dream. Thomas Jefferson said that one who believes a nation can be both ignorant and free believes a thing that "never has been and never will be." The whole of the American dream is predicated upon an educated electorate.

- **Teach racial justice in deed, as well as in word.** Another Jefferson, Rep. William Jefferson, D-La., is correct when he supports public schools: "Vouchers provide encouragement and a publicly funded mechanism to abandon neighborhood schools and leave them with even less support." Any so-called "choice" scheme fuels and funds segregated academies. All citizens need to be armed against the fatuous pleas for public monies for private schools.

- **Build community.** America hankers for neighborhoods that neighbor and communities that care. Public schools have been a hub. No institution has greater potential for gathering up loose strands of decency, vision and hope, however frayed, that survive in an embattled neighborhood.

- **Act now on the challenges at the doorstep.** A wonderful Dallas church, Cliff Temple Baptist Church, has aggressively recruited volunteers for public schools. Much can be done in overcrowded classrooms for overworked teachers. Simply helping students one by one may turn the tide from anarchy to a teachable moment. That same church has provided an after-school study hall for latch-key kids. A safe place to go, some Kool-aid and cookies are nothing to sneeze at. Churches are experts with that menu.

- **Explore innovative initiatives.** A Louisiana pastor complained to me about a nearby church's released-time religious education for children who attend public school. "What are we going to do about that?" he whined. After some questioning, I suggested that he might need to follow the biblical injunction, "Go thou and do likewise." With over 16,000 school districts in the country, variety is the watch word.

- **Organize support for the public schools.** Parent-Teacher Associations, booster clubs, service organizations need meeting space, publicity and cooperation from the religious community. Churches and synagogues must not drop the ball. Offer facilities. Report school news. Serve as a clearing house.

- **Lobby for positive public policy.** There was a day when

the religious organizations in most cities could be counted on as the backbone for school bond elections. Whatever the particular problems in a specific situation, churches can still encourage active citizenship. Members should be reminded, maybe nagged, to vote, write letters, make phone calls, visit schools and school board members and vent their conscience as citizens. Pro-education for all children is the only acceptable position for believers.

- **Inform constituencies of the options.** Attempting to influence public policy decisions will do more harm than good if leaders have not done their own homework. Careful examination of the issues, research, calls or letters to organizations like the American Association of School Administrators, 1801 N. Moore St., Arlington, VA 22209 and the National School Boards Association, 1680 Duke St., Alexandria, VA 22314 are often useful. Educate the entire congregation on issues such as religious activities in public schools, teaching about religion and religious holidays in the public schools. For a list of addresses and materials, write the Baptist Joint Committee, 200 Maryland Ave., N.E., Washington, DC 20002.

- **Inspire the faithful.** The biblical mandate calls for service, ministry, witness and proclamation of the good news everywhere. If there were ever an arena in which the church is called to be society's conscience, it is in the realm of the common school. The vast majority, over 80 percent, of children are and will be educated in the public schools. We cannot retreat from responsibility to them.

- **Call out the called.** Close to the core of our vocation is the ministry of teaching. A church can create a climate in which a calling to serve public schools can be heard. Cliff Temple Church produced Pearl Price, for years leader of the National PTA, Mary Rutledge, president of the Dallas school board, other board members and dozens of teachers and administrators.

- **Honor the faithful workers.** Where would most churches be without the public school workers in the membership. Call attention to their work, encourage them, thank them, not once a year but as victories occur.

- **Persuade those with economic resources to back the schools.** In the struggle for economic justice, elemental fairness and education for tomorrow, the churches can be the critical variable. They alone may stand in the gap for those left out. They must remind society of the needs of those most easily forgotten.

- **Pray for deliverance from self-centeredness, for forgiveness when we are short-sighted, for compassion for all children, each made in God's image.**

Melvin Konner in "Childhood" writes, "It seems as if we could start taking our uniqueness more seriously.... We might as well realize that we were not built to feel quite comfortable with ourselves while children are visibly suffering around us. Television has brought them all into our living rooms; the world, we know, is a global village.... Children are living messages we send into the future, a future that we will not see. We understand enough about them now to have a fairly good idea of what they need. In effect we are building the house of tomorrow day by day, not out of bricks or steel, but out of the stuff of children's bodies, hearts and minds."

My wife and I don't have any kids either but the best taxes we pay are the ones to teach children. □

REVIEWS



A Nation Dedicated to Religious Liberty: The Constitutional Heritage of the Religion Clauses

By Arlin M. Adams and Charles J. Emmerich, University of Pennsylvania Press, 172 pages.

A Nation Dedicated to Religious Liberty begins with the premise that "history provides an essential framework for resolving contemporary religious freedom issues." It provides a brief historical account of the development of religious liberty in America, examines the views of the Founders and identifies guiding principles for resolving modern religious liberty concerns.

The book is written by Arlin A. Adams, an attorney and former federal appellate judge, and Charles J. Emmerich, a former government attorney who serves as a research consultant at the University of Pennsylvania. They begin by introducing some ideas that shaped the concept of religious freedom in America and led to the First Amendment's religion clauses.

Though they are hesitant to label the Founders, the authors use an analytical framework that consists of three categories to explain the Founders' views on religion and society. They begin with the Enlightenment separatists, such as Thomas Paine, Thomas Jefferson and James Madison. These Founders recognized the necessity of institutional separation primarily because they were suspicious of institutional religion and its potential for corrupting government.

Others, such as George Washington, John Adams and John Marshall, were committed to liberty of conscience yet looked favorably on organized religion as necessary for social cohesion. These "political centrists" believed religion was an essential cornerstone for morality, civic virtue and democratic government. For example, Washington said that religion and morality are the essential pillars of the society and that "reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle." (p.27)

They also discussed the "pietistic separatists" who, in the tradition of Baptist minister Isaac Backus, grounded their stance on religion and society in theology. Believing that God had appointed two distinct governments that should never be confounded together, they defended religious liberty ag-

gressively and saw it as "vital to authentic faith and the purity of the church." (p. 28) They also thought that government should foster an environment conducive to voluntary religious faith and practice. Roger Williams, William Penn and John Witherspoon were among those that illustrated the pietistic separatist view.

The authors conclude, "While differing over how to attain religious liberty in a free society, advocates of the Enlightenment, pietistic, and political centrist positions agreed that liberty of conscience in religious matters was the central value." (p. 39)

Next, the authors trace the emergence of the Supreme Court as an institution that determines the relationship between church and state. They say that, "while the Constitution is a living document, a broadly framed plan to guide future generations, it must be interpreted in the context of its history and the traditions and values of the American people." (p. 36)

In a section called "The Core of the Religion Clauses," the authors explain that the purpose of the religion clauses is "to be complementary co-guarantors of a single end." (p. 37) The authors quote Justice Goldberg who, in *Abington School District v. Schempp*, said that the "single end" of the clauses is "to promote and assure the fullest possible scope of religious liberty and tolerance for all and to nurture the conditions which secure the best hope of attainment of that end." (p. 37) The authors criticize modern strict separatists who would take separation of church and state to mean separation of religion and society and equate it with religious freedom.

Adams and Emmerich find that modern judicial interpretation often places the clauses in opposition to one another, generating "unnecessary tension between the clauses" and fostering "inconsistent precedent in an area already fraught with confusion." (p. 40) They suggest that certain "animating principles of the religion clauses" be used to inform Supreme Court decisions on religious liberty issues—federalism, institutional separation, accommodation and benevolent neutrality.

Although they acknowledge separation as a means of achieving liberty,

the authors warn that use of the word "separation" in the context of church and state must be guarded. They emphasize accommodation saying that "the Founders accorded religious exercise a special status in the Constitution and that, given the changes in the social and legal landscapes, the preservation of this status necessitates a broad view of accommodation." (p. 65)

In the final chapter the authors address some current issues and show how the courts can look to the basic value of religious liberty and these animating principles to revise existing tests or formulate new ones to govern cases under the religion clauses.

A Nation Dedicated to Religious Liberty is a useful historical guide to the development of the religion clauses, one of America's greatest contributions to Western civilization. The authors' emphasis on freedom of conscience and religious liberty is an appropriate reminder to those who may lose sight of the complementary nature of the religion clauses.

But the book misses the mark in several key areas. The tension between the clauses should not cause alarm. Separatists do not necessarily "resolve the tension in favor of the establishment clause," (p. 41) as the authors say. Rather, many separatists feel that religious liberty is best served when both clauses are equally enforced.

While Adams and Emmerich properly define accommodation as a "free exercise doctrine" that requires governmental deference to religion, they expand it to the point of compromising the establishment clause. They read the establishment clause narrowly to prohibit only those governmental actions "threatening religious liberty in a manner analogous to traditional establishments" (p. 72) and criticize the application of the clause to the states through the Fourteenth Amendment.

While the authors pay lip service to Chief Justice Warren Burger's concept of "benevolent neutrality," they lean too hard toward "benevolent" and neglect "neutrality." For example, they criticize the *Lemon* test, argue for a coercion standard and see the neutrality principle as calling for evenhanded treatment

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