

REPORT from the CAPITAL

Free exercise debate



Rep. Don Edwards, chairman of the House Subcommittee on Civil and Constitutional Rights, shares a light moment with Reps. Henry Hyde (left) and Stephen Solarz (right) before a hearing on the Solarz-sponsored Religious Freedom Restoration Act (H.R. 2797).

Page 4

Inside

After Los Angeles	2
'Trickle-down' Smith	7
America reconstructed?	10
Reconstructionist perils	15



REPORT from the CAPITAL

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

Vol. 47, No. 6

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Articles

Equal protection for all religions 4
by Pam Parry

Defining America 10
by Andrew M. Manis

Features

Washington Observations 3

Views of the Wall 7
by Oliver S. Thomas

News in Brief 8
compiled by Pam Parry

International Dateline 12
compiled by Pam Parry

Reflections 15
by James M. Dunn

Reviews 16
by J. Brent Walker

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After Los Angeles

(EDITOR'S NOTE: This commentary is provided by Robert W. Tiller, director of the Office of Governmental Relations, Board of National Ministries, American Baptist Churches, USA. He is a board member of the Baptist Joint Committee.)

The violent eruptions in Los Angeles following the verdict in the Rodney King case have seared us all. I want to offer some comments.

• We must acknowledge at the outset that the gap in our society between whites and blacks is growing, not shrinking. While most forms of official segregation have been eliminated, the fact is that we are nevertheless moving toward two separate societies. The first society is economically comfortable and mostly white. The second is barely surviving financially and mostly non-white.



• All my life I have observed that the news media, politicians and most white people express greater despair or outrage over the death of a white person than over the death of a black person. Likewise we are more concerned about the beating of a white person than the beating of a black person. At a time when many people were looking and hoping for a change, the verdict in the Rodney King case provided confirmation that things remain about the same.

I think the violence in Los Angeles came both from rage against racism and rage against poverty. We who profess to follow Christ must not rest in our struggle against poverty and racism until the life and well-being of a black person is equal to the life and well-being of a white person.

• It is an outrage that anyone would blame previous federal programs targeted at the poor for the violence in Los Angeles. Which specific programs should be held responsible for the rioting: Medicaid, Food Stamps, fair housing laws or school breakfasts? The real truth is that those programs have been drastically underfunded by successive presidents and Congresses over the last 12 years, while other creative programs for the poor have been gutted or canceled.

• When our government's leaders insist on using violence to solve the nation's problems—from Grenada to Panama to Iraq to the gas chamber at San Quentin—they should not be surprised when citizens follow their lead and use violence to deal with problems.

• Jesus taught and lived that those who are most vulnerable are those to whom we should reach out. I believe that both private resources and government resources must be used to help those at the margins of our society. For the last 12 years, our nation has experienced a significant redistribution of money and resources from the poor to the wealthy. Our government's tax policies and program priorities have led the way in adding to the impoverishment of those who are in need and adding to the wealth of those who have the most.

• I believe that government can and should help in the struggle against poverty and racism, and I believe that we have an obligation to get involved personally.

Eradicating poverty, eliminating racism, building structures for the common good—these things are possible if we are willing to get involved and work at them. They cannot be accomplished if faithful Christians sit back and leave the responsibility to others. □

—Robert W. Tiller

EARLIER THIS YEAR THE HOUSE COMMITTEE ON EDUCATION AND LABOR recalled a bill (H.R. 3320) that would have allowed states to use federal funds to finance parochial education. A new bill (H.R. 4323) replaced the original and, unlike its predecessor, would not permit funds to be so used. The House committee turned away two proposed substitutes -- one by Rep. Richard Armey, R-Texas, to earmark at least 25 percent of the funds for choice in public, private and parochial schools, and one by Rep. William Goodling, R-Pa., to restore the choice language from the predecessor bill. The committee then reported out the bill with some modifications not affecting the issue of choice. Floor action has not been scheduled. Earlier this year the Senate approved an education bill that would allow parental choice within the public schools. • (JBW)

RELIGIOUS LIBERTY IS AT THE HEART of a bill that would extend the right of conscientious objection to the country's tax system, religious leaders and others recently told a House subcommittee. The House Subcommittee on Select Revenue Measures held a hearing on the U.S. Peace Tax Fund Bill (H.R. 1870), which would allow conscientious objectors to designate their taxes to a fund used for non-military purposes. Taxpayers eligible to make such a designation would be limited to individuals who demonstrate that -- by reason of religious training and belief -- they are conscientiously opposed to participation in war. The bill would establish the Peace Tax Fund within the U.S. Department of the Treasury. H.R. 1870 would authorize appropriations from the Peace Tax Fund for certain non-military activities, approved by a board of directors, such as retraining displaced military workers. Alan Eccleston, a Quaker from Hadley, Mass., said, "Conscience must be taken into account. Spiritual values are real. They are not to be treated as incidental or expendable to fit the needs of the state. That is what the First Amendment is all about. That is our heritage as a nation -- a nation that was settled by colonists who came here seeking religious freedom." • (PAP)

CONGRESSIONAL TURNOVER IN THIS ELECTION YEAR has hit a record high. Voter discontent with the economy and governmental operations, social turmoil, redistricting and other factors have led to nearly 70 known departures at the end of the 102nd Congress. As of May 29, 43 members of the House of Representatives and seven senators have announced they will retire at the end of this session. Nine representatives and one senator have been defeated for renomination in the primaries, and another 13 representatives have announced they will likely run for another office. Nationwide discontent has prompted many newcomers to enter the race -- including an unusual number of women, who were energized to a more active political role following the Clarence Thomas hearings. With the number of incumbents dropping nearly daily, the 1992 elections probably will provide a face-lift for the much beleaguered Congress -- but the operation's outcome is impossible to predict. • (PAP)

Protecting religious practice

House panel takes up religious liberty bill

All religions in America deserve heightened and equal protection under the law. Or do they?

That debate raged in the House Subcommittee on Civil and Constitutional Rights May 13-14 as it held hearings on the Religious Freedom Restoration Act (H.R. 2797).

RFRA, backed by a 51-member coalition of religious and civil liberties organizations, would restore a high standard of protection for free exercise of religion. The bill would restore the strict "compelling interest" standard the U.S. Supreme Court formerly required government to meet before restricting religious practice.

The standard, articulated by the court in 1963, was virtually abandoned in *Employment Division v. Smith* in April 1990.

Hearing witnesses were virtually unanimous in their indictment of *Smith* and its impact on religious practice in America. They were, however, divided over whether or not the standard should be applied equally to all claims, particularly potential free exercise claims to abortion rights.

Rep. Stephen Solarz, D-N.Y., called the abortion argument, advanced primarily by the U.S. Catholic Conference and National Right to Life Committee, "utterly unfounded."

"Prominent opponents of legalized abortion have joined with their pro-choice foes in support of this legislation because it appropriately takes the position of strict neutrality on the abortion question as it does on every potential claim," said Solarz, primary sponsor of the bill.

The Southern Baptist Christian Life Commission, National Association of Evangelicals and Concerned Women for America are among the pro-life groups backing RFRA.

The argument that RFRA somehow advances abortion rights is without substance for an obvious reason, Solarz said. If the high court does overturn the woman's right to privacy in abortion decisions, it is inconsistent to assert that the same court would then permit abortion under a new claim, Solarz said.

On the other hand, the problems created by *Smith* are not hypothetical, he said.

More than 50 free exercise cases have been decided in the two years since *Smith*, with religion winning in only a few instances.

The majority opinion in *Smith* will "live in constitutional infamy" because it declared a fundamental right to be a



"Like the free exercise clause itself, RFRA is universal in its scope. It singles out no claims for special advantage or disadvantage. It favors no religious view over any other, and it favors no state interest over any other."

—Douglas Laycock

"luxury" this nation no longer can afford, Solarz added.

Rep. Christopher Smith, R-N.J., agreed that religion is in jeopardy, but he spoke against RFRA. Smith has introduced his own bill, the Religious Freedom Act (H.R. 4040), that would restore the compelling interest test for free exercise of religion, except in three instances.

H.R. 4040 would create no basis to challenge laws restricting abortion, the tax-exempt status of religious organizations and the use of tax funds by religious institutions. (Those three exemptions reflect the position of the U.S. Catholic Conference).

Douglas Laycock, professor at the University of Texas School of Law in Austin, called the three amendments "enormously divisive" and "almost entirely symbolic."

"If I had deliberately set out to draft amendments that would prevent the enactment of any bill, I could not have done better than these three amendments," Laycock said. "The principle of RFRA is that it enacts a statutory version of the free exercise clause.

"Like the free exercise clause itself,

RFRA is universal in its scope," he continued. "It singles out no claims for special advantage or disadvantage. It favors no religious view over any other, and it favors no state interest over any other.

"It simply enacts a universal standard: burdens on religious exercise must be justified by compelling interests."

Laycock said the three exceptions relate to issues that have been litigated and decided under other clauses of the Constitution.

The bill takes no position on whether any particular government interest, including interest in unborn life, is compelling, he emphasized. "This silence is appropriate; Congress should not attempt to resolve particular controversies in a bill about religious exercise generally."

Rep. Henry Hyde, R-Ill., is the subcommittee's most ardent opponent of RFRA because of the abortion issue. Calling religious freedom perhaps the country's most precious liberty, Hyde said he would not provide a "legal scalpel" for those who want to expand abortion rights.

If abortion is the only thing the congressman cares about, he still needs this

bill, Laycock said, calling abortion claims under RFRA "imaginary."

Mark Chopko, general counsel of the U.S. Catholic Conference, disagreed.

"The lives of the unborn are too important to be put at risk. ... If, as some supporters of H.R. 2797 so confidently insist, these abortion claims are doomed to failure anyway, there is no reason why they cannot be eliminated from the bill," he said.

Proponents of the bill likened an abortion amendment to a "nuclear bomb" that would destroy the bill's chances of passage.

Rep. Mike Kopetski, D-Ore., told Chopko that he took exception to Chopko's assertion that there is no consensus within the religious community about the appropriate legislative response to *Smith*. Kopetski said the broad coalition demonstrates a consensus that is not unanimous because of the U.S. Catholic Conference. Chopko noted the Lutheran Church-Missouri Synod also was not a part of the Coalition for the Free Exercise of Religion, chaired by the Baptist Joint Committee.

Rep. Craig Washington, D-Texas, also told Chopko that Catholics are "the big wheels" among mainline denominations and the Constitution exists to protect unpopular ideas and religions. Washington asked Chopko if he believed the nation's first liberty should not prevail over other interests.

See RFRA, Page 6



Rep. Craig Washington, D-Texas, listens thoughtfully as witnesses respond to questions about the Religious Freedom Restoration Act.

Minority religions suffer under *Smith*

A minority religious group faces a perilous future that now lies in the hands of Congress, members of the House Subcommittee on Civil and Constitutional Rights were told in a May 13 hearing.

William Yang of the Hmong faith told subcommittee members that his family, formerly of Laos, came to America looking for freedom to practice their religion. But two years ago, a U.S. Supreme Court decision stripped away that right, Yang said.

The Yang family brought suit against Rhode Island's chief medical examiner because an unauthorized autopsy was performed on Neng Yang. Hmong believe autopsies are a mutilation of the body.

On Jan. 12, 1990, a federal district court ruled in favor of the Yangs because the autopsy "violated their deeply held religious beliefs." The Yangs believe that the mutilation of Neng's body meant his spirit "would not be free, therefore his spirit will come back and take another person in his family," senior district judge Raymond J. Pettine wrote.

While the damages portion of the Yangs' case was pending, the Supreme Court handed down *Employment Division v. Smith* on April 17, 1990. In the decision, the court abandoned three-decades-old precedent that required government to demonstrate a compelling state interest before it could restrict religious practice.

As a result, Judge Pettine reversed his earlier decision.

Pettine said he felt constrained to apply the majority opinion in *Smith* to the Yangs' case, but he expressed his profound regret and disagreement with that opinion.

The Hmong community felt betrayed by the U.S. government and excluded from the protections of the Constitution and First Amendment, Yang said, fighting back his tears.

Yang said the fear that other family members would die came true. Later, autopsies were performed after three other Yang family members died. The family believes the curse will continue unless their religious faith is upheld.

Yang urged the subcommittee and

House of Representatives to approve the Religious Freedom Restoration Act (H.R. 2797), which is designed to restore the high level of protection for free exercise of religion abandoned in *Smith*.

"As hard-working, respectable people and citizens of the U.S. and Hmong ancestry, our rights to maintain the body completely intact in conformity with the rites practiced by our people for thousands of years is most important to both the deceased and their survivors," he said.

"We believe that the deceased and the surviving family are cursed if they do not uphold the rites and traditions; therefore, the Religious Freedom Restoration Act is very, very important to us and our community."

J. Brent Walker, associate general counsel at the Baptist Joint Committee, said, "RFRA will not take away the Yang family's heartache nor ensure free exercise victories for the Hmong community in the future. But its passage will give them a fighting chance to practice their religion without governmental interference." □

Chopko said government should balance the two interests.

Rep. Hyde also questioned congressional authority to establish a standard for the court. Laycock responded that Congress cannot define a constitutional standard, but it can enact statutory rights under the 14th Amendment.

Nadine Strossen, president of the American Civil Liberties Union, told Hyde that Congress not only had the power but the responsibility to protect the rights of Americans.

Although Congress cannot take away constitutional rights, it has the power to enhance those rights, she said.

She criticized *Smith* in which the court abandoned constitutional history, judicial precedent and its own practices and procedures in reaching its decision.

"The Religious Freedom Restoration Act would again make the courts a bulwark of religious liberty. ... It should be clear to this subcommittee that enactment of H.R. 2797 will not guarantee that claims of religious liberty will always prevail," she said.

"We invest government with broad and important powers that sometimes override individual liberty. It should, however, not be easy for government to do so—or official bodies will use that power with substantial frequency."

The subcommittee has not set a date to take further action on the bill, which now has about 180 co-sponsors. □

—Pam Parry



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VIEWS OF THE WALL

Oliver S. Thomas
General Counsel



For John and Agnes Donahue, sexual intercourse outside of marriage is sin—not just a little sin but a mortal sin capable of ensuring one's eternal damnation. It is no surprise, then, that Mrs. Donahue politely, but firmly, refused to rent her apartment to a young, unmarried couple. For the Donahues, assisting the commission of a sin is itself a sin. Case closed.

But, in a nation whose pastime is litigation, the Donahues' case was not closed. The disgruntled young couple hired a lawyer. They sued the Donahues for violating the California Fair Housing Act that prohibits discrimination on the basis of, among other things, marital status. A year later, the Donahues were ordered to rent to the couple despite their sincere religious convictions and to pay over \$7,000 in damages for lost wages and emotional distress. Really.

Doesn't this violate the Donahues' constitutional right to the free exercise of religion?, you might ask. Before the Supreme Court's decision in *Employment Division v. Smith* the answer probably would have been yes, but under today's pinched interpretation of the free exercise clause, the answer is almost certainly no. The Fair Housing Act does not impose special burdens on religion but rather applies to all Californians equally. Such laws, though they might infringe upon the rights of some to practice their religion, no longer can be challenged under the federal free exercise clause.

Fortunately, California has its own constitution, and its free exercise clause guarantees the rights of conscience unless the religious practice is "licentious" or "inconsistent with the peace or safety of the state." This provision is remarkably similar to the federal standard prior to *Smith*. Before *Smith* government could not restrict religious exercise unless necessary to accomplish a "compelling" interest. Only interests "of the highest order," such as health and safety concerns, would justify restrictions on religious exercise. Applying the California constitution to the Donahues, their refusal to rent an apartment to an unmarried couple certainly is not licentious. To the contrary, many would argue that what the Donahues sought to discourage was itself licentious. But, is it inconsistent with the peace and safety of the state?

The California Court of Appeals thought not. Applying the traditional compelling interest test, the court concluded that California did not have com-

elling justification for forcing the Donahues to violate their religion. The court noted that California routinely discriminates against unmarried couples in many circumstances. Unmarried couples are prohibited from suing for loss of consortium; unemployment compensation is unavailable for an unmarried partner; no overnight prison visits are allowed for unmarried couples; unmarried individuals are barred from bringing a wrongful death action on behalf of their deceased loved one; no marital communication privilege exists between unmarried couples; and, most significantly in the context of housing, the legislature has expressly allowed state colleges and universities to discriminate against unmarried cohabiting students.

How could the state force the Donahues to do that which the state itself was unwilling to do? The hypocrisy would be compounded by the fact that the Donahues' behavior was motivated by a constitutionally protected belief while the state had no similar justification for its discriminatory actions.

It should have ended there, but it did not. The California attorney general filed an appeal asking the state supreme court to abandon its commitment to religious liberty and embrace the rule of *Smith*. Not only should the Donahues lose, but according to the attorney general, they shouldn't even be allowed to challenge the Fair Housing Law on the basis of religion. In a puzzling legal analysis, the attorney general suggests that accommodating the religious objections of those like the Donahues would itself violate the separation of church and state.

"The final chapter has not been written. Let's hope the California Supreme Court gives its chief law enforcement officer a civics lesson."

One wonders if the attorney general has read the U.S. Supreme Court's landmark decisions that not only allowed but mandated accommodation for free exercise claims. As recently as 1987, the Supreme Court held 8-1 that exemptions for religious exercise from generally applicable laws were an appropriate government function.

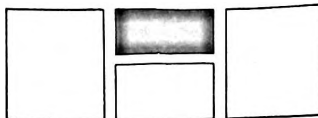
Responding to the possible loss of religious rights in California, 21 organizations—many of them, like the

Baptist Joint Committee, strong advocates of church-state separation—have petitioned the Supreme Court of California to reject the attorney general's assault on religious liberty. These organizations are divided over the merits of the Donahues' claim but agree that California should be allowed to restrict religious exercise only in extreme cases. The traditional compelling interest test, say these organizations, is the appropriate standard of review in California.

The diversity of this coalition is remarkable, its commitment to principle admirable. Despite deep ideological and theological differences, these organizations have been willing to unite behind a common principle—religious liberty for all Americans.

Read carefully. The list says it all:

Baptist Joint Committee
Americans United for Separation of Church and State
Home School Legal Defense Association
American Jewish Committee
Association on American Indian Affairs
Central Conference of American Rabbis
Christian Advocates Serving Evangelism (CASE)
Christian Legal Society
The Church of Jesus Christ of Latter-day Saints
Church of the Brethren (Washington Office)
Concerned Women For America
James E. Andrews as Stated Clerk of the General Assembly of Presbyterian Church (U.S.A.)
General Conference of Seventh-Day Adventists
Mennonite Central Committee U.S.
National Association of Evangelicals
National Council of Churches of Christ in the U.S.A.
National Council of Jewish Women
Rabbinical Council of America
Union of American Hebrew Congregations
Union of Orthodox Jewish Congregations of America
General Council on Finance and Administration of the United Methodist Church
The final chapter has not been written. Let's hope the California Supreme Court gives its chief law enforcement officer a civics lesson. □



Report makes strong case for RFRA

A recent Congressional Research Service report makes a strong case for the Religious Freedom Restoration Act, according to Oliver S. Thomas, general counsel of the Baptist Joint Committee and chairman of a 51-member coalition of religious and civil liberties groups supporting the legislation.

The 32-page report reviews the impact of the 1990 *Employment Division v. Smith* decision in which the Supreme Court largely abandoned its view that the First Amendment's free exercise clause requires that government have a compelling reason to restrict religious practice. The report by the research arm of the Library of Congress analyzes two legislative proposals to reimpose the strict "compelling interest" test.

Both proposals—the Religious Freedom Restoration Act (H.R. 2797) and the Religious Freedom Act (H.R. 4040)—would apply the compelling interest requirement as a statutory standard, but H.R. 4040 would deny the compelling interest level of protection for religiously based challenges to the tax exemption of a church or other third party; to the use of government funds, including use by religious groups; and to abortion restrictions.

The three exemptions in H.R. 4040 mirror those proposed by the Office of General Counsel of the United States Catholic Conference.

The CRS report played down the legal significance of the exemptions, noting that claims in those areas "are not generally brought on free exercise grounds" and that such claims could be successfully pursued on other grounds.

"This report should resolve any lingering doubts about the need for the Religious Freedom Restoration Act," Thomas said. "The report makes clear that we are in a free exercise crisis, that Congress has the power to do something about it and that RFRA is the proper vehicle."

The application of the *Smith* decision's substantially narrowed protection for religious practice has resulted in the denial of most free exercise claims in state and federal courts, the CRS report states. The report also concludes that Congress has the authority to restrict state, local and federal government from

interfering with religious practice without a compelling reason.

The Catholic Conference is the most influential U.S. religious body that has not joined the Coalition for the Free Exercise of Religion that is supporting passage of RFRA, Thomas said. He said lack of support from Catholic officials and opposition by the National Right to Life Committee have slowed progress on RFRA in the House and its introduction in the Senate. □

Religious freedom faces change, attorneys say

U.S. Supreme Court decisions in recent years are changing religious freedom in America—and not for the better—according to Baptist church-state specialists.

Baptist Joint Committee attorneys gave that assessment while speaking at separate forums in May.

Oliver S. Thomas, BJC general counsel, said the change could leave Americans' first freedom vulnerable to the whim of the majority. Speaking to members of Associated Church Press, Thomas said if the court continues to erode First Amendment protections, some Americans will have only as much religious liberty as the majority will allow.

Thomas told the group of religion writers and editors that a 1990 court decision, *Oregon Employment Division v. Smith*, has wreaked havoc on the free exercise clause of the First Amendment. In the *Smith* decision, the court said that government no longer had to demonstrate a compelling state interest before it could restrict religious practice.

The high court dropped a "constitutional bombshell" virtually destroying the free exercise clause, said J. Brent Walker, BJC associate general counsel, who spoke at Spring Hill College, Mobile, Ala.

"Conceding that their decision would operate to the detriment of minority religious practice, the court concluded that this was simply an 'unavoidable consequence of democratic government,'" Walker added.

In the two years since it was announced, *Smith* has been applied in about 50 religious liberty cases and religious claimants lost in nearly every instance, Walker said.

Thomas said a notion that religion is a "quaint set of beliefs that you can take on and off like clothing" is one reason religious practice may not be receiving as

much protection today.

"It (religion) matters to people; it matters ultimately, and we should not gloss over that," Thomas said.

In the past, America's legal system has had flexibility, Thomas said, but today the Supreme Court deals with the country's "exploding pluralism by saying we are not going to accommodate you any more."

That philosophy is antithetical to the Bill of Rights, which was ratified as a check on democracy that acknowledged some values are so vital they must be insulated from the vagaries of the political process, Thomas said.

Thomas and Walker agreed the solution lies in the passage of a measure pending in the U.S. House of Representatives. The Religious Freedom Restoration Act (H.R. 2797) would restore the pre-*Smith* protections for free exercise of religion.

The bill, backed by a broad-based coalition of more than 50 civil liberties and religious organizations, has about 180 House co-sponsors.

RFRA is the "most significant legislation affecting religion in our lifetime," Thomas said.

But the free exercise clause is not the only protection in peril.

The establishment clause of the First Amendment, designed to assure government neutrality toward religion, also is under assault, the attorneys said. The high court is expected to rule by July on a case that could dismantle the Jeffersonian wall separating church and state, Thomas said.

In *Lee v. Weisman*, the court has been asked to adopt a weaker standard that would allow government to promote religion as long as it does so in a non-coercive manner.

Both lawyers advocated government neutrality rather than government support of religion.

"Religion and government are both better off when state leaves the churches, the synagogues, the mosques, the temples alone to pursue their ministries in accordance with their theological convictions," Walker said.

Walker said it is a shame the country must fight to maintain its first freedom at the very time it commemorates the bicentennial of the Bill of Rights.

"Instead of celebrating its vitality we are mourning its decline . . .," Walker said. "The irony of all this is heightened by the fact that this shift has come primarily from the pens of justices appointed with the blessing of the religious right, not the secular left."

He added, "Without a strong estab-

lishment clause and a free exercise clause rigorously enforced, we will never have the kind of full-fledged religious liberty that our founders envisioned and our present pluralism demands." □

Evangelism, freedom are linked, Dunn says

Evangelism that overrides or ignores personal freedom is counterfeit, Baptist Joint Committee Executive Director James M. Dunn recently told a Baptist gathering in Washington, D.C.

"If there is one tie that binds us Baptists together, it is our conviction that one comes to Jesus Christ freely or one does not really come to Jesus Christ," he said. "One accepts the Christian faith voluntarily or not authentically."

Dunn's remarks were made at a luncheon during a national evangelism convocation sponsored by the National Ministries of American Baptist Churches in the U.S.A. and co-sponsored by the American Baptist Evangelism Team, District of Columbia Baptist Convention and American Baptist Churches of the South.

Dunn told the audience that while growing up in Texas he was challenged to be a "soul winner." But, he said, that term does not appropriately describe authentic evangelism that targets whole persons.

"I've come to believe our concern is for more than 'souls' and our role is not exactly to be a 'winner.'" he said. "That 'winner' label sets up the evangelizer-evangelizee challenge."

An evangelistic focus on mere bodies with an emphasis on numbers is also inappropriate, he said.

"A crowded building is not necessarily a sign of effective evangelism," Dunn said.

"If you are just collecting bodies or seeking souls, that's bad news, not good news," he said.

Dunn criticized attempts to reduce evangelism to "three simple questions or four spiritual laws."

"All who have, in fact, been born again understand that the experience is more a birth than a true-false quiz," he said, adding, "It's not like choosing a baked potato instead of french fries. We cannot objectify, depersonalize and sterilize the lively, dangerous, dynamic gospel transaction."

Approaches to evangelism that focus solely on the afterlife or earthly existence also are inadequate, he said.

"We have a message for the 'nasty now' as well as for the 'sweet bye and



Baptist Joint Committee staffers provide some old-time gospel music at a luncheon during a national evangelism convocation sponsored by the National Ministries of American Baptist Churches in the U.S.A. and co-sponsored by the American Baptist Evangelism Team, District of Columbia Baptist Convention and American Baptist Churches of the South. Members of the quartet are (from left) Oliver S. Thomas, James M. Dunn, Pat Horn and Gordon Northcutt.

bye'. ... If you are locked into heaven so much that you are of no earthly good or if there is no vision beyond the 1992 election this fall, that's bad news, not good news."

In the end, Dunn said, evangelism best occurs when "personally, energetically we find ourselves sharing our faith, because the essence of evangelism is sharing ourselves." □

Colorado drops faith healing prosecution

A father whose infant daughter died in 1982 after he relied solely on prayer for her healing will not be tried a third time for felony child abuse, District Attorney Stuart VanMeveren said recently.

The father, Jon C. Lybarger, had been convicted twice, but the Colorado Supreme Court overturned both the convictions.

In March 1991 the court ruled that Lybarger, formerly of Estes Park, Colo.,

was entitled under state law to offer a defense of "treatment by spiritual means."

Lybarger, who now lives in Indiana, was a minister of the Word of Faith Evangelistic Association at the time of his daughter's death. The court described the association as "a small fundamentalist Christian organization which had members in Colorado, Arkansas and Kansas."

Lybarger's 5-week-old daughter, Jessica, died in 1982 of acute bronchial pneumonia. In dismissing the charge, VanMeveren cited changes in the law relevant to the case, tight government budgets and the fact that Lybarger, 50, has remained law-abiding.

After the state supreme court ruled last year, VanMeveren said he would seek a third trial because of "the seriousness of the offense and the fact we have a dead 5-week-old baby." □

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

Defining America

Reconstructionists enter clash of moral visions

The images of America that clashed in the South's civil rights era have become a wider, more contemporary struggle over defining the nation. The struggle is seen in the 1988 presidential campaigns of Jesse Jackson and Pat Robertson, who offered radically opposing American dreams. And it is more recently evidenced in the divergent assessments—following the May rioting in Los Angeles—of the causes of inner city woes and their solutions.

The Reconstructionist movement has entered the clash of competing moral visions for America with drums beating, cross waving, flag flying and "doing battle for the Lord." Such a mixing of religion and politics makes it appropriate to take another look at what historians, sociologists and ethicists have since the 1960s studied under the term "civil religion."

At its simplest, civil religion is the intermixing of patriotic fervor with religious piety. It is the blending of allegiance to God and allegiance to country. It is religious nationalism or nationalistic religion. To paraphrase sociologist James Davison Hunter, civil religion is another name for the attempt to define America theologically.¹ It is also called civic piety, public religion or public theology.

Viewed more systematically, and perhaps more sympathetically, it is a system of beliefs and ritual that attempt to bind modern, pluralistic societies together by helping citizens define the ultimate meaning or divine purpose of their nation. Pre-modern societies needed no civil religion per se, because that function was provided by a unified church and state. Though pluralism has caused modern societies to separate church and state, modern societies still need a sociological glue to hold them together.

In the absence of a state church, religious beliefs that explain the meaning of society are diffused throughout both the political and religious systems. In the political system, they are expressed in statements like "God's purpose for America is to defend and extend democracy," and in "defining moment" events like inaugurations or State of the Union messages. In the religious system, religious meanings of America often are expressed in pledging allegiance to the



"Reconstructionists are unlikely to be able to convince a majority to obey biblical law. Short of that consensus, their goals will require some considerable measure of religious coercion."

—Andrew M. Manis

flag in church at Thanksgiving, the Fourth of July and Vacation Bible School.

The pluralism and privatism of religion in modern societies makes it difficult for civil religion effectively to unify the nation. America has always had many religious belief systems from which to choose. This is more true now than in early American history. Privatization means that individuals and subgroups of citizens may select from many available beliefs, including secularism. Some will not construct a civil religion at all.

Many religious citizens will reject civil religion altogether as inherently idolatrous while others will construct varying versions of American civil religion. When this happens, as it did during the civil rights movement, and as it now is happening in the culture wars, the result is a conflict of civil religions or of different moral visions for America.²

This suggests the necessity of a more sophisticated understanding of civil religion. Unfortunately some have argued that all expressions of public theology are dangerously close to an idolatrous equation of America with the rule of God. To be sure, this is a very real danger, one to which most historical expressions of American civil religion have fallen victim. But this need not always be the case.

Sidney Mead and Robert Bellah, the grandfathers of the civil religion debate, have argued that the "religion of the republic" (as Mead calls it) was always subject to prophetic critique. Throughout the 19th and 20th centuries, in the struggle for civil rights, African Americans often accepted a divine role for America—of becoming the nation that would teach the world the true meaning of brother/sisterhood.

One can see this in the African Methodist Episcopal Church after emancipation and in Martin Luther King's "I Have A Dream" speech. There one sees a

theological definition of America prophetically called to "live out the true meaning of its creed." This civil religion called America to come to terms with its black citizens and in so doing to become the place where the Beloved Community of justice and mutual acceptance among peoples might develop. This Beloved Community model of American civil religion corresponds to what Robert Wuthnow calls the liberal civil religion.³

Over against that style of civil religion is the conservative style, seen in fundamentalist political activism and more specifically in the movement known as Christian Reconstructionism. A fundamentalist subculture, Reconstructionism was introduced to a wide audience by journalist Bill Moyers in his 1987 PBS broadcast "God and Politics: On Earth as It is in Heaven."⁴ The term "Christian Reconstructionism" was coined by Gary North for use with the *Journal of Christian Reconstruction*.

In the late 1960s, a group of ultra-fundamentalist Presbyterians began to produce voluminous writings, calling for every aspect of American society to be "reconstructed" according to biblical law.⁵ Inspired by Cornelius Van Til, former professor of philosophy at Westminster Theological Seminary in Philadelphia, the Reconstructionists are led by Rousas John Rushdoony, director of their Vallecito, Calif., think-tank, the Chaldean Foundation. Rushdoony's teachings have influenced a younger generation of leaders including North (Rushdoony's son-in-law, who writes from his Tyler, Texas, Institute for Christian Economics), Greg Bahnsen (Los Angeles), David Chilton, James Jordan (Tyler), Gary DeMar, Joseph Morecraft, Bishop Earl Paulk (Atlanta) and Peter Leithart (Alabama).⁶

Reconstructionist beliefs include the following:

● First, biblical inerrancy, especially the Old Testament law, which still ap-

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plies, as Bahnsen writes, in "exhaustive" and "minutial" detail to individuals and societies. Israel's theocratic state is considered the blueprint for reconstruction.⁷

● Second is theonomy, the idea that all persons and societies must be governed by God's law as expressed in the Old Testament. The alternative is autonomy, rule of one's self. Individuals and societies are either theonomous (i.e. Christians) or they are autonomous (i.e. humanists). There is no middle ground. No neutrality.

● Third, dominion—an ideal deriving from Genesis 1:28, where God gives humankind rule over the earth. Reconstructionists apply that principle culturally, nationally and politically. Christians are commanded to reclaim for Christ every nation, beginning with America, and reconstruct every institution according to the patterns provided by biblical law.⁸

● Fourth, postmillennialism—the eschatological system in which the millennium precedes the Second Coming of Christ. This view harmonizes with the dominion idea, underscoring the ultimate victory of Christians who will gradually put God's rule in place.

● Fifth, an American covenant. God loves America, as typical fundamentalist historiography would have it, because it was originally a Christian nation. The United States, however, is only "one of several" authorized distributors of Christianity,⁹ and if it remains married to secular humanism, it will lose its "distributivity."⁹

Reconstructionists see themselves as a grassroots movement aiming to convert the majority of citizens to its viewpoint. Anson Shupe suggests it is ostensibly a majoritarian, non-violent effort likely to require centuries to complete.¹⁰

Through their writings, they seek to educate and convert American Christians to these beliefs, and more importantly, begin indoctrinating youths in their own Christian schools or through home schooling.¹¹ Through the political process, Reconstructionists seek to abolish the U.S. public school system.

This is only the beginning of their agenda of abolition. Most American agencies would be torn down, with a streamlined society to be rebuilt according to Old Testament law. Perhaps the most radical reconstruction of America would be of its legal and penal system. Following Levitical law, Rushdoony views execution as the punishment that fits 18 crimes, including abortion, adultery, worshipping a false god and incorrigibility in youths.¹² (Watch out, Bart Simpson!)

It is important not to succumb to a hysterical "The Reconstructionists are coming" mentality. North's own conservative estimate notes at most 40,000 names on Reconstructionist mailing lists.

Nevertheless, their influence is widespread and difficult to ascertain because the movement is rather diffuse, and because their ideas are shared by so many non-Reconstructionist fundamentalists. One often hears fundamentalist leaders articulate the denial, "I'm not a Reconstructionist, but ..." and then proceed to expound a Reconstructionist tenet or two.

As to the matter of influence, Robertson has had Rushdoony and North as frequent guests on the "700 Club." At Robertson's Regent University, public policy professor Joseph Kickasola and law school dean Herbert Titus are at least partial Reconstructionists. Titus says the school has used Rushdoony's and North's titles as textbooks.¹³

In 1988, Arizona Republicans adopted a resolution declaring that the United States is "a Christian nation" and that the Constitution created a "republic based upon the absolute laws of the Bible, not a democracy."

With an impressive array of influence, backed by conservative money and television and computer technology, maybe "the Reconstructionists are coming" after all?

What then shall we say in assessing civil religion and Christian Reconstructionism? One might easily criticize Reconstructionism's biblical hermeneutics and its selective historiography of the place of religion in American society. But I propose some Baptist and ethical critiques.

First, *Any civil religion that is Baptist must avoid religious coercion.* Reconstructionists' dependence on governmental power to enforce religious belief belies their "rhetoric of civility." While claiming to seek only majoritarian consensus, they often use the language of coercion. In "God and Politics," Moyers quoted North:

We must use the doctrine of religious liberty to gain independence for Christian schools until we train up a generation of people who know that there is no religious neutrality. ... Then they will get busy in constructing a Bible-based social, political and religious order which finally denies the religious liberty of the enemies of God.¹⁴

Rushdoony says he disagrees with North on this matter, yet the logic of his own statements often suggests more agreement than he admits. His list of capital offenses includes blasphemy, propagation of false doctrines and sacrificing to false gods.

Given the religious pluralism of America, Reconstructionists are unlikely to be able to convince a majority to obey biblical law. Short of that consensus, their goals will require some considerable

measure of religious coercion. Couple this with a rather explicit rejection of church-state separation and one easily sees that the phrase "Baptist Reconstructionist," as one scholar has noted, is an obvious contradiction.¹⁵

Second, *Any civil religion that is Christian must be shaped by the love ethic of Jesus.* Reconstructionist inattention to Jesus, his ethical guidelines and his cross, for that matter, virtually disqualifies them from the designation Christian. Dominion theology emphasizes triumphalism and Christians ruling over others as a kind of "master race" society. In contrast, disciples of Jesus are called to servanthood rather than dominion.

For North, the Sermon on the Mount is intended for a captive people. When people dominate a culture, they need no longer turn the other cheek to an aggressor but may "bust him in the chops." Elsewhere, he argues that "the perfect love of God necessarily involves the perfect hatred of God's enemies."¹⁶ What a breathtaking example of relativizing the love ethic of Jesus while maintaining in "exhaustive" and "minutial" detail Old Testament law.

Third, *Any civil religion that is Christian must be universal.* One is hard put to understand the Book of Acts, the ministry and writings of Paul or the earliest history of Christianity without seeing an irresistible impulse of the gospel to break down humanly constructed (or reconstructed) barriers of nation and race. Nationalism, as Jim Wallis has written, conflicts with biblical norms when it assigns "more worth and importance to one people and nation over others."¹⁷ One might make the same point about racism, which abrogates the universal norms of Christian faith by assigning more worth to one race than others.

Reconstructionists seek an America modeled after Israel, which, of course, allowed the enslavement of conquered peoples. As a historical model for America, they would reconstitute a Puritan New England. Yet that clearly was a racist society that defended slavery with assumptions of African inferiority and bequeathed those ideas to apologists in the antebellum South.¹⁸

We might ask Reconstructionists and the religious right, "Where, in all your lists of America's sins, is your prophetic criticism of white America's racism?" Daniel Maguire rightly notes that this is an omission that indicts them.¹⁹

Beyond this, in their rejection of affirmative action, the public schools and other public policy efforts to alleviate inequality, do they not passively allow blacks and other minorities to bear the brunt of the hardship? Isn't it ironic that conservatives who are forever calling for law and order and demanding that pun-

See Reconstructionism, Page 14



INTERNATIONAL DATELINE

President Bush signs Africa famine-relief bill

President George Bush has signed a bill that is designed to alleviate hunger and promote peace in the Horn of Africa.

The Horn of Africa (the region comprising Ethiopia, Somalia, Sudan and Djibouti) has an inordinate food shortage caused by recurring famines, war, drought and human rights violations. Approximately 2 million people have died in the region since 1985, and another 8 million have become refugees.

The Horn of Africa Recovery and Food Security Act (S. 985) is designed to provide immediate and long-term solutions to these chronic problems. The law promotes grassroots development and peace keeping efforts. The law also stipulates that aid to governments cannot be granted until countries make progress toward peace, democracy and human rights.

The law represents a dramatic shift in U.S. foreign policy to the region, according to the anti-hunger organization Bread for the World. Bread, one of more than 60 groups that supported the measure, led a year-long campaign to promote democratization and end military aid to the region.

Bread noted the law's renunciation of military solutions in the Horn. Instead of providing new money for the region, the law redirects U.S. military aid to grassroots development that helps the poorest people in the region, according to Bread.

The new law comes on the heels of a historic Horn of Africa Summit Conference held recently in Addis Ababa, Ethiopia. At the conference, leaders from each Horn country pledged never to use food as a weapon.

"This is the first arms control agreement for the weapon of food," said Tony Hall, D-Ohio, and chairman of the House Select Committee on Hunger. "It will save lives, and it sets a precedent that other nations around the world can follow." □

First Baha'i executed in Iran since 1988

A leader of the Baha'i faith recently was executed in Iran in the first such incident in the Islamic republic since 1988, according to an announcement by Baha'i officials in the United States.

The execution of Baha'i leader Bahman Samandari in Teheran "belies the posi-

tion repeatedly affirmed by the Iranian government that Baha'is are not being persecuted for their religious beliefs," said Teheste Ahderom, a Baha'i representative to the United Nations in New York.

More than 200 Baha'is have been executed in Iran since the government proclaimed the nation an Islamic republic in 1979. The Baha'i faith is a liberal 19th-century offshoot of Islam that proclaims the unity of all religions and the equality of men and women. Muslims consider Baha'is to be apostates.

Samandari and four other Baha'is were imprisoned for two months in 1987 on charges of holding illegal religious meetings. All were released after paying a large cash bail and giving government authorities the title to Samandari's home.

Then, Samandari was summoned to Evin prison in Teheran and executed. Iranian authorities gave no explanation for Samandari's arrest and execution.

The Baha'i religion has 6 million adherents worldwide, including 300,000 in Iran and 120,000 in the United States. □

Religious liberty group opens chapter in Mexico

MEXICO CITY

The Rutherford Institute, an organization specializing in the defense of religious liberty, has established a chapter in Mexico in response to persecution of evangelical Christians there that has reportedly resulted in some deaths in recent years.

Pedro Moreno, president of the Rutherford Institute of Latin America, said the organization's affiliate in Mexico will investigate claims of religious persecution and submit complaints to the National Commission on Human Rights.

Violence against Protestant evangelicals has been particularly severe in the southern state of Chiapas, reportedly instigated by some Catholic priests and lay people who are angry about conversions in recent years by many formerly Catholic Indians. □

Baptists to begin work in once-atheistic Albania

TIRANA, Albania

Baptists are poised to begin ministry in Albania, once said to be the most atheistic country in the world.

The European country of 3.3 million people formerly remained aloof from

Western, Soviet and Chinese influence and banned all religions. But its strict communist regime has finally fallen domino-style like those in other Eastern European countries.

In March, Albanians voted for democracy, and they elected the country's first non-communist president in April.

European Baptist leader Karl-Heinz Walter said he and others had been told by several government officials that Baptists would be welcome in Albania. Walter said government representatives agreed to grant legal recognition to the European Baptist Federation and to register EBF in Albania.

EBF anticipates opening a branch office in the capital city of Tirana, and a British couple, Chris and Mairi Burnett, will work out of that office. The couple, both qualified doctors, served as missionaries in Zaire until last July.

Cooperating with the European Baptist Federation, the Burnetts will help coordinate work by Baptists throughout the country in a wide range of ministries.

Southern Baptists also are expected to send their first missionaries to Albania later this year.

Christian outreach in Albania will occur against a backdrop of pressing physical needs and shaky political foundations of the fledgling democratic government. Regional politics also could affect the country. Some 2 million ethnic Albanians reportedly live in Albania's crumbling neighbor, Yugoslavia.

These "Yugo-Albanians" have been pushing to set up their own autonomous country in Yugoslavia's Kosovo region. Some observers fear that kind of movement could drag the Kosovo area, and possibly Albania itself, into the ongoing Yugoslavian war. That conflict already has produced some 10,000 fatalities and 800,000 refugees. □

Moderate Baptists support Swiss seminary

FORT WORTH, Texas

Two days after resigning as a missionary of the Southern Baptist Convention, the president of an embattled seminary in Switzerland and his wife were assured here of financial support from a group of moderates in the 15 million-member denomination.

John David Hopper, president of the Baptist Theological Seminary in Ruschlikon, Switzerland, and his wife, Jo Ann, recently resigned as SBC missionaries and were welcomed at the start of a



NEWS-SCAN

three-day meeting of the Cooperative Baptist Fellowship.

John Hewett, moderator of the Cooperative Baptist Fellowship, said the organization's support of the Hoppers creates a partnership with the European Baptist Federation and the Swiss seminary.

Last year the SBC Foreign Mission Board voted to cut off funding for the school because of its allegedly liberal direction. The decision touched off an ongoing crisis between European Baptists and Southern Baptist officials in the United States.

The fellowship has allocated \$1.25 million for support of missionaries in Europe who resigned from the FMB for reasons of conscience. The organization has already given more than \$250,000 to the seminary. □

Anglicans bothered by sex discrimination act

LONDON

Britain's sex discrimination act is posing problems for Anglicans in Wales in their efforts to approve women priests while allowing bishops to refuse to ordain women for reasons of conscience.

Such a provision for conscientious objection is part of draft legislation on women priests being considered by the Church of England. It returns to the church's General Synod for final approval in November and then goes to the British Parliament. If approved there, that proposal will become the law of the land and would supersede the Sex Discrimination Act as it applies to the Church of England.

However, the Anglican Church in Wales was established in 1920 and as such must obey the sex discrimination law the same as any non-governmental organization.

Welsh Archbishop Alwyn Rice Jones recently said that the Welsh bishops have been struggling for six months to find a way out of the dilemma. The governing body of the Church in Wales will discuss the matter at its next meeting in September. □

Religious groups have message for summit

Delegates from nations of the world, brought together by concern for the future of the planet, were scheduled to gather in Rio de Janeiro for an international "Earth Summit" in early June.

Also planning to leave footprints on the road to Rio are leaders and members of religious groups—the Dalai Lama, heads of many Christian denominations, along with thousands of Christians, Jews, Muslims, Buddhists, Hindus and Baha'is.

The religious groups will meet around the edges of the conference, officially called the United Nations Conference on Environment and Development. Through prayers and worship, fasting and all-night vigils, study programs and debate, they will give theological grounding to whatever concrete actions the delegates propose. In a variety of ways, they will express their concern for what Maurice Strong, secretary general of the conference, has termed "a crisis of unprecedented proportion endangering the future of life on earth."

The Earth Summit is scheduled to meet June 3-14. Two days before the summit begins, the World Council of Churches will sponsor a week-long meeting titled "Searching for the New Heaven and the New Earth" at a Catholic center in Rio.

Religious leaders hope to offer moral underpinnings for the work of delegates, whose goal is to develop legally binding treaties to cope with threats to the planet.

But already, religious leaders involved admit failure. While an "Earth Charter," published after 30 months of meetings, has gained church approval, Jean Sindab, director of environmental and economic justice for the National Council of Churches in New York, said, "We wish it had gone further."

Specifically, she would like to see the moral basis for environmental concerns stated more directly in the document. □

Millions in art stolen from Guatemala churches

GUATEMALA CITY

In a month-long rash of burglaries that began the week before Easter, some of this country's oldest Roman Catholic churches have lost centuries-old treasures, including statuary, paintings and silver artifacts.

The burglaries and accompanying vandalism have prompted calls for increased police protection at the churches. Some have speculated that the thefts were done to increase religious conflict between Catholics and the growing population of fundamentalist Christians here. □

Three American Baptist missionaries who left Zaire last September in the midst of social turmoil there have returned to that country for short-term work with Zairian Baptists. Kenneth Giacoletto and John and Viola Allan recently arrived in the capital of Kinshasa. Giacoletto will audit accounts of the Western Zaire Baptist Community and help train CBZO's new treasurer. The Allans will aid CBZO in administration, planning and management assignments. All three are on temporary assignments and are expected to return to the States within five months. Thirty-eight ABC missionaries, family members and volunteers left Zaire last fall as reactions to the policies of President Mobutu Sese Seko spawned social chaos in Kinshasa and elsewhere. ... "The right step for the United States now is to relax the embargo on Cuba, not tighten it," said Robert Tiller, director of ABC National Ministries' Office of Governmental Relations. He offered that assessment in a written statement to the U.S. House of Representatives. He criticized the bill (H.R. 4168) before the House that would increase economic sanctions. He cited a 1989 resolution issued by the ABC General Board that calls for an end to the U.S. embargo of Cuba and the improvement of diplomatic and cultural relations between the two countries. ... The support of a high-ranking Roman Catholic commission for establishment of diplomatic relations between the Vatican and Israel was hailed by Jewish leaders as the start of a new era in interfaith relations. The Vatican Commission for Religious Relations with Jews joined with the International Jewish Committee on Interreligious Consultations in voicing hope "that significant progress ... soon will be achieved" in the establishment of formal diplomatic relations, a step that the Vatican has been slow to take. In the past the church's reluctance to establish full diplomatic relations has been a point of contention with Jews worldwide. ... A Mexican Baptist is among about 100 people still missing after a series of gas explosions killed 200 people in Guadalajara, Mexico. Ezekiel Moran Sanchez, 24, failed to return home after spending a day clearing debris from the disaster zone, according to Judy Wise, Southern Baptist representative in Guadalajara. □

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

Dunn cites financial support in report to RLC gathering

Southern Baptists—through individual, church, organizational and state convention contributions—are giving more money to the Baptist Joint Committee than they did before the Southern Baptist Convention withdrew its financial support a year ago.

"That's the good side of coin," BJC Executive Director James Dunn said at a May 1 meeting of the Religious Liberty Council, a national organization formed three years ago primarily to support the Washington-based religious-liberty agency.

The bad side, Dunn told the 55 RLC members at the meeting, is the amount of staff time and resources spent in raising the money.

The agency's long-term financial status was addressed in a report by John Womble, BJC director of development and denominational relations who announced the launching of the first phase of a multi-phase endowment campaign authorized by the BJC executive committee in March. The goal of the initial phase is \$1 million, Womble said.

Besides providing support for the Baptist Joint Committee, the RLC functions as a transitional vehicle to provide representation on the BJC for supportive state conventions and other Baptist organizations who have taken steps to replace the Southern Baptist Convention funds. The annual SBC allocation to the BJC had reached \$400,000, about half the agency's budget, before it was drastically reduced and then eliminated.

At its May 1 meeting the RLC elected three new representatives to the BJC. The new appointments bring to 11 the number of Religious Liberty Council members serving on the BJC. The RLC members include representatives of Baptist state conventions and other organizations, including the Alliance of Baptists and the Cooperative Baptist Fellowship, who provide financial support for the BJC.

Elected to a one-year term was Howard Cobble, pastor of Severns Valley Baptist Church in Elizabethtown, Ky., and a former chairman of the Southern Baptist Executive Committee. Cobble replaces Knoxville, Tenn., pastor Doug Watterson.

Elected to a two-year term was Jean Woodward, a member of River Road Baptist Church in Richmond, Va., and former president of the Baptist General Association of Virginia. Woodward also served for five years as president of the Woman's Missionary Union of Virginia.

Elected to a three-year term was Phil Strickland, director of the Christian Life Commission of the Baptist General Con-

vention of Texas and a member of Welsh Baptist Church in Dallas.

In a report on current church-state issues, BJC General Counsel Oliver S. Thomas told RLC members that the First Amendment's free exercise guarantees were virtually written out of the U.S. Constitution by a 1990 U.S. Supreme Court ruling. In *Employment Division v. Smith*, the high court held that in most cases, government needs only a reasonable basis, not a compelling reason, to restrict the free exercise of religion.

"Every religious group in the United States will ultimately suffer because of the Smith decision," Thomas said. "We're in a free-exercise crisis."

Thomas also cited other church-state developments, including the Bush administration's proposal to require churches to report to the Internal Revenue Service contributors who give more than \$500 annually and a pending Supreme Court case in which justices are being asked to abandon the court's view of governmental neutrality toward religion.

"Chicken Little was wrong; the sky is not falling. But it is sagging," Thomas concluded. □

Reconstructionism

Continued from Page 11

ishment fit the crime, are not nearly so anxious to make fitting restitution for white America's historical crimes against blacks?

Throughout Western history ideals of chosenness and national destiny have been fellow travelers with ideas of white supremacy and Anglo-Saxon superiority. Civil religion focused only on "our own kind of people" very easily degenerates into baptized chauvinism.

Fourth, Any civil religion that is *Christian* must be self critical. Civil religion tempts us to believe, not in original sin, but rather in what Garry Willis calls "American Original Sinlessness."²⁰ The Calvinist Reconstructionists are not Calvinistic enough, unable to see that sin is in large part self-deception, and that they too fall victim to it, even when their name is Caesar. Even a reconstructed America will be subject to sin and must be able and always vigilant to criticize itself.

Finally, Any civil religion that is *Christian* must be alien. 1 Peter 2:11-17 gives helpful instruction about relating to the state. We are told to remember

that we are "aliens and exiles." As aliens, we are to "fear God and honor the king." The order is important; the verbs are important. As aliens, we are to let our loyalty to Caesar remain under control, even when Caesar is on our team—perhaps particularly when Caesar is on our team.

We are aliens because, above our American citizenship, we are citizens of another order—not heaven, but the rule of God. We are aliens, shaped by a vision of brotherhood and sisterhood. We are aliens, a revolutionary minority who actively seek to subvert the bigotry of the status quo and build what Martin Luther King called a Beloved Community of love and acceptance.

Because we are aliens, our civil religion must be relative and never absolute. Because we are aliens, we remember that "power is made perfect in weakness" (2 Corinthians 12:9). Christian Reconstructionists, their eyes on the prize of triumph and dominion, may forget that, but because we are aliens, we never can. □

End Notes

1. James Davison Hunter, *Culture Wars: The Struggle to Define America* (New York: Basic Books).
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3. Ibid.
4. Bill Moyers, *God and Politics: On Earth as It is in Heaven*. Produced by Gregg Pratt and Jan Falstad. 60 min. Public Affairs Television Inc., 1987.
5. James B. Jordan, "The Reconstructionist Movement," *The Geneva Review* 18 (March 1985), pp. Geneva Review is published eight times a year by Geneva Ministries, Tyler, Texas.
6. The best treatments of Reconstructionism are H. Wayne House and Thomas Ige's critique from a fundamentalist-dispensationalist perspective, *Dominion Theology: Blessing or Curse?* (Portland: Multnomah Press, 1988); William S. Barker and W. Robert Godfrey, *Theonomy: A Reformed Critique* (Grand Rapids: Academic Books, 1990); Michael Gabbert has written a recent Ph.D. dissertation on Reconstructionism at Southwestern Baptist Theological Seminary, evaluating the movement from a Baptist perspective. I am grateful to Gabbert for the use of a précis of his work titled "Christian Reconstruction: An Overview."
7. Quoted in Rodney Clapp, "Democracy as Heresy," *Christianity Today* (February 20, 1987): 17-23.
8. Anson Shupe, "The Reconstructionist Movement on the New Christian Right," *Christian Century*, (4 October 1989): 880-882. Gabbert, p. 2. One can find these ideas in any number of Reconstructionist writings, particularly Rushdony's *The Institutes of Biblical Law* (Nutley, N.J.: Craig Press, 1973).
9. Gary North, *Libertarian Planet Earth*, quoted in Shupe.
10. Shupe, 881. See also Moyers' interview with Rushdony on "God and Politics."
11. Gabbert, p. 6.
12. See *Institutes of Biblical Law*.
13. Clapp, p. 21; Shupe, "Prophets of a Biblical America," *Wall Street Journal* (April 12, 1989): A14. Robertson said on the "700 Club" on January 12, 1985, that only Christians and Jews should hold government jobs. He also spoke about Christians "taking dominion over the universe." See Gerard Thomas Straub, *Letters*, *Time*, October 26, 1987.
14. Quoted in Moyers, "God and Politics."
15. Gabbert, p. 7.
16. The first quotation is from Clapp, "Democracy as Heresy." The second is from North, *Dominion and Common Grace* (Tyler, Texas: Institute for Christian Economics, 1987), p. 17.
17. Jim Wallis, *Agenda for Biblical People* (New York: Harper & Row, 1976), p. 43.
18. Larry Hise, *Slavery* (Athens: University of Georgia Press, 1987).
19. Daniel Maguire, *The New Subversives: Anti-Americanism of the Religious Right* (New York: Continuum, 1982), pp. 106-108.
20. Quoted in William D. Tammes, "America's Public Theology: Ronald Reagan's Deceptive Gospel," *Kansas City Star*, July 17, 1988.

In sum, Reconstructionists see themselves doing what God would do if he only understood the situation.

REFLECTIONS

James M. Dunn
Executive Director



The Reconstructionists would reconstruct every aspect of American society according to biblical law. They alone can tell you what is biblical law. That makes them dangerous.

This look at practical, popular evidences of reconstructionist behavior does not examine voluminous writings, covenant theology, theonomy or theories of last things. Besides there are as many varieties of Reconstructionists as there are of Baptists. Listed here are only the most obvious threats.

The impact of Reconstructionists is multiplied because their church-state views are shared by so many non-reconstructionist fundamentalists and poorly informed persons in the pews with little or no awareness of their religious heritage.

Extreme Legalism

According to Greg Bahnsen, the Reconstructionists would inflict the death penalty for every instance of "murder, adultery or unchastity, sodomy and bestiality, homosexuality, rape, incest, incorrigibility in children, sabbath breaking, kidnapping, apostasy, witchcraft, sorcery, false prophecy and blasphemy." Who is safe? Hasn't everyone broken a little sabbath? As theologian William L. Hendricks says, "Not since the Salem witch trials have Christian groups sought the death penalty for most of the 'sins' listed by (Reconstructionist) Bahnsen."

The brittle dualism, utter reliance upon law and optimistic confidence in the Reconstructionist's ability to know for certain "God's law," should give pause to all other believers.

Christian Nation

According to Reconstructionists, "The law of Moses is binding on Christian nations, even on unbelievers and on other believers (Moslems, Buddhists) if they live in a Christian nation." (See William L. Hendricks, *Word & Way*, July 1991). Frightening is their belief that America is a "Christian Nation." Contrast that view with Roger Williams' warning that "no civil state or country can truly be called Christian, although Christians be in it."

Persons, not nations, are Christian.

Revisionism

When it comes to history, it has to be rewritten for Reconstructionists. The founders, so touted as "men of faith," always men, cannot stand careful scrutiny of their theology.

Those early New England settlers came to worship God as they saw fit though, and to require everyone else to do the same.

When it came to the Bill of Rights there were those who wanted state support for religion, nothing more than the prohibition of a single national church, and a benign blessing from the state for all religions. But

Thomas Jefferson, James Madison and George Mason insisted upon far more than that. The Baptists, Jews and Quakers along with the Virginians just mentioned, sought and got a guarantee of government neutrality regarding religion.

Civil Religion

The Christian nation notion leads those who lean toward reconstructionism to wrap Jesus Christ in an American flag. Civil religion of the bad sort mixes piety with patriotism until one cannot tell which is which. Billy Graham often reminds us all that the United States is not the Kingdom of God.

"Nationolatry" is an insidious sin that God's people have had to fight since the earliest biblical accounts. It looms over the nation today. To listen to a lot of "prayer breakfast" speeches you'd think God is our national mascot.

Majoritarianism

Akin to civil religion is rampant majoritarianism. Theirs claims to be a non-violent effort moving forward with the grassroots, always supported by the majority.

Why, after all, do we live with a Constitution, a court system, a Bill of Rights and the separation of powers between the branches of government? And why, indeed, did ancient Israel get in so much trouble when the people "did what was right in their own eyes"?

Balance in our system protects us from the mood of the majority at any given moment. That mood may make a mob. We count on counter-majoritarian forces for justice and the rule of law.

Intolerance

Reconstructionists oppose toleration of "heresy," insist upon "orthodoxy" and despise general education, preferring sectarian indoctrination. Hence, they favor abolishing the public schools. Christians are urged to vote "no" on every school bond issue. For reconstructionists, God is the enemy of the public schools.

Robert Thoburn in *The Children Trap* (the public school system) sees public schools as a rival to the church. He claims that taxation for public education is immoral.

Theocracy

In sum, Reconstructionists see themselves doing what God would do if he only understood the situation. Their enemies are a slippery secularism always ill-defined, pluralism, diversity, minorities, the public schools, government neutrality and anyone who challenges their "godly men."

Ancient Israel's theocracy is the blueprint for America's reconstruction.

Heaven help us! □

REVIEWS



Religion and Politics in the United States (2nd Edition)

Kenneth D. Wald
CQ Press: Washington, 1992
380 pp.

Professor Wald is the chairman of the Department of Political Science at the University of Florida. A book by a political scientist on religion and politics is a rare animal. That's what makes this revised and updated version of his 1987 book quite special. This kind of book is usually written by lawyers, theologians and preachers rather than someone trained academically in the social sciences.

Moreover, most writers come to this topic with a politico-theological axe to grind. Wald is scrupulously fair in his presentation. Indeed, in the pages of this book one will find very little philosophizing or theologizing; rather, trained in the empirical method, Wald backs up his assertions with hard data and portrays this research graphically with numerous charts and figures. Surprisingly, considering the fact that the book is written by a bonafide academic, Wald's style is clear and readable, even for the uninitiated.

Wald claims to have written this book "to show that religion is more important in American politics than most Americans realize but in different ways than they commonly imagine." (p. i). The author then sets out to demonstrate the many ways in which American politics has been profoundly influenced by religion. Wald examines how religion has helped to define the context of American political life. He examines "American exceptionalism" in which religious influence increases even as culture generally is becoming more secular. This paradox generally is not seen in other western democracies. Among other factors, Wald attributes this peculiarity to the "political independence" of American churches (i.e. the separation of church and state) and American religious pluralism (i.e. "all Americans belong to minority religions").

Wald traces historically the connection between the religious convictions and behavior of the American colonies and American political culture. Along with "secular" influences (i.e. the enlightenment and economic interest), Wald points to the importance of covenant theology in puritanism and the attendant "right to revolt," the Calvinist notion of original sin that profoundly influenced

Madison and other framers and, finally, the concept of a "chosen people" that, for better or worse, fueled our notion of "manifest destiny" and contemporary civil religion. Wald, while acknowledging its many abuses, quite fairly recognizes the good aspects of civil religion insofar as it serves both to legitimize governmental institutions (priestly function) and to critique government (prophetic function).

In a hefty chapter titled "The Religious Dimension of American Political Behavior," Wald identifies nine different religious categories (i.e. black Protestants, Jews, Roman Catholics, non-affiliated, mainline Protestants, evangelical Protestants, "ambiguous" Protestants, non-traditional Protestants and Mormons). As to each of these, he examines their political identity and their positions on several political and social issues. Yet, Wald does not fall into hasty generalization and constantly reminds the reader of the many exceptions to every group trend.

The author devotes a chapter to exploring the political mobilization of evangelical Protestants during the late 1970s and 1980s. Indeed, the rise and partial eclipse of the religious right has attracted the attention of many writers during the past decade. Wald's analysis is helpful here particularly because he traces the historical backdrop to the movement (i.e. Barry Goldwater, George Wallace's candidacy in 1968, Carter's legitimization of religious talk at the national level). Wald also shows savvy in not lumping the "religious right" all together but recognizes nuances of differences (i.e. between fundamentalists and charismatics, as well as the divisions within the Southern Baptist Convention).

But Wald doesn't stop there, as most books on the religious right do. Rather, he goes on to talk about the expression of religious values outside the evangelical camp, including within Catholicism, the mainline denominations, black Protestants and Judaism.

If the book has a weakness, it comes in two chapters directly focused on the "church-state" issue. For example, Wald correctly points out that the founders had serious doubts about government aid to religion, even when doled out on

a non-preferential basis. However, he neglects to point out as compelling support for his thesis several Senate amendments that were defeated that would have expressly allowed non-preferential support for religion. Wald points to the post-World-War-II establishment clause jurisprudence of the Supreme Court as amounting to a "widening" of the definition of "establishment," as if it did not square with the intention of the framers. Finally, in his discussion of parochialism, the author cites the Baptist Joint Committee as an example of "those conservative Christian denominations that feared state aid as the opening wedge in a government drive to take over the schools." (p. 158). Many of the BJC's critics would be surprised to see it called "conservative," and, in any case, the committee's opposition to parochialism has always been based on principle, not just on the threat of governmental regulation.

In his discussion of free exercise, Wald neglects to explore the impact of *Employment Division v. Smith* (1990), which gutted the free exercise clause and virtually eliminated religious liberty as a protected constitutional right. And, in his discussion of religious group lobbying and political activities, the author fails to discuss what is probably the most astonishing coalition of religious groups that has ever been seen in Washington on a given issue: The Coalition for the Free Exercise of Religion, 51 strong, which has assembled to support the Religious Freedom Restoration Act (1991)—the legislative initiative to counter the disastrous *Smith* decision.

Notwithstanding these faults, Wald's book is well worth reading and provides a welcome addition to the literature. Wald finishes with an interesting chapter in which he evaluates the good and ill of religious activism in the realm of politics. Again resisting the temptation to overstate the case and at the risk of displeasing "ardent advocates of a Christian America" as well as "secularists who want to keep religion safely outside the public arena," the author concludes that religion in politics is sometimes good and sometimes bad, sometimes promotes democratic values and sometimes not; but, for better or worse, it is here to stay. □

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