

May 1992

ISSN-0346-0661

REPORT from the CAPITAL

Christ's Religion NEEDS
NO
PROP
OF ANY KIND

From any **WORLDLY**
SOURCE,

and to the degree that it is
THUS
SUPPORTED

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

HANGED ABOUT ITS
N
E
C
K

George W. Truett May 16, 1920

RELIGIOUS LIBERTY DAY
JUNE 1992
Baptist Joint Committee

REPORT from the CAPITAL

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

Vol. 47, No. 5

May 1992

Articles

- Government aid stifles religion 4
by Dana Martin
- Guide for Religious Liberty Day 6
by Rosemary Brevard, Pat Horn

Features

- Washington Observations 3
- Views of the Wall 9
by K. Hollyn Hollman
- News in Brief 10
compiled by Pam Parry
- International Dateline 12
compiled by Pam Parry
- Reflections 15
by James M. Dunn
- Reviews 16
by J. Brent Walker

Cover: Religious Liberty Day artwork provided by Sarah Helen Shira.

Editor: Larry G. Chesser
Associate Editor: Pam Parry
Book Reviews: J. Brent Walker

Contributing Editors: Rosemary Brevard, Susan Hill, Patrick N. Horn, K. Hollyn Hollman, W. Allen Sanders, Oliver S. Thomas, Victor Tupitza (Washington, D.C.); Glenn Saul (Mill Valley, Calif.) and Bobby E. Adams (Buenos Aires, Argentina)

Circulation: Gordon Northcutt

REPORT from the CAPITAL is published 10 times each year by the Baptist Joint Committee on Public Affairs, a denominational agency maintained in the nation's capital by its ten member bodies: American Baptist Churches in the U.S.A.; Baptist General Conference; National Baptist Convention of America; National Baptist Convention, U.S.A., Inc.; National Missionary Baptist Convention; North American Baptist Conference; Progressive National Baptist Convention, Inc.; Religious Liberty Council; Seventh Day Baptist General Conference; and Southern Baptist conventions.

Subscriptions: Single rate, \$8.00 one year, \$15.00 two years; club rate (ten or more), \$7.00 each per year; students, \$3.50 one year, \$5.00 two years; foreign, add \$2.00 postage.

BAPTIST JOINT COMMITTEE ON PUBLIC AFFAIRS
200 Maryland Ave., N.E., Washington, D.C. 20002

Hope springs eternal

(Editor's Note: This commentary was provided by Rosemary Brevard, BJC research assistant, who joined the agency's staff in November 1967.)

Spring has sprung in Washington! It's glorious! Walking to the BJC offices on Capitol Hill I have crocuses, daffodils and pansies at my feet, forsythia and wisteria at eye level and the pinks, whites and purples of myriad flowering trees overhead. Such loveliness—and the tulips and azaleas are still to come!

I don't think I'm unusual. Springtime's burgeoning renewal and rebirth inspire me, fill me with hope and vigor and determination. You, too—right? As a long-time BJC staffer, I challenge you *REPORT* readers: Let's channel these feelings into some springtime resolutions:

- I will cultivate devotedly and gratefully the plants of religious liberty and church-state separation that are part of my heritage as a Christian and an American.

- I will fertilize the understanding that separation of church and state is good for religion—not bad, that the fruit of this plant is a healthy, robust church.

- I will combat the choking weeds: "This is a Christian nation"; "Taxpayers should have the choice of sending their children to either public or religious schools at public expense"; "God has been banned from the public schools"; "The rise in crime, drug abuse, divorce and teen-age pregnancy began with those Supreme Court prayer decisions in the '60s."

- I will not pretend that the rich soil and moderate climate that have produced these flourishing plants of religious liberty and church-state separation are immutable; instead, I will face the fact that general ignorance, historical revisionism, shifting societal attitudes and majoritarian Supreme Court decisions are producing global-warming-type changes that threaten our precious plants.

- I will not quit gardening or become an armchair gardener; instead, I will continue to plant seeds and search out the best and safest fertilizers and pesticides, trusting this year's harvest and next year's spring to the Creator of the flowers, of the trees and of liberty.

— Rosemary Brevard





THE RELIGIOUS FREEDOM RESTORATION ACT, a bill that seeks to restore the compelling state interest test used to decide free exercise of religion cases, now has nearly 180 co-sponsors. The Baptist Joint Committee and the Coalition for the Free Exercise of Religion continue to work for additional co-sponsors to the House bill and to garner support for a similar measure to be introduced in the Senate.

There is good news for members of Congress who have hesitated to sign on as co-sponsors of RFRA because of misinformation about the bill's effects. The Congressional Research Service (CRS), a division of the Library of Congress that provides members of Congress and committees with general reference assistance, has just released a 32-page memorandum that specifically addresses RFRA.

The legislation would restore the compelling interest test virtually abandoned by the court in the April 1990 case, *Employment Division v. Smith*.

The publication summarizes the *Smith case*, surveys free exercise cases before and after that decision and explains Congress' power to enact such corrective legislation. The memo also outlines the Religious Freedom Restoration Act (H.R. 2797) and the Religious Freedom Act (H.R. 4040), bills that seek to restore the compelling interest test to free exercise cases. The memo compares the two bills, analyzing the scope and effect of each including the exceptions for specific claims listed in H.R. 4040.

The CRS finds that as state and lower federal courts have applied *Smith*, most free exercise claims "are now generally rejected."

Most importantly, the memo reassures Congress that 1) *Smith* has created a free exercise crisis, 2) Congress has the constitutional authority to correct the problem, and 3) the bill is abortion neutral.

This report is further proof that RFRA should be passed immediately. RFRA would restore the compelling interest test to free exercise claims without making exceptions for special interests. • (KHH)

New day, new danger

Government endorsement stifles religion

"Christ's religion needs no prop of any kind from any worldly source, and to the degree that it is thus supported is a millstone hung about its neck."

—George W. Truett

From their earliest days as a distinct communion, Baptists have championed religious liberty. Arguably the first Baptist work written, Thomas Helwys' "A Short Declaration of the History of Iniquity" (1612), attacked the state church and defended religious liberty for all. Helwys was imprisoned for his trouble (apparently dying three years later still imprisoned), and he bears dramatic witness to what has been at stake.

George W. Truett, one of the foremost Baptist preachers in America in the first half of this century, comprehended that fully as he rose to deliver what may have been his greatest sermon. In 1920, Southern Baptists met for their annual convention in Washington, D.C. Mindful of the special opportunity that this event presented, Baptists in the District of Columbia arranged for a special address to be delivered from the Capitol steps by one of the preachers attending the convention. Truett, pastor of First Baptist Church of Dallas, was chosen for the task.

At 3 p.m., Sunday, May 16, Truett addressed the 10,000-15,000 who had gathered. Whatever they may have expected to hear, they were treated to an unusually erudite summary of the struggle for religious liberty. Step by step, Truett assailed those forces, whether civil or ecclesiastical, that would suppress religious liberty. He reminded the audience how generation after generation of Baptists had led the struggle for religious liberty. He also reminded them of the heavy price that many of these men and women had paid for their role in the struggle.

We can only wonder how this dramatic sermon was received. After all,

Dana Martin, pastor of First Baptist Church, Iowa City, Iowa, since 1985, provided the theme interpretation for the "Religious Liberty Day" observance. Martin earned the doctor of ministry degree from Princeton Theological Seminary. He also holds a master of arts degree from The Divinity School at the University of Chicago; a master of divinity degree from Yale University's Divinity School; and the bachelor of arts degree from Southern Methodist University.

"No one is being threatened anywhere with a fine, imprisonment or loss of vote. The kinds of burdens placed on religious dissenters in earlier centuries are not at stake here. That does not make the issues any less serious, however, nor the terms of government supported religion any more palatable."

—Dana Martin



Truett addressed an audience whose generation, as U.S. citizens, never had paid a church tax, never had been required to provide proof of church membership to an election judge, never had felt the sting of the lash or heard the dull thud of a jail door because of religious belief. The vision and sacrifice of those whose stories he told had endowed Truett's audience with the very freedom that men and women had wanted so desperately for centuries.

Truett, however, did more than review the past. He offered this history as a warning against the continued yoking of religion to government. Not only does the persecuted minority suffer from such entanglements; Truett recognized that even the favored majority religion suffers as well. Whether government goes so far as to create a state church or simply favors religion with a more covert endorsement, Truett saw such an entanglement as akin to hanging a veritable millstone around religion's neck.

Sadly, we have too often missed the force of this claim. My formative years as a Christian were spent in a church founded by the great congregation that Truett served so long. It was there I first heard the story of Truett's sermon on the Capitol steps. It was there I was taught again and again the examples of Baptists once persecuted for their beliefs, and it was there I was taught the need to keep church and state separate so that minority religious beliefs and practices would not be endangered. I am not certain, however, that our vision of religious liberty was as wide as George W. Truett's. We may have missed the more subtle point—namely, that the majority religion also loses whenever religion and government are joined.

No one today, with the possible exception of the so-called Christian Restorationists, is calling for an official government religion. Two centuries of living with Article VI of the U.S. Constitution and the First Amendment to that Constitution have ingrained certain expectations about the coexistence of religion and government that are virtually irreversible. The expectations created by the American political experience will not let us return to the colonial religious establishments, nor will they let us again fashion civil government on theocratic principles. Still those expectations have not resolved all church-state issues. Far from it.

Even the distinguished and influential Chief Justice William Rehnquist has argued that government should, and constitutionally can, grant aid and support to religion. Justice Rehnquist is not by any means calling for a return to the sorts of government sponsored (and coerced) religion that Truett assailed in his 1920 sermon. Justice Rehnquist would fashion means by which government could, in various ways, support religion. He sees a role for government as religion's patron since religion serves as repository for values conducive to good civic life. To his thinking, that is an appropriate way for government to be related to religion.

He is not alone. Other justices on the Supreme Court have indicated their support for at least the concept that Justice Rehnquist has articulated. Various members of Congress periodically make similar proposals. Preachers and church officials have also taken up the cry, as have any number of laypersons. These voices usually, as with Justice Rehnquist, disavow creating a national church, but

"Christ's religion needs no prop"

they do contend that government legitimately and properly should support religion in general.

At first blush, their proposals seem meritorious. These are not attempts to create a state church on the European model. Indeed, these proposals are claimed to be in line with both the religion and the politics of the Founders. They come in all sorts of formats, but they all share a common thread of creating (or maintaining) some sort of official government endorsement of religion, the very sort of thing that Truett called the worldly "props" of religion. Consider some of the current examples.

Years of effort have been given in attempts to create avenues of tax support for parochial schools. Long the special concern of American Catholics, conservative Protestants now have joined the effort as more and more Protestant churches establish their own schools. In January, the Senate rejected an administration-supported effort to grant vouchers to parents who send their children to private schools. These vouchers would have been paid as well to parents whose children attend sectarian religious schools. Although this particular effort to create (an admittedly indirect) tax support for religious instruction was defeated, the issue itself is sure to return.

The Senate also faced another issue involving government support of religion. Sen. Jesse Helms, R-N.C., introduced an amendment to the Neighborhood Schools Improvement Act (S.2) to express the sense of the Senate regarding prayer and Bible reading in public schools. Helms wanted the Senate on record as opposing any limitation of the freedom of public schools to write official prayers or to sponsor times for Bible reading. Granted, Helms would have such prayers offered and such Bible reading times conducted on what he calls a voluntary basis; nonetheless, these religious activities would have been conducted with the express and official sponsorship of the school. The amendment was defeated. The idea likely was not.

The courts, too, have been drawn into these debates. The courts seem littered with cases involving government (usually municipal) sponsored religious displays. While the courts have tended to regard such displays with disfavor, there is not an absolute consistency. What is more important, both private citizens and government agencies have turned to the courts in the hope that the courts would create or else would legitimize various kinds of religious displays by one government body or another.

Perhaps the most emotionally-charged issue involves prayer in the public

schools. Currently that issue is being focused on *Lee v. Weisman*, a lawsuit challenging a formal prayer offered at a Providence, R.I., commencement exercise. The school district is trying to maintain its freedom to include what it considers non-sectarian prayers at its official events. However the Supreme Court finally rules on this case, proponents of government-sponsored prayer will likely continue their advocacy indefinitely.

Surely no one would confuse any of these issues as an attempt to establish a state church. No one is being threatened anywhere with a fine, imprisonment or loss of vote. The kinds of burdens placed on religious dissenters in earlier centuries are not at stake here. That does not make the issues any less serious, however, nor the terms of government supported religion any more palatable.

Truett was absolutely right when he said so prophetically that a "prop of any kind from any worldly source" was like "a millstone hung about [religion's] neck." That imprisonment, disenfranchisement or fines are not threatened does not make the dangers less real. The civil and political liberties of the religious practitioner, while no small concerns, are not all that is endangered. The danger has at least as much to do with the soul of religion.

The genius of Truett's sermon is evidenced in its articulation of this very point. When religion turns to government for endorsement or confirmation, it turns away from its rightful foundation and turns to idolatry. Religion's turn to government is a turn to the false hope that religious faith and practice are legitimized if in some way they are recognized officially by government. Jurists such as William Rehnquist may argue such endorsement is innocuous because it supposedly coerces no one; nonetheless, religion's grasp at such endorsement or confirmation constitutes a subtle but deadly substitution. This tempting and seemingly innocuous turn in point of fact substitutes government's proximate and finite authority for God's saving action as religion's ground and guarantor.

Religious faith, as Paul Tillich taught us, always involves risk and doubt. It involves risk because faith is a matter of the self's ultimate commitment; it involves doubt because risking for such high stakes is inseparable from doubt. As finite creatures, however, we understandably would prefer to be released from the risk and the doubt. We understandably want to resolve the tension that the risk and the doubt entail. Hence the temptation to claim government's power that lies at hand, and hence the

turn to government's endorsement—even sponsorship. If a government agency such as a public school officially sponsors readings from my religion's sacred text or if it approves and offers prayers compatible with my religion's practice of prayer, then surely my religion is vindicated, and I may feel my own doubts eased. Likewise, if a government body such as a municipal or county government displays scenes replete with symbols from my religion, then surely my faith again is vindicated, and I can feel confident amid the competing claims of religions that I have chosen the correct faith; perhaps more to the point, I can even feel confident that I have chosen correctly by the act of choosing any religious faith at all.

The problem is that no government endorsement or sponsorship can really legitimize our religious choices. Government is not the transcendent power, though it may be mistaken as such. Government is a creation of finite creatures, subject to all the flaws and limitations of the finite creatures who design it, and thus finally incapable of releasing us as finite creatures from the risk and doubt of faith. The turn to government for religion's endorsement or outright sponsorship must then always be rejected as a turn to an idolatrous base for faith.

And so the wisdom of George W. Truett. Worldly props do not benefit religion; rather, they seduce religion from its one true ground. Even government's seemingly innocuous endorsement does not benefit religion. It only misleads religion into placing its confidence in what is finite, transitory and destructible. Just because government's endorsement and aid do not scar a citizen's back and just because such endorsement and aid may not disenfranchise a given segment of society does not mean that the turn to government support is a harmless one. The millstone hung 'round the neck of religion will exact its toll.

It is worth remembering what Truett said immediately before evoking that gripping metaphor of the millstone. As he surveyed the history of Christianity and government, he espoused the ideal of a free church in a free state. Recalling the infancy of the church as a model for contemporary faith.

All went well with the early churches in their earlier days. They were incomparably triumphant days for the Christian faith. Those early disciples of Jesus, without prestige and worldly power, yet aflame with the love of God and the passion of Christ, went out

See Theme, Page 14

Suggested Activities for Religious Liberty Day

(Based on the 1992 Religious Liberty Day Theme, these activities are designed to help local churches observe Religious Liberty Day, the first day of worship in June.)

W O R S H I P

Litany in Celebration of Religious Liberty

LEADER I: Magistrates are not by virtue of their office to meddle with religion or matters of conscience, to force or compel people to this or that form of religion (John Smyth, 1612).

PEOPLE: We rejoice in our freedom and accept the charge to live faithfully within it.

LEADER II: No king nor bishop can or is able to command faith. That is the gift of God. To constrain princes and peoples to receive the one true religion of the gospel is wholly against the mind and merciful law of Christ (Leonard Busher, 1614).

PEOPLE: We rejoice in our freedom and accept the charge to live faithfully within it.

LEADER I: Every person ought to be left free with respect to matters of religion. The Holy Author of our religion needs no compulsive measures for the promotion of God's cause (General Committee of Baptists in Virginia, 1785).

PEOPLE: We rejoice in our freedom and accept the charge to live faithfully within it.

LEADER II: Everyone must give a personal account to God, and therefore all people ought to be at liberty to serve God in a way that each can best reconcile to his or her own conscience (John Leland, 1791).

PEOPLE: We rejoice in our freedom and accept the charge to live faithfully within it.

LEADER I: Religion must be forever voluntary and uncoerced. It is not the prerogative of any power to compel people to conform to any religious creed or form of worship, or to pay taxes for the support of a creed they do not believe. God wants free worshippers and no other kind (George W. Truett, 1920).

PEOPLE: We rejoice in our freedom and accept the charge to live faithfully within it.

LEADER II: Baptists believe in free churches within a free state. We believe religious liberty to be an inalienable human right and indispensable to human welfare. Profoundly convinced that any deprivation of this right is a wrong to be challenged, we condemn every form of compulsion or restraint in religion (The American Baptist Bill of Rights, 1939).

(This litany is by Dr. Reid S. Trulson and has been reprinted by permission of Office of Communication, American Baptist Churches in the U.S.A.)

Prior to sermon (which could include excerpts from the theme interpretation) someone could preach all of or excerpts from Truett's sermon on Capitol steps—wearing white suit, hair whitened, Capitol dome in background, date (1920) prominently displayed.

DISCUSSION FOR ADULT CLASSES, WEDNESDAY NIGHT, OR SMALL GROUPS

- List "props in support of religion" that various segments of the American population desire today [e.g., vouchers or education choice, prayer amendment or "return to voluntary prayer in public schools," government-erected religious symbols or religious seasonal displays]. Discuss how each, if enacted, would be a millstone around religion's neck.
- In the alternative, hold a debate on each of the "props" listed above. The proposition to be debated is "_____ would be a millstone hung about religion's neck." Depending on time, have a brainstorming session to list "props," then assign pro and con on each for debate next time; or divide into pro and con groups on the spot, prepare, then hold debate on as many as possible.

'Christ's religion needs no prop'

- Why do people of faith desire government endorsement/promotion of religion? [In addition to Dana Martin's ideas, examples are "naked public square," fear of competing with another faith on equal playing field, feeling that "I hold the true religion so I have the right to force it on others," laziness—not wanting to depend on selves but on government to teach, etc.]

- Examine/discuss Martin's claim that favored religion, not just minority religions, suffers and is weakened by government endorsement.

- Why is religious liberty valuable to minority faiths? Why is religious liberty valuable to large, powerful faiths?

- Why, specifically, do some persons want a prayer included in a public school commencement ceremony? Why do others oppose?

- Actually compose (or, in the alternative, list guidelines for) a prayer that would be appropriate for a middle school commencement in each of the following: Atlanta; Hattiesburg, Miss.; San Antonio; Providence, R.I.; Salt Lake City. Then, compose (or describe) a prayer that would be inappropriate in each of those settings. Evaluate each prayer (e.g., in terms of its theology, its message, who it really addresses, civil religion, etc.).

ADDITIONAL ACTIVITIES FOR YOUTHS

- Have youths do artistic renderings of "millstone" quotation.

- Distribute newspapers to small groups of youths. Each group should make a collage of headlines showing current interaction of religion and government. As each group presents its collage, discuss whether each headline shows religion seeking or rejecting government endorsement or support.

- Print or type facts from lives and teaching of Helwys and Truett (obtained from Martin's material, from list below or from independent research) on strips of paper. Pin a strip on each youth's back. Youths should ask every other participant to vote on

whether he/she is Helwys or Truett, keeping score. Convene group, in turn let each youth see own strip, read it aloud, report cumulative vote and decide for self which man he/she is.

HELWYS

- 1550-1616

- member of Separatist congregation in Gainsborough, England

- moved to Amsterdam to escape persecution

- returned to England to establish first General Baptist church on English soil

- wrote a strong appeal for freedom of conscience to King James I

- "The King is a mortal man and not God, therefore has no power over the immortal souls of his subjects to make laws and ordinances for them and to set spiritual Lords over them."

- arrested for his "religious liberty" activities

TRUETT

- "It is the consistent and insistent contention of our Baptist people, always and everywhere, that religion must be forever voluntary and uncoerced, and that it is not the prerogative of any power, whether civil or ecclesiastical, to compel men to conform to any religious creed or form of worship, or to pay taxes for the support of a religious organization to which they do not belong and in whose creed they do not believe."

- "As a Baptist, believing in the competency of the individual in all matters of the soul, I would rejoice to see men everywhere voluntarily accept the tenets of my faith, but if by the pressure of my little finger I could physically coerce every person in the world to become a Baptist, I would withhold the pressure."

TEACHING SKIT FOR WEDNESDAY EVENING, ADULT OR YOUTH SMALL GROUPS

The skit demonstrates a type of establishment Martin says Americans will never go back to. Use it to compare/contrast with Martin's material and to show our Baptist

Religious Liberty Day June 1992

heritage/contribution. To start discussion after the skit, ask participants and audience to tell what they saw or learned.

Instructions: Each character except the Narrator should wear an easily readable sign telling his occupation/name and religious affiliation and should carry in a pocket pieces of paper representing pound notes of various denominations. Set up a table with a sign reading "Pay Your 1768 Taxes Here." The Tax Collector sits behind the table; the other characters are talking quietly in small groups.

Characters (with tax owed): Narrator; Tax Collector Williams, Anglican; Rev. Fuller, Anglican; Sheriff Culver, Anglican, 100£; Judge Marshall, Anglican, 300£; Miller Jones, Anglican, 200£; Lawyer Franklin, Anglican, 400£; Merchant Bedford, Anglican, 300£; Blacksmith Hickman, Anglican, 150£; Sailor Johnson, Baptist, 75£; Shoemaker Greenwood, Baptist, 100£; Farmer Waller, Baptist, 100£.

SKIT

SCENE 1

Narrator: This is the Tax Collector's office in Spotsylvania County, Virginia in 1768.

Tax Collector: (looking at papers or ledger) Sheriff Culver! (The Sheriff responds, walking to table so that ID sign is visible to audience.) Sheriff Culver, your taxes are 100£ for this year. (Sheriff pays his taxes and takes a place where he can keep an eye on the proceedings. The Tax Collector calls in turn each of the citizens, except Rev. Fuller, asking the amount of tax indicated. After paying, each citizen returns to visiting—except Farmer Waller. When he has paid, the Sheriff steps forward.)

Sheriff: Mr. Waller, are you a preacher among the Baptists?

Farmer Waller: Yes, I am.

Sheriff: I hereby arrest you in the name of the King for disturbing the peace. You shall be tried in the King's court for your offense. (Sheriff takes Farmer Waller out. Tax Collector counts out pound notes, leaves his desk and goes to Rev. Fuller.)

Tax Collector: Rev. Fuller, by law I am to pay you 1000£ this year for your support in the Lord's work.

SCENE 2

(Narrator removes sign from table. Judge Marshall sits behind it. Other characters group as appropriate to courtroom.)

Narrator: This is the courtroom in Spotsylvania County, Virginia a few days later. (Sheriff Culver brings in Farmer Waller.)

Judge Marshall: Mr. Waller, do you have anything to say?

Farmer Waller: "Your honor, we have been accused of being wolves in sheep's clothing. If this is true and our accusers are the true sheep, how is it that sheep are able to persecute wolves? How is it that sheep can put wolves into prison? How are sheep able to torture and to beat wolves? It is well known that wolves would destroy sheep, but this is the first time in history that sheep are preying upon wolves. Our presence may in fact disturb the peace of those around us, but if it does, then our accusers must have a false peace already on the verge of destruction."

Christ's Religion NEEDS NO PROP ...

Celebrate religious freedom.

Celebrate church-state separation.

Celebrate the historic Baptist commitment
to a free church in a free state.

**Celebrate
Religious Liberty Day
June 1992**

VIEWS OF THE WALL

K. Hollyn Hollman



Sexual harassment happens. Though understanding of the problem and responses to it differ, few people deny its existence. Last October Anita Hill's allegations during the Clarence Thomas hearings brought sexual harassment to the front page, prompting many women to share their own distressing experiences. It was a teachable moment. Numerous commentaries appeared on sexual harassment, women in the work place and employer liability. Accusations and excuses flew and people were forced to re-examine their behavior at work.

For those who did not take advantage of the opportunity to address the issue during the Thomas hearings, a recent decision from the Minnesota Court of Appeals, *Black v. Snyder* (1991), offers another chance. This case is a reminder that the scope of sexual harassment stretches wide, affecting women, men, employers, employees and—in case these categories are too broad to grab your attention—churches.

The plaintiff was serving as associate pastor at a Lutheran Church in Minnesota when she filed a discrimination suit under the Minnesota Human Rights Act against her supervising pastor. She alleged that the minister repeatedly made unwelcome sexual advances including "referring to the two of them as 'lovers,'" touching her in a sexual manner and insisting on her companionship outside the work place, despite her objections. For churches this case has both religious liberty and liability implications.

The district court dismissed the suit against the church concluding that reviewing the claim would interfere with the church's free exercise of religion and violate the establishment clause restriction against excessive governmental entanglement with religion. The court of appeals, however, reversed. Finding that the sexual harassment claim did not require an impermissible inquiry into the church's doctrine or internal governance, the court held that the First Amendment did not bar the plaintiff from pursuing her sexual harassment claim. The case was remanded for trial.

"Legal threats aside, there are practical and moral reasons to address sexual harassment. Churches should lead the way."

This case demonstrates that a church can be liable for sexual harassment by its employees. According to attorney Richard Hammar, editor of *Church Law and Tax Report*, "The key point to understand is that an employer (including a church) can be legally responsible for the sexual harassment of its agents and 'supervisory' personnel even if the employer was unaware of the conduct, and the conduct violates a written policy of the employer prohibiting sexual harassment."

Equal Employment Opportunity Commission (EEOC) guidelines say that the best way to eliminate sexual harassment is by prevention. The guidelines suggest that employers affirmatively raise the subject, express strong disapproval, develop appropriate sanctions and find ways to increase sensitivity to the issue.

Because of the threat that sexual harassment allegations pose to an employer, Hammar suggests some preventive measures for churches:

- 1) Churches should adopt a written policy prohibiting sexual harassment and communicate the policy to all employees.

- 2) Complaints of harassment should be investigated immediately.

- 3) Employees that are found guilty should be disciplined.

- 4) Churches should follow up on complaints by looking for further incidents of harassment.

EEOC guidelines define sexual harassment: "Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment."

Most people recognize that it is against the law to demand sexual favors as conditions of employment or promotion (*quid pro quo* harassment). Less obvious but no less subject to lawsuits is the subtle and not-so-subtle sexism manifested in suggestive comments, sexually explicit language, off-color jokes and excessive or inappropriate displays of affection (hostile environment harassment). That such behavior is routine and ignored by

"Productivity, efficiency and common sense tell us that men and women must learn to work together as peers."

some women does not excuse it or make it legal.

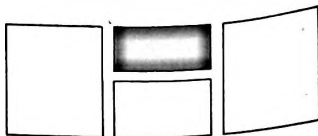
Legal threats aside, there are practical and moral reasons to address sexual harassment. Churches should lead the way.

Economic reality and concerns for equality and justice ensure that women will continue to make up a large percentage of the work force. This is no passing trend. Productivity, efficiency and common sense tell us that men and women must learn to work together as peers.

Despite employment advances, women will not achieve equal status with men until they are valued and respected as able participants in the work place (without regard to sex). According to some reports, the number of sexual harassment claims increased by 70 percent in the 1980s. It is plainly wrong that so many women must suffer harassment to have what many men take for granted.

The potential for misunderstandings, hurtful confrontations and embarrassment is obvious. Men and women may differ in what they deem appropriate behavior in the work place, and individuals often interpret the same behavior differently. The seriousness of sexual harassment demands that we enter into an honest dialogue about its causes, its consequences and appropriate responses to it. Education and sensitivity may go a long way toward eliminating the problem.

Don't let any of your employees end up like the man who stood before a judge in a recent *American Bar Association Journal* cartoon. When told that his actions were against the law, the man responded, "I didn't know that." The judge looked at the man and said, "Ignorance of the law is no excuse." Puzzled, but still not off the hook, the accused replied, "I didn't know that either." □



Court to decide speech rights in airport terminals

The U.S. Supreme Court is expected to decide later this year to what extent free speech rights can be restricted in airport terminals.

In a March 25 session, the high court heard lawyers for New York's three regional airports and for the International Society for Krishna Consciousness (ISKCON) take opposite sides on the question of whether in-person solicitation of funds and distribution of literature can be banned from airport terminals.

"The modern air terminal is like the ancient city gate where commerce, speech and culture intermingle freely. If there is a place where religious speech should be protected it is in these places."

— Oliver S. Thomas

Arthur P. Berg, attorney for the New York agency that operates the airports, argued that airports are not public forums but facilities whose sole purpose is to facilitate air travel.

Barry A. Fisher, attorney for the Hare Krishnas, told justices that airports are public forums where solicitation and distribution of literature should not be banned.

The case reached the high court after the 2nd U.S. Circuit Court of Appeals reversed a lower court by holding that the airports may ban solicitation. The appeals court, however, held that literature distribution, viewed as a less-disruptive activity, must be permitted.

The 2nd Circuit's holding that airports are not public forums is at odds with rulings by five other appeals courts.

During oral arguments, Supreme Court justices gave few hints about how they may rule in the case.

At one point Justice David Souter asked whether the determination that an airport is a public forum would be different for an airport whose physical characteristics and functions are compatible with a town square than it would be for a no-frills airport with narrow cor-

ridors designed only to move passengers.

The New York airports feature a variety of restaurants, shops and stores.

Justice Sandra Day O'Connor asked whether free speech restrictions at airports not considered public forums still would be required to be reasonable. Berg responded that such restrictions could not discriminate on the basis of viewpoint.

Asked by O'Connor whether it is reasonable to restrict literature distribution, Berg said he agreed that the activity is less disruptive than solicitation of funds but that it nonetheless is disruptive.

When Justice Antonin Scalia questioned whether every restriction has to be reasonable, Justice O'Connor interjected that the Supreme Court has required that in decisions to this point.

At another point, Scalia asked why it is not enough that the airports permit distribution and solicitation on the sidewalks outside the terminals.

Should the high court hold that airports are public forums, like sidewalks and public parks, free speech activities could be limited only by time, place and manner restrictions, according to Oliver S. Thomas, general counsel of the Baptist Joint Committee. If the court determines airports are not public forums, airport operators will have more power to restrict speech activities, he said.

"The modern air terminal is like the ancient city gate where commerce, speech and culture intermingle freely," Thomas said. "If there is a place where religious speech should be protected it is in these places."

Airports have legitimate concerns about the free flow of passengers, he said, but those concerns can be met by reasonable time, place and manner restrictions such as designating a booth inside terminals where literature distribution and solicitation is permitted.

The BJC earlier joined nine other religious and educational groups in asking the high court to reverse the ban on airport solicitation.

"This is not just a free speech case," said J. Brent Walker, BJC associate general counsel. "It's about religious speech. Unfortunately, the free exercise clause was completely ignored in oral argument."

"Since the restrictions were designed

to limit expression motivated by ISKCON's religious beliefs, the court should apply the compelling interest test—even if it doesn't think the airport is a traditional public forum." □

Supreme Court to review animal sacrifice statute

Can cities ban religiously motivated conduct that is permissible when carried out for secular reasons?

That question is at the heart of a Florida animal sacrifice case the U.S. Supreme Court has agreed to review. The case gives the high court an opportunity to clarify how far government can go in restricting religious practice.

The high court announced March 23 that it will review lower federal court decisions that upheld Hialeah, Fla., ordinances that prohibit ritual sacrifice of animals but do not restrict the killing of animals for other reasons.

Hialeah officials adopted the ordinances after adherents of the Santeria religion announced plans to establish a church in the city.

Santeria is an ancient religion that arrived in South Florida in the 1950s and 1960s by way of Cuba and West Africa. The sacrifice of animals such as chickens, pigeons, doves, ducks, guinea fowl, goats, sheep and turtles are considered an integral part of Santeria rituals and ceremonies.

A federal district court held that the Hialeah ordinances, while not "religiously neutral," are constitutional because they target religious conduct, not belief. The court identified three "compelling" purposes for the ordinances: to prevent cruelty to animals, to safeguard the health, welfare and safety of the community and to prevent adverse psychological effects on children exposed to animal sacrifices.

After a federal appeals court upheld that decision, Santeria lawyers appealed to the Supreme Court, arguing that Hialeah singled out religion for adverse treatment by prohibiting the killing of

"This is of concern to all religions. What the government is allowed to do to the most unpopular sect it will eventually be able to do to mainstream denominations."

— J. Brent Walker



animals for ritual or sacrifice while permitting the killing of animals for food, recreation or human convenience.

In recent years, the high court has been redefining how much justification government must have to restrict religious practice. In a key 1990 opinion, *Employment Division v. Smith*, the court held that in most cases government no longer had to show a compelling reason to restrict religious exercise.

In that case, the high court held that "neutral, generally applicable" laws and policies could restrict religious practice without a compelling reason. Laws that single out religion, however, still must be justified by a compelling reason.

The *Smith* decision has been criticized by most U.S. religious bodies, which have been urging Congress to restore the "compelling interest" test in all free exercise cases.

"We hope this signals a desire on the part of the court to apply the *Smith* decision in a way that is friendly to free exercise," said J. Brent Walker, associate general counsel at the Baptist Joint Committee. "Where religion is singled out for discriminatory treatment, government must demonstrate a compelling interest, even under *Smith*."

Walker said it is "hard to see how government could have a compelling interest in preventing ritual sacrifice when it allows the killing of animals for secular purposes."

The key issue in the case is not ritual sacrifice but the level of protection courts give free exercise rights, Walker said.

"This is of concern to all religions," he said. "What the government is allowed to do to the most unpopular sect it will eventually be able to do to mainstream denominations."

A ruling in the case, *Church of Lukumi Babalu Aye v. City of Hialeah*, is not expected until next year. □

Toleration of religion not enough, says Dunn

Freedom, not mere toleration, must be the standard treatment of religion in America, according to a religious liberty specialist.

James M. Dunn, executive director of the Baptist Joint Committee, told Missouri Baptist students that toleration too often is the measure of the majority religion's relationship with dissenters.

"Toleration is a human concession. Liberty is a gift of God," said Dunn, who recently spoke at the Messer Lectures, sponsored by the Baptist Student Center

at Southeast Missouri State University, Cape Girardeau.

Dunn said the bicentennial of the Bill of Rights, the first 10 amendments to the Constitution, was met with "a yawn because the magnitude of the accomplishment is not fully appreciated. The culture and personalities from which it came are utterly lost."

Dunn reminded students of forebear Roger Williams' contributions to religious liberty. Williams warned against thinking of America as a "Christian nation."

"No civil state or country can truly be called Christian, although Christians be in it," Dunn quoted Williams.

Religious liberty is under assault, not necessarily by those who want to impede it, but by those who want to give religion a hand, Dunn said. Those who offer a "revised standard version of the First Amendment" would rule out favoritism among religious groups and prohibit an official state church, while endorsing God generally and allowing impartial government aid for churches, he said.

However, the U.S. Supreme Court traditionally has held much broader restraints on government, requiring neutrality toward religion, Dunn said.

"Religious liberty is not a gift of the state. Government has the touch of mud in matters religious. Strict neutrality, not benignity, is the proper role for government in regard to religion," Dunn said.

"Government is neutral, not supportive, of religion so citizens are not forced to support religious practices and opinions they oppose, so government is not evaluating or supervising religious institutions, so the state is not engendering divisiveness and religious warfare." □

Maryland notes history of religious freedom

A recent celebration reminded Marylanders that religious freedom was the driving force behind their state's colonization in 1634, said a Baptist congressman.

Rep. Steny Hoyer, D-Md., told members of the U.S. House of Representatives that Maryland Day commemorated the day Europeans first colonized the state, reminding Marylanders of the religious freedom sought by the colonists.

Some 200 colonists traveled more than 3,000 miles from England to St. Clement's Island in the middle of the Potomac, Hoyer recounted. Although

peaceful coexistence among religious groups was not the norm in England, the colony's founder, George Calvert, wanted to ensure religious tolerance, Hoyer said.

"Maryland Day is really a celebration of the principle of religious tolerance, and the important role that Maryland has played in laying down the idea as one of our country's founding beliefs," said Hoyer, a Maryland Baptist.

"After all, if it were not for the promise of religious freedom, it is unlikely that this country would have attracted the ambitious and freedom-loving people it did." □

Tax favors for private schools wrong: specialist

Taxing citizens to pay for the teaching of religion betrays both religious liberty and sound public policy, a Baptist church-state specialist recently told an interdenominational gathering in Washington.

Addressing the annual conference sponsored by Interfaith Impact for Justice and Peace, J. Brent Walker, BJC associate general counsel, criticized the Bush administration's so-called educational "choice" proposal that would provide vouchers to help parents send children to private schools, most of which are sectarian.

"The question for us today is not whether I can choose to send my kids to private or parochial schools," Walker said. "Of course I have that right. The question is whether I should be able to choose you (other taxpayers) to help me pay for it."

"The answer to that question is no."

Walker said seeking vouchers to pay for private education is an attempt to avoid support for public education.

"The public schools, like public streets, libraries and hospitals, benefit all citizens whether or not we actually use them," he said. "Parents who decide not to use the public schools for their child's education are no more entitled to relief than persons who decide not to use the public library or hospital."

Walker said even the most generous voucher plan would not provide enough funds for low-income families to pay private school tuition.

The "choice" elements of the administration plan have been rejected by the Senate and face an uncertain, if not doubtful, future in the House of Representatives. □

INTERNATIONAL DATELINE



Constitutional reform impacts Mexico

MEXICO CITY
Jorge Lee Galindo is a sign of changing religious times in Mexico.

Lee, a Mexican Baptist attorney, has begun a new legal department of the National Baptist Convention of Mexico. He's helping pastors and churches understand what recent Mexican constitutional changes mean for them.

The constitutional reforms grant legal recognition to all religious groups, something Mexicans haven't known for more than 70 years. The amendments, to be drafted into laws later this year, are among reforms begun by Mexican President Carlos Salinas de Gortari since he took office in late 1988.

The changes also bring freedom to conduct religious services outside of churches, Lee said. Before, some Roman Catholics and Protestants circumvented the law to hold such services, but now these activities will be legal, according to news reports.

The amendments give clergy the right to vote but not to run for office unless they give up their ministerial activities. Mexican clergy now will be required to pay income taxes.

The reforms also legalize parochial education. Public education in Mexico will remain secular but schools will be able to teach religion. This was happening before illegally, Lee said, but now it will be permitted by law.

"These changes are very important," Lee said. "The government is recognizing many churches in Mexico," not just the Catholic Church.

Mexico's population is about 3 percent Protestant; up to 97 percent is at least nominally Roman Catholic.

The religious reforms represent a major shift from Mexico's anti-church policies dating back more than a century. The 1857 constitution attempted to break the power of the Roman Catholic Church—then closely aligned with wealthy landowners. It nationalized all church property and required civil marriage ceremonies.

More reforms came during the Mexican Revolution (1910-1920). The revolutionary constitution of 1917 denied legal recognition to religious groups, banned an established religion and enforced confiscation of church property. It also prohibited parochial education and clergy participation in politics.

These restrictions triggered a violent

uprising in 1920 by conservative Roman Catholics known as "Cristeros." Government soldiers quelled the bloody revolt, closing some churches and massacring priests in the process.

Some observers believe current amendments will pave the way for future diplomatic relations between Mexico and the Vatican. President Salinas received Pope John Paul II in Mexico in 1990 and visited the Vatican last summer.

In that context, many evangelicals are concerned—perhaps too concerned—about how the changes will affect them, according to Mexican Baptist convention president Rolando Gutierrez. "Some are more worried about the laws than about preaching the gospel, in my opinion," said Gutierrez, a Baptist pastor in Mexico City.

A more pressing issue than constitutional changes, Gutierrez believes, is the long history of persecution evangelicals in Mexico have suffered from Roman Catholics.

"The problem is not the government changes; it's the Catholic attitude (toward evangelicals)," he said.

But the constitutional changes will significantly affect churches in business and legal matters, Lee said.

"Before, the church was an institution that did not exist for the law," Lee said. "Now with the changes, we're going to be regulated—in the positive sense of the word—and we will have to proceed as the law says."

Having legal status is significant to Mexicans, added Larry Gay, a Southern Baptist representative in Mexico. "For Mexicans, a title, a name is very important," Gay said. "One major thing this could do for the churches is that by their having legal identity, they will feel free to speak out louder and in a more public way."

The changes also could officially legalize the presence of foreign clergy, according to news reports. But it is unclear how the reforms will affect Baptists or other foreign evangelicals working in Mexico.

Once the laws are in place, religious groups in Mexico will be designated by the government as "religious associations" and will be able to do business and own property in the association's name, Lee said. Churches also will have to pay property taxes.

No one knows yet which entities will be given the status of "religious associations." It could be national conventions or local churches, Lee said.

"We are saying that we have to adapt to whatever the law says instead of complaining," he added. "We want to have a good testimony." □

— Mary E. Speidel

Religious faith in China receives mixed review

NEW YORK

Contradictory reports about religious faith in China illustrate the difficulty of trying to get a clear picture of the problems churches are facing—or not facing.

A human rights monitoring group in Washington recently reported that Chinese authorities have accelerated a crackdown on Christians, closing churches and arresting members of the clergy, including a Catholic bishop.

The next week, members of an interfaith delegation, back from a recent visit, reported that religious practice in China is increasing. The delegation reported that government officials, including Communist Party Chief General Jing Zemin, had met with religious leaders to hear their concerns.

Although the two reports seemed to contradict, both were accurate. Experts note that in the huge country, situations often vary from one region to another.

Reports on a crackdown on religion in China were issued in January by Asia Watch and again in March by the Puebla Institute. Anne Himmelfarb, a spokeswoman for the Puebla Institute in Washington, said Chinese authorities had stepped up arrests of Catholic leaders before Christmas. Their goal, she said, was "to undermine the influence of bishops and priests and to demoralize worshippers."

The Puebla Institute reported that about 500 Protestants were picked up and jailed in a sweep against Christians in four Chinese provinces. In addition, it said, the Chinese arrested 11 so-called "underground Catholics"—Bishop Paul Li Zhenrong, four priests, five seminary students and a lay leader.

The Chinese government has periodically arrested Christians who refused to align with either the government-controlled Patriotic Catholic Association



NEWS-SCAN

or its Protestant counterpart, the Three-Self Patriotic Movement. The Catholic association rejects the authority of Rome, and the Three-Self movement is a merger of Protestant denominations of several traditions into one organization.

However, while members of the interfaith delegation acknowledged such events at a New York press conference, they also reported that new churches are being opened in China. They said religious leaders repeatedly told them, "Be patient. Things are changing for the better."

The delegation was made up of Orthodox Rabbi Arthur Schneier of New York, president of the Appeal of Conscience Foundation; Roman Catholic Archbishop Theodore McCarrick of Newark, N.J.; and the Rev. Carl Flemister, regional minister of American Baptist Churches of Metropolitan New York.

Schneier pointed out that China "is not a monolith" and that the degree of religious freedom varies from one part of the country to another. In many cases, he said, churches in the hinterlands face more restrictions than those in large cities like Beijing or Shanghai.

"Each particular province deals with

the religious communities under an administrative procedure, so there is no universality, no universal procedure," the rabbi said.

Of the country's five officially recognized faith groups, Schneier said, Buddhists, Taoists and Muslims "have a more favorable position" than the Catholics or Protestants. The main reason for that, he said, is the Western origins of Christian groups, which make the Chinese government wary of them.

McCarrick predicted that moves to liberalize the economic system in China will eventually produce more religious freedom. "Ultimately you cannot allow for reform of the economy without allowing a carryover in matters of freedom of conscience," he said. □

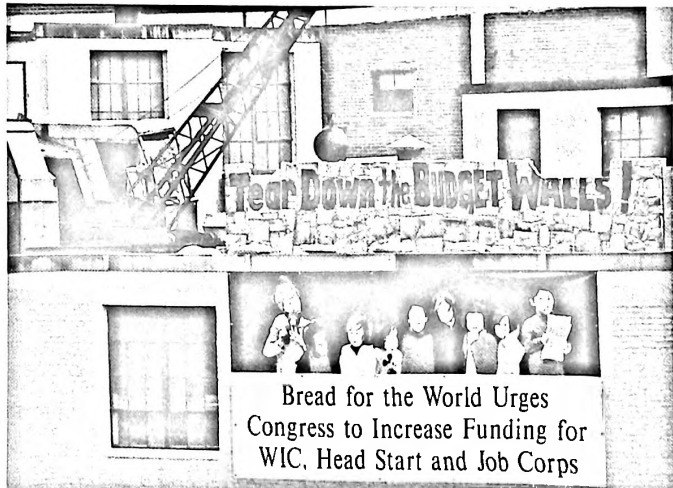
Church-state debate picks up in England

LONDON

The long-running debate over proposals to separate the Church of England from the government recently picked up, with Prime Minister John Major supporting the current arrangement and Bishop Peter Nott of Norwich criticizing it. □

Terry Waite has resigned his position as an ambassador for the Anglican Communion to write a book about his nearly five years as a hostage in Lebanon. Waite was serving as a special envoy for former Archbishop of Canterbury Robert Runcie when he was taken captive in Beirut in January 1987 while trying to negotiate the release of Western hostages. ... Social conditions in Zaire are deteriorating so dramatically that "a human catastrophe of unimaginable proportions" may be imminent, according to the Rev. Ivan George, Africa area secretary for American Baptist Churches' International Ministries. George said Zaire's unemployment rate now is reported to be 90 percent and that "persons accustomed to eating three meals per day now eat one meal every two days, if it can be found or afforded." Conditions in Zaire have worsened since last fall, when President Mobutu Sese Seko's economic policies and human rights abuses produced widespread social unrest. Instability there forced all ABC missionary personnel in Zaire to return to the States last September. ... The Church of Scotland, the country's leading denomination, will have no members left by the year 2047 if present trends continue, according to a new book by a prominent minister of the church. The book, titled "Marching to the Promised Land: Has the Church a Future?", was written by the Rev. Ian Bradley, former head of religious programming at BBC Scotland. Bradley notes that membership in the church, a Presbyterian denomination, is declining at about 20,000 a year, with current membership just under 800,000. Despite the decline, Bradley says he believes the Church of Scotland has a significant role to play in the future. ... A shipment of 72,000 Bibles, New Testaments and excerpts from Scripture recently were presented to representatives of more than 50 Christian denominations in Cuba. The impact of Peru's cholera epidemic was heightened by a midsummer drought, reported the National Council of Churches. The drought has reduced the reservoir serving Lima to the lowest level in 50 years. "Cholera without pure water is inviting the enemy," said the Rev. Oscar Bolioli, Latin America secretary of the NCC USA. □

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



Bread for the World, a national citizens' movement against hunger, placed a full-size wrecking crane and 25-foot wall on top of its Washington office to send Congress a message: "Tear Down the Budget Walls! Feed our Children!" The anti-hunger organization noted that America has an unprecedented opportunity to transfer billions of dollars from post-Cold War defense cuts to bolster programs proven to reduce childhood hunger.

Theme

Continued from Page 5

and shook the pagan Roman Empire from center to circumference, even in one brief generation.

If the church today would have comparable impact on its world, it will not be accomplished because we have won the government's endorsement and thus legitimized ourselves. Quite the contrary. We shall change our world when, and only when, we as the members of the church are aflame with the love of God and the passion of Christ. All other props amount only to a millstone around the neck of the body of Christ.

We serve Christ—and the world—better as a religion without the millstone. □

We'll Ship You a box of 100 1992 Baptist Heritage Calendars for the cost of postage -- only **\$8.00.**

You and your friends and church members have seven months left to use the calendar in 1992 and a lifetime to reflect upon this unique look at Baptist heritage. Don't miss this inexpensive opportunity to teach Baptist history.

Call Today!
(202) 544-7758



Freedom is Fragile

That's why the Baptist Joint Committee is at work in the nation's capital, witnessing to the historic Baptist love of liberty, interpreting the separation of church and state for today, leading an effort to restore the requirement that government have a compelling reason to limit religious exercise, protecting against government intrusion and meddling in religious affairs, guarding against the use of public funds for private and parochial schools, alerting Baptists to key changes in Internal Revenue rulings, supporting tax fairness for religious and other charitable organizations, helping public schools implement the Equal Access law that allows voluntary religious activities by student-led groups.

Freedom is fragile ... give it your full attention.

REPORT from the **CAPITAL** will help you keep abreast of public policy developments and church-state relations. Without the fullest information, how can any of us make our best contribution? Subscribe today.

REPORT from the CAPITAL

| | |
|-----------------------------------------------------------|---------|
| <input type="checkbox"/> Single subscription: one year | \$8.00 |
| two years | \$15.00 |
| <input type="checkbox"/> Club rate (10 or more): one year | \$7.00 |
| <input type="checkbox"/> Student rate: one year | \$3.50 |
| two years | \$5.00 |

Name _____

Address _____

City _____ State _____ Zip _____

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

Baptists rightly set aside a day to rededicate our lives to religious liberty. Government promotion of religion, however, is another matter.

REFLECTIONS

James M. Dunn
Executive Director



Baptists of all stripes set aside the first day of worship in June as Religious Liberty Day. Even that sort of designation smacks of sensitivity to the less statistically mighty. Remember, Seventh Day Baptist brothers and sisters do not observe Religious Liberty Sunday.

The Baptist Joint Committee sounds the trumpet, suggests the theme, supplies sermon stuff, sends out helpful hints and "how-tos" for congregational celebration. That is and has been a Baptist Joint Committee contribution to the ties that bind different sorts of Baptists together. For most of the past 50 years this agency has provided resources similar to those in this issue of *Report From the Capital*.

It is appropriate that Baptists celebrate and commit to religious freedom, not possessively or proudly or exclusively or smugly. But humbly and gratefully, thanksgiving Baptists shout out liberty in all the land. It is proper that this Baptist agency provide the focus on freedom without any earthly prop. It is the Baptist Joint Committee that distinctively and tenaciously clings to that undiluted formula for freedom: church-state separation.

Secularists are often shocked to hear Baptists touted as libertarians. Non-Baptists are sometimes surprised that the Baptist Joint Committee is regularly on the side of whole-hearted, full-throated freedom. Real Baptists are embarrassed by the many so-called Baptists who claim the name (after all they are free to say they're Baptists).

We need this year's Religious Liberty Day emphasis. Too many of the more visible Baptists are comfortable cozying up to government, taking a little tax money, using proclamations by public figures to promote religion and acting as if the watered-down civil religion of ceremony has some connection with the religion of Jesus Christ.

There is a certain brand of would-be Baptist who regarding history is revisionist, regarding American democracy is majoritarian, regarding philosophy of government is Christian Reconstructionist, regarding church-state separation is accommodationist and regarding politics is extremist. We need no earthly prop like those implied above.

The observance of special days in worship and prayer should be entered freely and voluntarily. The churches, synagogues, temples and mosques should issue the calls to prayer. Baptists rightly set aside a day to rededicate our lives to religious liberty. Government promotion of religion, however, is another matter.

Since April 17, 1952, there has been a National Day of Prayer. For these 40 years the first Thursday in May has been designated as such by Congress and the President.

It has not always been so. In fact, President Madison expressed grave doubts about the wisdom of such a practice. Edwin Scott Gaustad in a marvelous 1987 lecture at Shorter College exposed Madison's reservations.

President Madison was confronted with the issue of executive proclamations that might be religious in language and purpose. Jefferson had solved the problem

by simply refusing to issue any such proclamations. As Gaustad points out, "Madison was disposed to follow the same pattern, but an American public—denied any high priest for eight long years—was restive. When the war of 1812 was declared, Congress passed a resolution requesting the president to issue a proclamation. . . . He firmly believed it no legitimate part of the duty of civil government to set aside religious days. He compromised by issuing a proclamation as utterly non-sectarian as he could make it. . . . and by insuring that it carried not the slightest hint of penalty for failure to comply. But the whole exercise struck Madison as something that presidents of these United States simply ought not to be involved in."

Gaustad continues, "Madison now offered five reasons why religious or quasi-religious pronouncements should not be handed down from on high—why presidents should not be popes.

"First, a declaration of a religious day of fasting or feasting or praying can never be anything but a mere recommendation, and 'an advisory Government is a contradiction in terms.'

"Second, neither the legislative nor the executive branch can in any sense regard itself as an ecclesiastical council or synod, with authority to address 'the faith or the Consciences of the people.'

"Third, such proclamations 'seem to imply and certainly nourish the erroneous idea of a national religion.' . . . Even if we were all of the same denomination and the same creed, any 'universal act of religion . . . ought to be effected thro' the intervention of' the religious and not the political authorities. But since we are not all of the same church, such national action by political leaders is 'doubly wrong.'

"Fourth, such proclamations tended to employ the language and theology of the dominant group or groups, with the consequent tendency that a conformity to the religious viewpoints of the majority would be surreptitiously encouraged.

"Fifth and last, such proclamations inescapably bent religious principles to political expediency. Religion became a matter of party politics, however great the effort to avoid that sad result. James Madison had probably never heard the phrase, 'civil religion', but he was aware of its implications and found them in general to be illegal or inequitable or frightening."

In retirement at Montpelier, Madison wrote in 1819, "it was the universal opinion . . . that civil Government could not stand without the prop of a religious establishment, and that the Christian religion itself would perish if not supported by a legal provision for its clergy."

That opinion has now been disproved. Yet, Madison lamented that in some parts of the country, "there remains . . . a strong bias towards the old error."

Sadly, Mr. Madison, that is still the case.

Here then is a simple counter-proclamation, in this year of our Lord 1992, and of the Independence of the United States of America the 216th, Christ's religion still needs no prop. □

REVIEWS



Religion and Public Education: Common Sense and the Law

By Albert J. Menendez
and Edd Doerr
Centerline Press
Long Beach, Calif., 1991,
112 pages.

Albert J. Menendez and Edd Doerr have written a primer to help parents, teachers, students and the general public better understand the proper way to handle religion in the public schools. They explore how the "two indelible facts" of American life, (1) religious pluralism and (2) the principle of church-state separation, impact our "tax-supported, democratically-controlled public schools." The authors discuss most of the major issues that have posed nettlesome problems for the courts, school administrators and students. The authors cover such topics as prayer and Bible reading in the school, the teaching of evolution and creationism, values education, released-time programs, religious holiday recognition and a miscellany of other friction points including prayer at athletic events, distribution of religious literature, the rights of teachers to wear religious garb and the alleged "secular humanism" conspiracies.

On balance, the book is helpful but with one over-arching caveat: in seeking to balance the demands of no establishment with free exercise and free speech considerations, the authors often camp down too hard on the former at the expense of the latter. For example, in the chapter on Equal Access, the authors provide suggestions on how school officials can circumvent the act's applicability. They say that schools may bar "all outside adults who might try to proselytize students." (p. 27) But they fail to mention that Equal Access allows students to invite outsiders to come to their meetings without any prohibition on proselytizing those who voluntarily attend. Moreover, while the authors talk about guidelines that were formulated by a group of religious and educational organizations after the bill's passage, they fail to discuss the more comprehensive guidelines produced by a similar coalition after the act was upheld by the Supreme Court.

Menendez and Doerr devote an entire chapter to the "dangers of proselytism," and much of what they say there is good. However, they fail to point out clearly that students may proselytize, as long as it does not disrupt the educational process. Finally, although properly critical of school-sponsored prayer at graduation ceremonies and athletic events, the authors miss the mark by advising against privately-organized baccalaureate services off-campus.

In sum, this book can be of much guidance to a reader who wants to learn more about this important area. But, it should be read with a critical eye. Readers should understand that, while state-sponsored religion in the public schools is prohibited, student-initiated free exercise and free speech are not. □

— J. Brent Walker

So Help Me God: The Faith of America's Presidents

By John McCollister
Westminster/John Knox Press
Louisville, Ky., 1991
207 pages.

"So help me God." George Washington's impromptu postscript to his oath of office set a precedent which has been followed by every president since then.

John McCollister uses these words to entitle his new book that surveys the private and public religious convictions of the nation's presidents and how their faith (or lack of it) influenced their performance in office. The book is not an academic treatise. Except for a fairly detailed treatment of Washington and Lincoln, McCollister gives the reader only a thumbnail sketch of the rest of the presidents. Although McCollister is no polemicist and certainly does not try to make a case for a "Christian nation" thesis, he does treat most of the presidents sympathetically. McCollister always manages to find religious convictions lurking beneath the surface—even presidents with no apparent devotion to churchmanship.

Nevertheless, the book is well worth reading. One is treated to morsel after morsel of interesting tidbits about our former presidents. For example, eight presidents expressed no denominational affiliation at all. But, every president since James Madison has worshipped at St. John's Episcopal Church, across from the White House—now known as the "Church of the Presidents." President Hayes, who confessed to be a "Christian," never joined a church. But, he had Sunday evening "hymn sings" with congressmen and cabinet members at the White House. Abraham Lincoln, who never joined a church either, used to slip into Wednesday prayer meetings at New York Avenue Presbyterian Church. He would sit in the pastor's office and listen through the cracked door to avoid disturbing other worshippers.

Did you know that we have had a minister in the White House? James Garfield was a lay preacher of the Christian Church (Disciples of Christ). Jimmy Carter routinely read academic theology, including the likes of Kierkegaard and Reinhold Niebuhr. And, Dwight Eisenhower was the only president to be baptized after he was elected.

A number of our presidents expressed unorthodox convictions. Thomas Jefferson was a deist who cut and pasted the gospels and rearranged the teachings of Jesus in what later came to be called *The Jefferson Bible*. William Howard Taft did not believe in the divinity of Christ and was a thorough-going Unitarian. Teddy Roosevelt, a member of the Reformed Church, believed in a salvation not by grace, but by works as set forth in the epistle of James. Wilson was a hyper Calvinist whose notion of the sovereignty of God, predestination and pre-election caused him to see all events, national and personal, as simply an expression of the "will of God."

Finally, Baptists will enjoy reading about their three denominational kin who have lived at 1600 Pennsylvania Ave.: Harding, Truman, and Carter. □

— J. Brent Walker

06010 BENH7J K
DR HAROLD BENNETT
901 COMMERCE ST.
NASHVILLE, TN.

37203

Nonprofit Org.
U.S. Postage
PAID
Riverdale, MD
Permit No. 5061