

REPORT from the CAPITAL

Liberty on the line



Sen. Orrin G. Hatch (from left), R-Utah, Baptist Joint Committee General Counsel Oliver S. Thomas and University of Texas law professor Douglas Laycock discuss strategy for swift passage of the Religious Freedom Restoration Act following a Senate Judiciary Committee hearing on the bill.

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REPORT from the CAPITAL

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

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Cover: Photo of Sen. Orrin G. Hatch (left), BJC General Counsel Oliver S. Thomas (center) and University of Texas law professor Douglas Laycock at Senate Judiciary Committee hearing on RFRA is by Pam Parry.

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Taking freedom personally

(Jack Prince, who recently retired as pastor of West Hills Baptist Church in Knoxville, Tenn., and Frances Prince, who retired as assistant commissioner of the Tennessee Department of Education, are serving as scholars-in-residence at the Baptist Joint Committee.)

On July 31 of this year, I completed 40 years of pastoral ministry, 32 years at West Hills Baptist Church in Knoxville, Tenn. For a few months, my wife and I will have the privilege of working with the Baptist Joint Committee on Public Affairs.

I have known of the existence of the BJC since college days. I must admit, however, I knew little of its work until the change in the Southern Baptist Convention began in 1979. Oh, I regularly used the BJC's outstanding material as a basis of my "Christian Citizenship" and "Religious Liberty" sermons, but it was only after my freedom was threatened that I took a serious and appreciative look at the work of the Baptist Joint Committee. And as I began to invest my time, energy and money in the cause of religious liberty found among free and faithful Baptists, I discovered how difficult it is at times to be true to your deep personal principles and be understood by the members of your congregation.



The experience of the Baptist Joint Committee in its pursuit of freedom for everyone while relying on its friends for financial and prayer support has helped me to anticipate and deal with these situations. For example, as the SBC removed funding from the BJC, their best friend in the area of religious freedom, I could understand the thinking and actions of some of my people whom I loved when they began to withhold their tithes because I insisted on preaching and serving as I felt led of God.

For many years of my ministry I believed and practiced parochial and personal freedom. If it concerned East Tennessee, West Hills Baptist Church or my family, I was ready to do battle. I fell short of the global stance that I should have followed. I am committing myself anew to helping the cause of freedom—freedom for everyone everywhere.

The Baptist Joint Committee needs your help. Join with me in moving from the limited to the comprehensive cause of freedom. The BJC is one means through which we can seek freedom for every child of God.

We might adopt the slogan of our environmentalist friends, "Think Globally, Act Locally." Pray for the cause of freedom. Give directly or through your church to the BJC as it carries the banner for all freedom-loving persons. □

—Jack Prince

RFRA runs out of time as Congress adjourns

THE RELIGIOUS FREEDOM RESTORATION ACT eventually will be enacted but not in the 102nd Congress. RFRA, a bill designed to restore the protection for religious practice abandoned by the Supreme Court in its 1990 *Oregon v. Smith* decision, was blocked by one senator in the closing days of Congress. RFRA (H.R. 2797) was approved by the House Judiciary Committee for floor consideration but was blocked during an Oct. 2 Senate Judiciary Committee meeting. Sen. Alan Simpson, R-Wyo., put RFRA (S. 2969) on hold -- essentially killing the bill unless Congress holds an unexpected lame-duck session in November. Simpson said, "If the free exercise of religion is indeed being limited, we must deal with that. But we have had only one hearing, and that hearing was held only two weeks before the Senate's scheduled adjournment. I believe we must be deliberate in our approach to this legislation, just as we must be very thoughtful and thorough in dealing with any constitutional issue -- particularly those issues involving the First Amendment." Sen. Simpson's argument doesn't wash. He, like every other member of Congress, has had months, even years, to examine this legislation, which was originally introduced in the 101st Congress and then reintroduced in 1991. His decision to block such an important bill in the waning hours of this session is regrettable. Some have suggested Sen. Simpson's action would protect President George Bush from having to choose between satisfying Catholic opponents or evangelical supporters of the measure. The U.S. Catholic Conference and the National Right to Life Committee have opposed RFRA because they have said it would somehow advance abortion rights. The two groups have injected abortion politics into the RFRA debate even though no woman in the history of the republic has ever maintained a successful free exercise claim to abortion on appeal. The abortion issue was highly speculative and hypothetical if not pure fantasy. The Coalition for the Free Exercise of Religion, which is composed of 54 religious and civil liberties organizations and includes most pro-life groups, opposed a pro-life amendment, saying that no religious claim should be singled out for special treatment. Even though Congress failed to enact RFRA, the coalition is hopeful the bill will be approved by the 103rd Congress. Until Congress acts, the free exercise clause of the First Amendment remains a dead letter. • (OST)

Beyond campaign talk

Religious groups say time short to restore freedom

Politicians should restore religious freedom in America instead of merely touting religious values on the campaign trail, a Baptist church-state specialist told the Senate Judiciary Committee at a Sept. 18 hearing.

Oliver S. Thomas, general counsel of the Baptist Joint Committee, said, "I am puzzled because both political parties and their presidential candidates are falling all over themselves to appear religious, and yet neither party appears to see the importance of the Religious Freedom Restoration Act.

"So it's been a bit ironic that while parties and candidates have been scurrying around looking for the right religious issue that the most important bill affecting religion, certainly in our lifetime, has been languishing in the Congress," said Thomas, who is chairman of the Coalition for the Free Exercise of Religion and who helped draft RFRA (S. 2969, H.R. 2797).

RFRA would restore the strict "compelling interest" test the U.S. Supreme Court formerly required government to meet before restricting religious liberty. That test permitted government to restrict religious practice only to further a compelling governmental interest, such as health or safety, and if the least restrictive means of safeguarding that interest had been used.

The high standard, articulated in 1963, virtually was abandoned in the court's 1990 *Oregon v. Smith* decision. The *Smith* decision said that government needs only a rational basis to justify burdens on religious practice unless the restriction singles out religion.

After working two years on RFRA, Thomas expressed concern that RFRA might not be approved in the closing weeks of the 102nd Congress. The bill has been in Congress for more than a year and has yet to be approved for floor consideration in either chamber, he said.

Thomas said the bill needs to be considered in the next two weeks to assure its passage, because Congress plans to adjourn early in October. If the Congress returns for a lame-duck session after the November elections, RFRA could then be approved, but bill supporters cannot count on such a session, he said.

Thomas pled with senators not to let



Oliver S. Thomas, BJC general counsel, testifies before the Senate Judiciary Committee hearing on the Religious Freedom Restoration Act. Thomas chairs the Coalition for the Free Exercise of Religion and helped to draft the legislation.

RFRA slip through the cracks because of abortion politics that had been injected into the process.

He said that critics "will tell you that religiously-based abortion claims have been made in the past and will be made under this bill, and for that reason, you should vote against it. Mr. Chairman, they will not be able to cite one case, not one, where such a claim has stood up on appeal."

The support for the bill is extraordinary, Thomas said, noting the diversity of the 54 religious and civil liberties organizations that form the coalition. Among coalition members are Southern Baptist Christian Life Commission, American Civil Liberties Union, People for the American Way, Concerned Women for America and Home School Legal Defense Association.

"Fifty-four organizations willing to set aside their deep political and ideological differences in order to unite in a common vision, for the common good, religious liberty for all Americans," Thomas said.

Sen. Orrin Hatch of Utah, chief Re-

publican sponsor, agreed the coalition was unique. "When the American Civil Liberties Union and the Coalitions for America see eye to eye on a major piece of legislation, it is certainly safe to say that someone has seen the light," said Hatch, who supports pro-life causes.

However, two major organizations oppose the bill. The U.S. Catholic Conference and the National Right to Life Committee oppose any legislative response to *Smith* that does not have an amendment to exclude potential abortion claims.

James Bopp, general counsel of the National Right to Life Committee, said, "The abortion-on-demand movement is urgently seeking new moorings for a constitutional right to abortion because of the ongoing scholarly and judicial rejection of the *Roe v. Wade* abortion privacy analysis. Pro-abortion partisans have repeatedly and forcefully asserted a free-exercise-of-religion right to abortion."

RFRA poses real dangers to the legal protection of the unborn, he added.

The Catholic Conference seeks two

other exemptions to protect the tax-exempt status of religious organizations and the participation of religious groups in government social programs.

Mark Chopko, general counsel of the Catholic Conference, said, "The conference has legitimate concerns that S. 2969 will be utilized to attempt to promote the destruction of innocent unborn human lives and to pit religious groups and individuals against one another in disputes over a variety of social and education programs, as well as tax-exempt status."

But the coalition steadfastly has maintained that these exemptions are unnecessary and detrimental to the bill.

Douglas Laycock, professor at the University of Texas Law School and noted First Amendment scholar, called the need for the three amendments implausible, adding that "successful abortion claims under RFRA are imaginary."

"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. It singles out no claims for special advantage or disadvantage."

Thomas said, "While we have been haggling over a hypothetical abortion question, more than 50 cases have been decided against religious claims."

He also noted that the coalition has several pro-life members.

Michael Farris, president of the Home School Legal Defense Association, said pro-life members of the coalition recognize that abortion claims may be brought on free-exercise grounds, but "it is our collective judgment that there is no realistic chance that a pro-choice argument could be successfully made if *Roe v. Wade* is ever reversed."

"As a pro-life advocate, I believe it is counterproductive to turn every legislative issue into a battle over abortion," Farris continued. "The abortion issue is on the extreme margins of this bill. It is my opinion that this bill could never be successfully used to advance a pro-choice position."

Additionally, bill supporters said RFRA would protect the rights of individuals such as medical or health care professionals who are conscientiously opposed to performing abortions.

Bill supporters said that while the abortion issue is a red herring, the threat to religious liberty is real and pervasive.

Nadine Strossen, professor at New York University Law School and ACLU

Continued next page

Quoting ...

"If they can do this to one person's religion ..., they can do it to anybody's religion. No single religion is in a majority in every community in America. And Mr. Chairman, if they can do it to religion, they can do it to speech, the press, association, you name it."

—**Oliver S. Thomas**
Baptist Joint Committee

"I believe the free exercise of religion needs protection, even when legislative majorities are unresponsive to religious liberty concerns in a particular instance. I do not believe that a person's right to take communion or wear a yarmulke in public school should turn on the whim of legislative majorities."

—**Sen. Orrin Hatch**
Chief Republican Sponsor

"In a pervasively regulated society, *Smith* means that religion will be pervasively regulated. In a society where regulation is driven by interest group politics, *Smith* means that churches will be embroiled in endless political battles with secular interest groups. In a nation that claims to have been founded for religious liberty, *Smith* means that Americans will suffer for conscience. Both mainstream churches and religious minorities suffer from regulatory interference, from bureaucratic indifference and occasionally from simple religious bigotry."

—**Douglas Laycock**
University of Texas Law School

"As a pro-life advocate, I believe it is counterproductive to turn every legislative issue into a battle over abortion. The abortion issue is on the extreme margins of this bill. It is my opinion that this bill could never be successfully used to advance a pro-choice position. The legal battle on the right-to-life issue will ultimately be won on privacy grounds. It is unimaginable to me that the Supreme Court of the United States would take an issue as important as abortion and make a watershed decision based on an invisible loophole in a bill dealing with religious freedom."

—**Michael Farris**
Home School Legal Defense Association

"When it comes down to obeying God or Caesar, the devout have no choice. Which is to say that *Employment Division v. Smith*—unless rectified—will inevitably lead to civil disobedience."

—**Forest Montgomery**
National Association of Evangelicals

"By their nature, elected officials are unlikely to pass ordinances, statutes or laws that interfere with large mainstream religions whose adherents possess significant political power at the ballot box. But political power or impact must not be the measure of which religious practices can be forbidden by law."

"The Bill of Rights protects principles, not constituencies. The worshippers who need its protections are the oppressed minorities, not the influential constituent elements of the majority. As a Latter-day Saint, I have feeling for that principle."

—**Dallin Oaks**
The Church of Jesus Christ of Latter-day Saints

ident, noted many lower court judges have expressed "their agony and disagreement" with the precedent set in *Smith*.

In one case before the 8th U.S. Circuit Court of Appeals, a prisoner brought a free exercise claim. Even before *Smith*, prisoners virtually had no religious liberty or other constitutional rights, she said. But she was struck by a remark made by the court in its decision: "*Smith* does not alter the free exercise rights of prisoners. It simply brings the free exercise rights of other citizens closer to those of prisoners."

Forest Montgomery, public affairs counsel of the National Association of Evangelicals, said, "The court has metamorphosed the free exercise clause from an fundamental right to hollow promise." He said that religious liberty "is now to be bestowed by a beneficent majority" or "denied by a tyrannical majority" removed by the pleas of religious minorities."

Thomas, likening *Smith* to the 1857 *Dred Scott* decision that declared African Americans were property, said that governments throughout the country have run roughshod over religious conviction. He gave some examples: churches have been zoned out of commercial areas; Jews have been subjected to autopsies against their families' religious beliefs; and a Catholic shelter for the homeless was closed because it could not afford an elevator—even though the nuns said they would carry any disabled person up the stairs.

"If they can do this to one person's religion..." Thomas said, "they can do it to anybody's religion. No single religion is in a majority in every community in America. And Mr. Chairman, if they can do it to religion, they can do it to speech, the press, association, you name it." □

—Pam Parry

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Baptist forebears rejected notion of Christian nation

The notion of the Christian commonwealth should be exploded forever."

The speaker? Madalyn Murray O'Hair? No. Some modern secular humanist? Not on your life. The man who spoke these words was John Leland, a hell-fire preaching colonial Baptist from Virginia. What's more, Leland was simply echoing the sentiments of Baptist Roger Williams who, 150 years earlier, had told us that civil authority has no "commission from Christ Jesus" to declare what is the true church.

Both Leland and Williams understood that God has favored no nation since ancient Israel with a special covenant. The "new Israel" is the church of Jesus Christ, not any nation—not even the United States.

No one can deny that Americans are a religious people or that Christianity had a profound influence on the civic values and public philosophy of many of our Founders. But our civil compact—the Constitution—is a decidedly secular document. It never mentions Christianity. The word "religious" is there only once—and then to disallow a religious test for public office. Two years later the Bill of Rights again dispelled any lingering suggestion that America is a Christian nation when it prevented the federal government from establishing or privileging any religious tradition. Further, the Treaty of Tripoli, negotiated under George Washington and ratified by the Senate under John Adams, declared: "The government of the United States of America is not, in any sense, founded on the Christian religion." This language remained in the trade agreement until it was renegotiated in 1805.

Thus, the Constitution enshrined the democratic Virginia model of Jefferson, Madison and Leland; the theocratic experiment of John Cotton and the New England Puritans lost out. So, Americans do not have a Christian nation in any legal sense. Americans have a constitutional democracy in which all religious beliefs are honored and protected.



God and Country

Is America a Christian nation?

Second in a Series

Baptists treasure religious liberty. Their forebears experienced heavy persecution at the hands of both the state and the established church. They fought and sometimes died to defend soul freedom and the sanctity of conscience—not just for themselves but for everyone else too. How strange, then, it is for some Baptists today to claim that America is a Christian nation. In making that assertion, they are not only rewriting history and forsaking Baptist heritage but consigning all who profess a different faith or no faith to second-class citizenship. Neither the Constitution nor even Christian charity will countenance such a view.

But do not despair, good Christians. That the United States is not a "Christian nation" does not prevent Christians from trying to "Christianize" its people. Christians are perfectly free to evangelize their neighbors, to criticize their government, to allow their religious ethics to inform their public policy stances and even to run for office. Indeed, it is precisely because government has not taken sides in matters of religion that Americans are turned loose to exercise their God-given religious freedom with near impunity. □

—J. Brent Walker

VIEWS OF THE WALL

J. Brent Walker
Associate General Counsel



One of my favorite comic strips is "Frank & Ernest." Several years ago I saw one where Frank and Ernest were leaving church and Frank said, "I hope government and religion do mix because I'm praying they don't raise my taxes."

All of us are concerned about taxes, and some of us even pray about them. But, for non-profit organizations like churches and religious groups, the greater threat comes from the prospect of eliminating their tax exemption than from raising the rates. With all the pressure over the past decade to cap or lower tax rates, and with a federal deficit of nearly \$400 billion and state and local governments operating in the red, governments at all levels have started chipping away at the historic tax-exempt status of churches and religious organizations.

The most recent and outrageous example of this comes from, you guessed it, California. If California is truly a "bellwether" state, as John Naisbitt in *Megatrends* contends, then we're in trouble. The city of Berkeley passed an ordinance that would require non-profit organizations, including churches and religious groups, to pay an annual tax of .06 percent (60 cents per \$1000) on gross receipts. This amounts to taxing all charitable donations received and, in the case of churches, taxing the collection plate!

The ordinance was adopted 15 years ago. But the city's license and collection staff, operating under the belief that churches were exempt, has not been collecting the taxes. On June 15 of this year, the city sent a letter to non-profit organizations, including nearly 100 churches, stating its intention to start assessing the tax.

The churches cried foul! Bob Rasmussen, executive minister of American Baptist Churches of the West, and Ted Keaton, president of the American Baptist Seminary of the West, joined in. When confronted with the vociferous protests of churches, the city council backed off and referred the issue to a committee for further study. The committee was scheduled to report to the city council on Sept. 29.

We may have dodged a bullet in the Berkeley tax case. But if so, it is only a temporary reprieve. Berkeley will no doubt continue to try to get the churches on the tax rolls by any means possible, and I'm sure other local communities will follow suit.

"The Berkeley proposal was turned back because the religious community rose up and protested. It is much more effective to challenge and defeat such misguided proposals politically, before they are adopted, than to get them repealed or to challenge them in court later."

What can we do about it? Several lessons can be drawn from the Berkeley experience.

The Berkeley proposal was turned back because the religious community rose up and protested. It is much more effective to challenge and defeat such misguided proposals politically, before they are adopted, than to get them repealed or to challenge them in court later.

Here are some arguments that can be made if you see such a proposal coming down the pike: (1) Governments have exempted religious organizations from most forms of taxation for centuries. There is substantial precedent for it. (2) Religious organizations cultivate public virtue and provide substantial benefits to the community generally. Governments should not discourage these salutary effects by imposing taxes. (3) Refraining from taxation is not the same as giving religious organizations an unfair "subsidy." Refusing to take away money is not the same as giving money. Organizations can't "spend" a tax-exemption. (4) Taxes should only be imposed on the accumulation of wealth. Since churches and other charitable organizations do not make a "profit," they should not be taxed on their gross revenues. (5) Tax exemption does not give churches a "free ride." Their constituent members all pay a bundle of taxes and the churches can and should pay for public services directly provided and received.

If your exemption already has been yanked and it is politically unfeasible to repeal the tax, then a constitutional challenge may be in order. For a variety of reasons, this is the least fruitful avenue. For starters, it costs an arm and a leg and the odds of winning are not that good.

The U.S. Supreme Court recently has pared back our ability to mount a

challenge to the taxation of churches and religious organizations based on the free exercise clause of the federal Constitution. *Swaggart Ministries v. Board of Equalization of California*, 110 S.Ct. 688 (1990); *Employment Division v. Smith*, 110 S.Ct. 1595 (1990). In *Swaggart* the court held that a state sales and use tax on even religious articles sold by a church does not burden the church's free exercise. And, in the *Smith* case, the Supreme Court virtually gutted the protections of the free exercise clause for all claims. The court lowered the standard of review to the point where government will almost always win a free exercise dispute, including claims against taxation.

But, we need not despair completely in the face of this dismal federal precedent. For example, a flat tax may be unconstitutional when its payment is a condition to the churches' ability to operate or speak. *Murdock v. Pennsylvania*, 319 U.S. 105 (1943). A tax that unduly entangles the state in church affairs may likewise be struck down. *Walz v. Tax Commission*, 397 U.S. 664 (1970).

Even where the U.S. Constitution is interpreted not to provide protection, churches and religious organizations can always rely on their state constitution. In fact, this is what opponents plan to do in the Berkeley case should the city continue to press the tax. Many state constitutions, including California's, afford greater protection than what the federal Constitution has been interpreted to provide. You need to check with an attorney in your state who is familiar with your constitution.

Moreover, the elimination of the exemptions at the local level can be attacked on another ground. Except in cases where home rule charters give extensive taxing authority to local jurisdictions, local authorities can generally levy taxes only to the extent authorized by state law. Again, it is important to contact a local attorney who can explore the possibility that the local government is taxing beyond its authority.

All of these avenues should be pursued. We need to be prepared to make the policy arguments why exemptions should not be lifted and the constitutional arguments to defeat taxes already in place. Frank had it right. But prayer is only half of it. We also need to stand up to Caesar and say, "Keep your hand out of the collection plate." □



Voucher poll at odds with voting results

A recent nationwide survey apparently indicates a growing support for public funding of private schools. But a Baptist church-state specialist said the survey ignores reality, history and constitutionality.

A Gallup Poll, conducted for the National Catholic Education Association, indicated 70 percent of the 1,239 adults surveyed supported a voucher system that would provide parents tax dollars to send their children to the public, private or religious schools of their choice.

Nearly 61 percent of Americans surveyed said they would be willing to shift tax money from public schools to so-called "choice" programs. The poll also revealed that support for a national voucher program is strong among minorities, with African Americans and Hispanics representing the largest supportive subgroups in the survey.

The survey's findings, however, do not mesh with Americans' voting record on aid to religious schools. In 18 state referenda since 1966, voters rejected 17 parochial aid proposals. Asked how poll figures squared with the voting record over a nearly 30-year period, George Gallup Jr. said the difference would be that local referenda would have cost figures attached to them.

The survey addressed the voucher issue generically without any cost factors, he said, adding that the poll shows "support for the concept" of choice. He emphasized 61 percent of those polled were willing to see current tax dollars go to choice programs.

The Bush administration has proposed two choice plans. The first has been rejected by both chambers of Congress, and the second one is pending. The second proposal, "The G.I. Bill for Children," would provide \$1,000 scholarships for low- and middle-income families to attend the schools of their choice.

Gallup acknowledged that sometimes abstract ideas gain more polling support than specific proposals, but he said the main thing that the poll shows is a growing support for an idea that merits more attention and further survey research.

Catholic educators who joined Gallup in the Sept. 17 press conference said the poll also was designed to address directly the church-state or constitutional



Pollster George Gallup Jr. announces results of a recent nationwide poll on 'parental choice,' a plan to channel tax dollars to parents to send their children to the public, private or religious schools of their choosing.

question surrounding public funding of religious schools.

Acknowledging a disagreement over the constitutionality of school choice, the question asked, "Suppose the Supreme Court rules that it is constitutional for state and federal governments to provide some public financial support for parents who choose religious-affiliated schools. Would you favor or oppose your state or federal government providing such support?"

More than 64 percent of Americans surveyed indicated they would favor such a program under those conditions. However, the Supreme Court consistently has ruled such a program unconstitutional.

Responding to the poll, James M. Dunn, executive director of the Baptist Joint Committee, said constitutional questions are resolved by the court not public opinion.

"The concept of church-state separation enshrined in the First Amendment has not been submitted to a popularity contest in a public referendum," Dunn

said. "We hope that would never happen in this land."

Another survey question asked respondents if they had enough information about the different schools in their community to make the best choice for a child. Forty-six percent of the general population said they did not have enough information, while more than 60 percent of parents with children in school said they could make such a choice.

Frank Savage, executive director of the NCEA department of Chief Administrators' of Catholic Education, said, "The issue here is not about direct aid to private schools; it is not about dismantling public schools; the issue is educational reform through empowering parents with the right to choose."

Michael Guerra, executive director, NCEA Secondary Schools Department, said the choice debate will be changed by the publication of this poll.

"All those who believe that educational choice is not the key to changing American education must now confront the reality of the American peoples' opinion," Guerra said.

Dunn disagreed.

"We still hold some truths to be self evident: that public money goes only for public purposes, that no one pays taxes to support religious institutions, that Americans have a common commitment to the common school," Dunn said.

The survey results are based on telephone interviews with a national sample of 1,239 adults, including 492 Roman Catholics. The survey was conducted from July 3-30 and has a 3 percent margin of error. □

Bill Clinton indicates need to protect religion

Democratic presidential nominee Bill Clinton cited the need for the Religious Freedom Restoration Act during a Sept. 9 address to the B'nai B'rith 36th Biennial International Convention.

The Arkansas governor, a Southern Baptist, told the members of the Jewish organization that America needs a U.S. Supreme Court that does not hand down "ill-advised rulings" that necessitate congressional intervention with legislation

such as RFRA (H.R. 2797, S. 2969).

RFRA, backed by a 54-member coalition of religious and civil liberties organizations, would restore the strict "compelling interest" test that the high court formerly required government to meet before restricting religious practice. Under the standard, government could restrict religious practice only to protect a state interest of the highest order, such as safety or health, and if the least restrictive means of safeguarding that interest had been used.

The high court virtually abandoned the standard in its April 1990 *Employment Division v. Smith* decision.

Clinton, a member of Immanuel Baptist Church in Little Rock, acknowledged he comes from a different faith perspective than his Jewish hosts but said that "we were both raised in a tradition which champions tolerance and which defends freedom.

"We both have absolute faith in the primacy of each individual's conscience and judgment," Clinton continued. "We believe everyone ought to have the freedom to worship God in his or her own way. We believe in the strength of our country and our churches and synagogues to draw from the constitutional separation between church and state."

The nation needs to become unified and move forward together, he said, adding that America is not just a place but an idea.

"An idea cherished and given life by Puritans and Catholics, by Jews and Baptists, by Republicans and Democrats, by women and men, by people of all colors, of all races, of all religions."

A church-state specialist who chairs the Coalition for the Free Exercise of Religion lauded Clinton's implicit endorsement of RFRA.

Oliver S. Thomas, general counsel for the Baptist Joint Committee, said, "We hope Mr. (George) Bush will join Mr. Clinton in supporting RFRA. This is a bipartisan effort that deserves the support of both presidential candidates."

The BJC and the Southern Baptist Christian Life Commission are among the groups supporting RFRA. □

Leaders decry misuse of religion in campaigns

Religion has been abused as a campaign issue, according to a statement

"We begin with the proposition that God is neither Democrat nor Republican nor, for that matter, American. God transcends all national and political affiliations. God's precinct is the universe. "Identifying the Kingdom of God with any political party or candidate is presumptuous. None has a monopoly on the truth."

issued Aug. 28 by a diverse group of U.S. religious leaders.

More than 50 persons, including 18 Baptists, signed the statement that said, "Faith in God should unite us, not divide us.

"We begin with the proposition that God is neither Democrat nor Republican nor, for that matter, American. God transcends all national and political affiliations. God's precinct is the universe.

"Identifying the Kingdom of God with any political party or candidate is presumptuous. None has a monopoly on the truth. All are subject to the faults and frailties of the human condition. People of faith have at times perpetuated war, slavery, racism and sexism. Tomorrow's prophets will expose today's blind spots."

Noting the Framers of the Constitution provided that there be no religious test for public officials, the group also called upon the candidates "to honor both the spirit and letter of Article VI by refraining from further attacks based on religion."

The signers include two former U.S. congressmen, the general secretary for the National Council of Churches, the president of Habitat for Humanity, the founder of Bread for the World, the executive director of Evangelicals for Social Action, college and seminary professors, and pastors and denominational leaders from most religious groups in America.

The statement emerged as an effort among several individuals when religion became a weapon in the 1992 political campaign, said Baptist Joint Committee Executive Director James M. Dunn, a signer who helped to coordinate the effort.

Dunn said religious rhetoric was prominent at both national political party conventions, but comments made Aug. 22 at the National Affairs Briefing in Dallas triggered the statement. Dunn was referring to the religious implications of President George Bush's charge that Democrats had left God out of their party platform.

"There is a pervasive temptation for politicians to claim God as their party mascot," Dunn said. "I agree with the August 26 editorial in *The New York Times* that said faith should not be used as a 'cudgel.'"

"Since my early association in the 1960s with the Fair Campaign Practices Committee, it has been one of my personal concerns that religion not be prostituted in political campaigns."

All persons signed the statement as individuals, not representatives of their organization, because of their commitment to the prophetic role of religion in public life and church-state separation, Dunn added.

Other Baptist signers were Charles G. Adams, president, Progressive National Baptist Convention; Jimmy R. Allen, former SBC president; Joan B. Campbell, NCC general secretary; Tony Campolo, professor of sociology, Eastern College, St. David's Pa.; Grady C. Cothen, former president, Southern Baptist Sunday School Board; Carolyn W. Crumpler, retired executive director, Southern Baptist Woman's Missionary Union; Everett Goodwin, pastor, First Baptist Church of the City of Washington, D.C.; Stan L. Hasty, executive director, Alliance of Baptists; Roberta Hestenes, president, Eastern College; Darold H. Morgan, former president, Southern Baptist Annuity Board; Tyrone Pitts, general secretary, Progressive National Baptist Convention; Fred Schwegel, president, Republican Heritage Foundation; James A. Scott, president, American Baptist Churches in the U.S.A.; Ken Sehested, executive director, Baptist Peace Fellowship of North America; Gardner Taylor, pastor emeritus, Concord Baptist Church, Brooklyn; Foy D. Valentine, former executive director, SBC Christian Life Commission; and Daniel E. Weiss, general secretary, American Baptist Churches in the U.S.A. □

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

Religious warfare

Founders' safeguards against intolerance eroding

It was a chilling experience to hear at the Republican Convention Pat Buchanan's ominous allusion to the coming religious war in America. I tried to dismiss it out of hand. Religious wars do happen today, in Ireland and certain Muslim countries and elsewhere. But in the United States—where the principle of church-state separation is inscribed in our Constitution and ingrained in our hearts—never! Yet subsequent events were far from reassuring.

We are aware of the current deep conflict in our religious communions that devastates our hope for spiritual unity and fellowship. We know about the Great Divide on such issues as abortion and homosexuality and biblical inerrancy and censorship that lead one segment of the faith to say to the other: "You cannot be Christian."

All this, tragic as it is, is a concern of the churches, and as long as it remains within the spiritual communions, Buchanan's prophecy of a religious war in America is not a threat.

But suppose the time should come when government might take sides and identify with one faction in the conflict. Suppose the divisive dogmas of one segment of the faith should become official policy in Washington.

Is it unrealistic to entertain such a thought when it is asserted, and widely approved, that no member of the Democratic Party can be a Christian? Should we not take alarm when we are told on the highest authority of one party, namely, the president of the United States, that the platform of the other is missing three letters, G-O-D? And suppose in the current political campaign and henceforth in whatever conflicts time shall unfold, the winners shall go forth "with God on our side" as surely as our coins proclaim that "in God we trust"?

We actually have suffered through one religious war, a "mighty scourge" that claimed more American lives than the total of all other wars in our history.

In the North and in the textbooks, it is



"While political leaders, Republican and Democrat, keep telling us to remember the faith of our Fathers, all too many of them are careful to forget what those Fathers said and did in the Constitution."

—W.W. Finlator

called the Civil War. In the South, we call it the War Between the States. But it was a religious war of brother against brother and faith against faith. Listen to Abraham Lincoln: "Both read the same Bible and pray to the same God; and each invokes his aid against the other. It may seem strange that any men should dare to ask a just God's assistance in wringing the sweat of other men's faces; but let us judge not, that we be not judged. The prayers of both could not be answered—that of neither has been answered fully."

Speakers at both conventions this year appealed to us to remember our Founding Fathers, and no utterance could be so timely and fitting—could we only be serious about it. Those Founding Fathers remembered the religious wars that ravaged the old countries and determined that the conflicts in Europe would not continue in the new country.

Therefore, they wrote in the First Amendment that Congress shall make no laws that either help or hinder, support or inhibit, religion. Think of it. This was a first in the annals of government. Here was a small group of exceptional men, most of them church members with deep religious convictions, giving us a powerful document from which they intentionally omitted the word of God.

As a freedom-loving Baptist minister in a nation of many religious and non-religious persuasions, I sing praises and shout hallelujahs for this omission and for the assurance that in the expression of my religious beliefs the government may never stand behind me and push or stand in front of me and deter. And likewise, as a Democrat, when I am told that my platform has no G-O-D in it, I take no umbrage, I offer no apology, I make no defense. I simply feel authen-

tically American.

But Pat Buchanan's prophecy about the coming religious war still haunts. When the Constitution was adopted, there were provisions in several colonies that prohibited Jews and Catholics or atheists or agnostics from holding office in government. To guarantee that such strictures would never obtain in the more perfect union, the Founding Fathers wrote in Article VI that "no religious test shall ever be required as a qualification to any office or public trust under the United States."

Yet today, 200 years later, we are in a political engagement in which one party says to the other: "You are not Christians. You don't have God in your platform. You fail the test. You are not qualified."

The Founding Fathers further told us that we are a nation of laws and not of men; yet today we are asked to vote for candidates on the basis of trust. We must peer into their most intimate and personal lives, resurrect the history of their youth and delve into their traditional family values ad nauseam. Only then may we trust and elect them. I am at the point of advocating, in addition to separation of church and state, also the separation of family and state!

The president of the United States, along with other officers of this nation, is not required to endorse the Ten Commandments or honor the Beatitudes. But he is sworn to uphold the Constitution and its amendments. He is pledged to execute the laws of the nation, and his arena is one of justice and equity and liberty for all. To this oath and to this pledge, and not to his convictions about trustworthiness, personal morality, religious beliefs and family values, is he to be held to strictest account.

See *Safeguards*, Page 14

This article by the Rev. W.W. Finlator appeared in the Sept. 6, 1992, issue of the Raleigh, N.C., *News and Observer* and is reprinted with permission. The Rev. Finlator retired as pastor of Pullen Memorial Baptist Church in Raleigh.

AN APPEAL FROM THE BAPTIST JOINT COMMITTEE

RELIGIOUS LIBERTY AT RISK

Last term the Supreme Court launched a frontal assault on the Free Exercise Clause of the First Amendment. With the stroke of a pen, the Court overturned 30 years of settled precedent that had required government to demonstrate a "compelling interest" before it could restrict or burden our "first liberty," the free exercise of religion (*Employment Division v. Smith* 110 S.Ct. 1595 [1990]). Justice Scalia astonished all lovers of liberty when he wrote that we can no longer tolerate this protective rule because to do so would be to court "anarchy." He even called the compelling state interest doctrine a "luxury" that our country can no longer afford.

Sadly, we now have religious liberty in name only. In the 20 months since *Smith* was decided, our worst fears have been realized. This decision has directly impacted more than two dozen reported state and federal court cases. The new watered-down legal standard has been applied to a variety of religious practices, affecting not only minority sects—such as the Amish and Quakers—but mainline Episcopalians, Orthodox Jews, Roman Catholics, and Baptists, as well.

The Baptist Joint Committee is spearheading support for the Religious Freedom Restoration Act (H.R. 2797). The bipartisan bill was introduced by Rep. Stephen Solarz (D-NY) and now has more than a hundred cosponsors. This bill is intended simply to undo the damage done by *Smith*. It does *not* endorse anyone's particular religious practice including the use of peyote by Native Americans. Rather, the bill simply turns back the clock and restores the compelling state

interest test for *all* free exercise cases. Without this bill churches have little or no protection against zoning, tax, anti-discrimination, or other laws. A remarkable coalition of several dozen civil liberties and religious groups ranging from the American Civil Liberties Union to the Traditional Values Coalition, from the National Council of Churches to the National Association of Evangelicals, is supporting the bill. Despite their differences these groups agree that the free exercise of religion is not a luxury we cannot afford. It is a fundamental right we cannot afford to live without.

The Baptist Joint Committee needs your help. Please contact your Senators and Representatives to let them know your support of this bill. A Senate version of the bill will soon be introduced by Senators Orrin Hatch (R-Utah) and Joseph Biden (D-Del.).

The Honorable _____
U.S. Senate
Washington, D.C. 20510
Dear Senator _____:

The Honorable _____
U.S. House of Representatives
Washington, D.C. 20515
Dear Congressperson _____:

Oliver S. Thomas
General Counsel
Baptist Joint Committee
Washington, D.C.

WORLD RELIEF

Denton Lotz, general secretary of Baptist World Alliance, and Paul Montacute, director of BWAid, inform us of two urgent needs for funds for ministry in the former USSR:

Bibles for Children in USSR

Baptists in Sweden have 70 tons of paper ready to ship to the USSR for printing 100,000 Children's Bibles. Total cost of this shipment will be \$85,000, which includes cost of paper and shipping. Sweden has committed to pay \$35,000. BWAid will contribute \$20,000.

My request is that Baptists in North America fund the remainder of the cost. Can we count on you for your contributions, whether from your church, or from individuals?

Please send your checks to your denominational office, designated for USSR Children's Bibles, before January 31.

With warmest Christian greetings,

Paul Montacute
Director, BWAid

Baptist Freedom Fund for the USSR:

Freedom! Freedom! Freedom is in the air all over the former Soviet Union. The Baltic States are now free, and other republics are searching for freedom.

What will Baptists around the world do to help our brothers and sisters in these newly emerging republics? Can we stand by and allow every sectarian movement to rush in? Or can we do something *now* as Baptists to assure our brothers and sisters of our concern and support?

Yes, we can do something! The BWA proposes a Baptist Freedom Fund for the USSR. We implore every Baptist Church to contribute \$100 to this fund.

The Freedom Fund will be used to train pastors, construct seminaries, and support charitable institutions of our Baptist brothers and sisters in the Soviet Union.

How may you give? Send your funds to your national office, and designate your check: Baptist Freedom Fund.

Who may give? All may give, not only churches. Although the Freedom Fund is designed as an appeal to churches, some individuals have already asked if they may participate. Indeed, you are invited to send \$100 as your personal contribution to the Freedom Fund.

Now is the time! Too often Baptists limp behind other organizations in their support of pressing problems. Let us seize the moment and contribute now and send a message to our brothers and sisters in the newly emerging democracies of the former USSR that we care.

Spread the word: Please tell your church and individual friends that they may help our brothers and sisters in the USSR now! Please help us as we encourage everyone to pray and work for the proclamation of the good news of Jesus Christ to a people who for so long have walked in darkness.

Thank you in advance for your support and contribution
Yours in the joy of Christ,

Denton Lotz
General Secretary

Paul Montacute
Director, BWAid

Surprising justice

Souter good news for separationists

Judging from the howls of protest emanating from such quarters as the Southern Baptist Christian Life Commission following the U.S. Supreme Court's decision striking down officially prescribed prayers at high school graduation ceremonies (*Lee v. Weisman*, June 24, 1992), one might assume the constitutional sky is falling.

Aided and abetted by Justice Antonin Scalia's bitter dissent that constitutional issues respecting religion in public life ought to be decided on the basis of popular majoritarianism, Richard Land and his troops are professing outrage that the Baptist doctrine of separation of church and state has been reaffirmed.

Having already stormed Congress and the White House demanding public policy that conforms with fundamentalist dogma on issues such as abortion, homosexuality and grants to the National Endowment for the Arts, Land now has taken on the nation's high court, demanding a revised version of the First Amendment that would allow legislatures and school boards to sponsor religion provided individuals are not coerced to participate.

But if Scalia, along with Chief Justice William H. Rehnquist and fellow Associate Justices Byron R. White and Clarence Thomas, seems determined to pursue the "majority rules" logic Land and others want to see codified, the good news is that Justice David Souter knows better.

Souter, President George Bush's first nominee to the Supreme Court, surprised nearly everyone by filing an illustrious and vigorous concurring opinion in the celebrated case in which he reaffirmed the intention of the nation's Founders and of the high court to defend the religious rights of all citizens, rights designed specifically to protect religious minorities from the tyranny of the majority.

Rarely, if ever, has a member of the high court commented more eloquently or persuasively on the First Amendment's prohibition of an "establishment

"Rarely, if ever, has a member of the high court commented more eloquently or persuasively on the First Amendment's prohibition of an 'establishment of religion' as did Justice Souter in his Lee opinion."

—Stan Haste



of religion" as did Justice Souter in his *Lee* opinion. In so doing, he cut the footings out from under those whose pallid, revisionist interpretations of the establishment clause that in recent years have attempted to make of it nothing more than a ban on "preferentialism" or "coercion."

Souter succeeds because he traces more carefully than any other member of the high court in its entire history the day-to-day maneuvers in both the Senate and House of Representatives of the First Congress, which met in the fateful summer of 1789, over what the establishment clause should say. And he succeeds because he presents a brilliant synthesis of the views of the two key players in the adoption of establishment clause language—Thomas Jefferson and James Madison—as reflected in their writings.

In so doing, Souter has delivered what should be a fatal blow to the hollow arguments of Scalia and Rehnquist, expressed more recently by the former in his sarcastic *Lee* dissent, that the views of the pair of Virginians whose efforts paved the way and built the foundation for the religion clauses of the First Amendment are irrelevant.

As to the first revisionist argument, that the nation's Founders incorporated the establishment clause into the First Amendment merely to demonstrate they did not prefer one theistic religion over others, Souter concludes that "history neither contradicts nor warrants reconsideration of the settled principle that the establishment clause forbids support for religion in general no less than support for one religion or some."

He adds:

In many contexts, including this one (the Rhode Island prayer case), nonpreferentialism requires some distinction between 'sectarian' religious practices and those that would be, by some measure, ecumenical enough to pass Establishment Clause muster. Simply by requiring the enquiry, nonpreferentialists invite the courts to engage in comparative theology. I can hardly imagine a subject less amenable to the competence of the federal judiciary, or more deliberately to be avoided where possible.

And he buries the argument for nonpreferentialism when he concludes, "[T]he judiciary should not willingly enter the political arena to battle the centripetal force leading from religious pluralism to official preference for the faith with the most votes."

Concerning the revisionist argument that the establishment clause permits governmental support or sponsorship of religion so long as officials do not coerce citizens to participate, Souter is equally devastating. Indeed, "a literal application of the coercion test would render the Establishment Clause a virtual nullity," he writes, as government lawyers at oral argument "essentially conceded."

And then this:

The Framers adopted the Religion Clauses in response to a long tradition of coercive state support for religion, particularly in the form of tax assessments, but their special antipathy to religious coercion did not exhaust their hostility to the features and incidents of establishment. Indeed,

See Souter, Page 14

This article by Stan Haste first appeared in the Sept. 3, 1992, issue of *Baptists TODAY*. Formerly director of information services at the Baptist Joint Committee, Haste is executive director of the Alliance of Baptists.



Experts say—

Hunger in Somalia just tip of iceberg

The need in Africa is overwhelming, and the world's response has been underwhelming, said David Beckmann, president of Bread for the World, a Christian anti-hunger organization.

Beckmann and seven other hunger experts who recently returned from Africa gave grim reports of the conditions there at a Sept. 14 press conference.

In the Republic of Somalia, 25 percent of children under 5 have died in the past 12 months, with 200 children dying daily from starvation in the country's capital city of Mogadishu. According to the Red Cross, Somalia has a 95 percent malnutrition rate, with 1.5 million people at risk of starving to death by the end of the year.

But the hunger experts said Somalia's devastation is part of a greater disaster sweeping the continent where nearly 60 million people are at risk.

Africa's worst drought of the century is compounded by civil wars in Somalia and Mozambique. Nancy Aossey, executive director of International Medical Corps, told reporters Somalia is "engulfed in anarchy where gunmen and looters are in control of the country."

She advocated a strong United Nations presence in Somalia to help negotiate peace.

"This is a man-made disaster," Aossey said. "It is unethical for the world to stand by and let this happen."

Mozambique, which also is embroiled in civil war, threatens to become the next Somalia in terms of death and devastation, said Beckmann. In the past decade, 1 million people have died in Mozambique as a result of war, according to Bread for the World statistics.

John Hammock, executive director of Oxfam America, said, "Mozambique is a horror show playing to an international stage that is empty.... Unless we act now we will have another Somalia."

Philip Johnston, president of CARE, said the conditions in Mozambique were among the "most revolting" he has seen.

The people of Africa want peace, a better way of life, added Sharon Pauling, Africa policy analyst, Bread for the World. Even though the cold war is over and apartheid may be on the way out,



Relief efforts are struggling to help war-torn Somalia, where drought, famine and civil war threaten the lives of many, including children. Twenty-five percent of children under age 5 have died from starvation in the past 12 months, with 200 children dying daily in the capital city of Mogadishu. (Photo supplied by WORLD CONCERN.)

the international community must become more involved in conflict resolution, she said.

While drought, famine and war seem to be insurmountable obstacles, humanitarian relief is making a difference, the experts said, but they simply are not getting enough aid. Africans are not hopeless or helpless but they do need for the world to provide relief, both short-term and long-term, they said. Sending food is not enough; Africans also need seeds for long-term relief, Hammock said.

Jeffrey Clark, Africa analyst who is a consultant for the U.S. Committee for Refugees, said the lack of swift and satisfactory relief is a "collective failure." The United Nations virtually has been absent in many ways, he said, noting the United States has led some efforts but

has failed to do as much as it could or ought to do.

But it is not too late to make a difference for some people who are waiting for the world to act, Clark added.

Tom Getman, director of government relations for World Vision, said the international community is allowing a humanitarian disaster in which children use automatic weapons to secure a cup of water. Teen-agers in Southern Africa are not shooting each other for fancy tennis shoes or sports jackets but for a plate of food, he said.

Getman said three actions are needed to help eradicate the problem. First, private relief organizations need more donations. Americans are providing only 3 percent of the aid they contributed during the 1984-85 Ethiopian famine, according to InterAction, an American council for voluntary international action.

Several factors account for the comparatively small American response, he said, including a glut of national and international disasters that have created a "compassion competition." The slumping American economy also contributes to a lower response, he said.

Without a massive response from the American public, the relief organizations cannot complete the work in Somalia and other parts of Africa, Getman said.

Getman also called for increased media exposure and U.S. governmental action—particularly congressional approval of \$80 million in disaster aid for Africa.

The devastation can be reversed, he said, adding "chaos must not be a pretext for doing little or nothing." □

Church-state separation supported in England

A majority of members of the British Parliament favor separating the Church of England from the government, according to a survey recently published in London.

The survey results are the latest development in a debate over disestablishment of the church, which has been headed by the British monarch



NEWS SCAN

since King Henry VIII separated it from the Roman Catholic Church in the 16th century.

Calls for separating the church and the state have been prompted in recent years by church leaders' criticisms of policies of the Conservative government.

Under the current arrangement, changes in the church's policy must be approved by the Parliament even though some members are not Christians, let alone members of the Church of England. For example, if the Church's General Synod in November approves ordination of women to the priesthood, such a change would have to be ratified by Parliament before it could go into effect.

The survey, taken by a London research group call Access Opinions, questioned 100 of 652 members in the British Parliament. It found six out of 10 members of the Labor party supporting disestablishment and four out of 10 Conservatives favoring such a move. □

Church leaders press Korea as political issue

At a time when reunification talks between North and South Korea are proceeding delicately, leaders of the National Council of Churches, including its Korean-born president, are raising reunification and withdrawal of U.S. troops as election-year issues.

Since 1986 the council officially has endorsed the goals of reunification and withdrawal of some 40,000 U.S. troops. But the thawing of the cold war in many parts of the world, along with leadership from the council's first-ever Korean president, have given added impetus to the Korea initiative.

The Rev. Syngman Rhee, who fled North Korea in 1950 and is now the council's president, and other high-ranking officers of the organization pledged their commitment to Korean unification at a recent news conference in New York.

Rhee, an overseas mission executive for the Presbyterian Church (U.S.A.), said the council hopes to "raise the Korean unification issue as a political issue" with the hope that both President George Bush and his Democratic challenger Bill Clinton will declare their intent to work for reunification of Korea after the election.

Although Rhee said U.S. policy toward reunification has improved since 1986, he

said residues remain of old policies describing North Korea as an enemy.

The National Council of Churches, the nation's leading ecumenical body, represents 32 denominations with a total of 40 million members. Many of the denominations have Korean-American members, and the council's newest member denomination is the Korean Presbyterian Church in America, which affiliated in 1986.

The press conference followed an Aug. 7-23 visit by a NCC delegation to both parts of the Korean peninsula. The 16-person group met with church and government officials.

"I found eagerness and commitment for the reunification of Korea by both South and North Korean people," said Rhee. □

U.S. Jews criticize World Council's stand

A Jewish organization has criticized the World Council of Churches for a "double standard" in its approaches to Israel and Arab or Muslim states.

The criticism, which came from the American Jewish Committee, was provoked by a recent statement by the council. It says criticisms of Israel should not be characterized as criticisms of Jews or Judaism.

The New York-based committee issued a statement that said, "One searches in vain throughout the WCC document for similar references to the 'policies' of Arab or Muslim 'states and political movements.'"

The committee said that the council's paper is "encouraging" in general, particularly its condemnation of anti-Semitism, but flawed in part.

"By focusing exclusively on criticizing the policies of the Israeli government and by not giving the same attention to criticism of Arab or Muslim states and political movements, the WCC is applying a double standard of judgment regarding Israel," the committee said.

The section at issue in the council document said, "We assume that criticism of the policies of the Israeli government is not in itself anti-Jewish." Such criticisms, the council said, are "a legitimate part of the public debate" and should not be viewed as criticisms of the Jewish people or Judaism.

"The same holds true for a critique ... of states and political movements that claim a Christian foundation for their basic values," the document added. □

The American Baptist Churches' World Relief Office has released \$25,000 in emergency funds to help minister to the more than 1.5 million residents of Somalia presently at risk of starvation. ... ABC General Secretary Daniel Weiss and 14 other religious leaders have urged the Bush administration to allow greater humanitarian aid to reach civilians suffering in Iraq. In a statement sent to President George Bush, the leaders said that sanctions currently in place against Iraq have prevented substantial quantities of food and medicine from reaching people in need. Much of the supplies that do enter the country, they contend in their letter, are given to persons with political connections. The letter calls for unconditional humanitarian relief and urges the United States to pursue a solution to the impasse between the U.N. Security Council and the Iraqi government. ... Radio Tirana, the Albanian broadcasting outlet that once aired Communist propaganda around the world, will start beaming evangelical Christian programs to Eastern Europe in October. ... The United Church of Canada has struck a compromise on the issue of blessing homosexual relationships, opting to leave decisions to local congregations. Petitions from congregations had asked the 2-million-member denomination, Canada's largest Protestant group, to endorse the ritual. But commissioners to the church's recent General Council meeting in New Brunswick said the church "needs time for discernment as it considers the implications." ... A United Methodist missionary, angered by what he claims are attempts to paint him as the cause of a riot in Zaire that left four dead, has filed a civil suit. The Rev. Lowell Wertz, who served in Zaire for 12 years, charges in a suit filed in an Illinois circuit court that he was slandered by the Rev. Julius Jefferson, an executive with the church's World Division overseas mission board in New York. According to a statement from the church, Jefferson denies ever making any negative comments about Wertz, and mission board officials say they do not blame Wertz for the riot, which occurred in July 1991. □

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

Reviews

Continued from Page 16

As a wounded warrior in the SBC controversy, I have ingested countless editorials, articles, essays, books, sermons, tapes and midnight conversations mourning the fate of Southern Baptist moderates. None of these analgesics can compare to the redemptive nature of Bloom's *The American Religion*. Every Southern Baptist moderate who still seeks relief from the fundamentalist onslaught will find these pages an oasis of restoration. It is not unlike the biblical notion of a kinsman who has come to redeem your plight. □

—Patrick N. Horn

Souter

Continued from Page 11

Jefferson and Madison opposed any political appropriation of religion, and, even when challenging the hated assessments (for support of the Anglican clergy), they did not always temper their rhetoric with distinctions between coercive and noncoercive state action.

How any Baptist worthy of the name could hold otherwise is more than disconcerting. That official representatives of Baptists would side with the enemies of religious freedom is, in fact, a tragedy of the first magnitude.

Thank God for Justice Souter. □

Safeguards

Continued from Page 10

While political leaders, Republican and Democrat, keep telling us to remember the faith of our Fathers, all too many of them are careful to forget what those Fathers said and did in the Constitution.

They hated and feared religious warfare more than the devil hates holy water and would have been more frightened by the political and fundamentalist right of our day than they were of King George III. And they bequeathed us our only sure prescription to avoid it. And yet it's eroding before our eyes. □



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.

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Baptist Joint Committee

200 Maryland Ave., N.E. Washington, D.C. 20002

When politics skews morality, gets ethical issues out of focus, tends to major on minors, Christians need to protest.

REFLECTIONS

James M. Dunn
Executive Director



"Woe unto you, scribes and Pharisees, hypocrites! For ye pay tithes of mint and anise and cummin, and have omitted the weightier matters of the law, judgment, mercy and faith ..." (Matthew 23:23).

Jesus' own words point to the perpetual proclivity of all human beings to do the easy things and leave the more difficult undone. We all tend to avoid the painful, tough decisions involved in good judgment, the time-consuming and emotional entanglement that come with compassionate caring for people. We also had rather have everything neatly nailed down, follow the known path, stick with certainty and security than launch out on faith.

It is easier to see the silliness of ancient Pharisees tithing the spice rack, carefully counting out 10 percent of the mint, dill and caraway seed than it is to see similar absurdities in their contemporary counterparts.

Take, for instance, the bizarre phenomenon of TV mogul Pat Robertson offering moral advice and instruction to the electorate. What a hoot!

This is the same Pat Robertson who under the shield of tax exemption built a television empire. This is the ex-preacher who collected millions of tax deductible dollars from unwitting viewers who probably did not realize the nature of their contributions to the inspiration industry.

Now Mr. Robertson (he renounced his ordination to the Baptist ministry) has gone public with his vast holdings. And, whatever the legal path from Praise The Lord to pass the limousine, such a journey raises serious ethical questions. In the process, he has garnered immense personal wealth for himself and his family.

Lawyers can protect the legality of business deals, but not everything that is legal is necessarily right.

At the same time the Robertson-fueled "Christian Coalition," as it is called, has boasted a major political role, claiming to have written and passed the Republican Party platform. There is little doubt that the religious right is alive and well and significantly shaping the political scene.

The entertainment executive Robertson is aggressively campaigning in the "religious and cultural war." That sounds more medieval than modern, doesn't it? In Iowa, he spoke out against a proposed equal rights amendment that he claims would advance "a feminist agenda ... that encourages women to leave their husbands, kill their children, practice witchcraft, destroy capitalism and become lesbians."

So much for *judgment*. But is this the kind of judgment Jesus called for as a weightier matter of the law?

Robertson calls America to return to "her Christian roots." It is not the first time that a super-patriot has sounded the battle cry for a crusade, especially in an election year.

The thin veneer of pious patriotism or patriotic positivity that claims to have a corner on righteousness makes many of us nervous. Surely, God is not the mascot of either political party. There is great danger in

using "faith as a cudgel" as the *New York Times* has warned.

Gordon Allport warned, "Many studies have discovered a close link between prejudice and 'patriotism.' ... Extreme bigots are almost always super-patriots." Reminds me of Ambrose Bierce's "Patriotism is as fierce as a fever, pitiless as the grave, blind as a stone, and irrational as a headless hen." When in the heat of political rhetoric we encounter the Christian-nation patriots, we'd better beware.

Another of those weightier matters of the law is *mercy*. Mercy may be the best measure of any civilization.

A hundred years ago the English novelist Charles Dickens lashed out at a cold-hearted economic system. He graphically pictured a public policy that victimized the little guy. "It's everyone for himself and God for us all," said the elephant as she danced among the chickens."

In the political silly season it is easy for slogans to obscure substance, for emotions to override sensible solutions. We need to keep the focus for Christian citizens on the weightier matters.

Then there's *faith*. The "vision thing" is not peripheral or optional for believers. People of faith understand that "where there is no vision the people perish."

Woodrow Wilson liked to say, "My true constituency is always the next generation." He was written off by many politicians as hopelessly idealistic.

Yet that sort of idealism is essential if we care at all about the future or if we have any understanding of the past.

Yes, there is a place for faith in political considerations but probably on a far more consequential and meaningful level than we have seen in this year's campaigns.

Dan McGee, professor of ethics at Baylor University in Waco, Texas, offered a word of caution.

McGee noted that Baptist history includes periods of persecution at the hands of such religio-political alliances. "Because of our Baptist heritage, we should be among the first to recognize the dangers here," he said. "The most important thing to be protected here," McGee said, "is the integrity of our faith, that we not ... merge any political cause with the cause of the Kingdom in any way that makes it hard to distinguish them."

When politics skews morality, gets ethical issues out of focus, tends to major on minors, Christians need to protest. We need to say in good cowboy fashion:

"Whoa, you scribes and Pharisees, hypocrites!" □

REVIEWS



The American Religion: The Emergence of the Post-Christian Nation

By Harold Bloom
Simon & Schuster
New York, New York, 1992, 288 pages.

The wonderful and mysterious nature of a book is such that its achievements sometimes extend beyond the intentions of its author. Harold Bloom has far exceeded the modest goal stated at the outset of this book: employ religious criticism to uncover and analyze the "total obliteration of the spiritual in and by Fundamentalism." *American Religion* is more than just another devastating critique of the "Know-nothings" (Bloom's term for fundamentalists). Bloom also has succeeded in showing us the best side of American religion.

In the tradition of William James, Bloom has sought to illuminate what is distinctly American about the American religious experience. His efforts have yielded the most fascinating critique of religion in America since the 1902 publication of James' *The Varieties of Religious Experience*. In its short life *American Religion* already has sent murmurings through the religious community that may result in our seeing ourselves quite differently from the way we have in the past.

There is something ironic, if not humorous, about a self-described unbelieving Gnostic Jew providing the most illuminating American religious critique in nearly a century. Some will raise the tired criticism that an unbeliever is incapable of producing an accurate critique of a religious phenomenon. But even that banal remark does not impugn the book as Bloom shows hints of having experienced something akin to conversion while researching several American denominations. At the very least, his writing exhibits an understanding of and respect for sincere religious experience.

Bloom is a literary critic who believes that freedom in a literary work must mean the freedom to have a meaning of one's own. Experience is prior to analysis. However, as Bloom has stated "other works, these experiences & wholly illusory unless they are played out against the backdrop of tradition. Therefore, religious criticism seeks to discover and study these experiences the irreducible element—in religious traditions.

Most of Bloom's insightful discoveries are discussed in the first three chapters. His judgments about religion in America are initially shocking, disturbing and annoying. Particularly disconcerting is his argument that the American religion "masks itself as Protestant Christianity yet has ceased to be Christian." Further reading reveals that this assessment is not as censorious as it sounds given that Bloom defines Christianity as "the religion of the Church Fathers and of the Protestant theologians who broke with the Church." Most scholars and students of Christian history would agree that there are vast differences between Christianity in America and its predecessors in Rome, Wittenberg, Geneva and elsewhere. Consequently, Bloom's argument that Judaism and Christianity were never biblical religions, while the American religion is indeed biblical, would hardly amount to an indictment in the eyes of American religious scholars.

A slightly more challenging judgment lies in Bloom's contention that the American religion is pervasively gnostic. This criticism may prove to be a stumbling block to some, but it shouldn't be. His appraisal essentially is correct, but once again, it is important to define his use of the term. Gnosticism has all sorts of sometimes antithetical secular, religious and historical meanings. Bloom says that the American preoccupation with trying to find the "unfindable primitive Christian Church" is actually a quest to restore the primal Abyss, a Gnostic term embracing the idea of a divine spark in humans that existed before the Creation. He equates this element of Gnosticism with the E.Y. Mullins and moderate Baptist principle of "soul competency" or being alone in the garden with Jesus.

I believe that moderate Baptists, like myself, will accept this critique for three reasons. First, the idea of a divine spark is one of the least offensive components of Gnosticism. After all, the distance between the divine spark and the biblical notion of creation *imago dei* is very slight. If Harold Bloom wants to call "soul competency" Gnosticism, then we will forever be Gnostics.

Second, we recognize that on our
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worst days we have a propensity for the more offensive elements of Gnosticism. We may often mistakenly believe, as characterized by some of our missionary enterprises, that we have the knowledge to save the world. But Southern Baptist moderate scholars have made a concerted effort to emphasize that salvation comes from God alone, that Jesus was fully human as well as fully divine and that the significance of the cross is that God suffers with us. All of these call us away from a Gnosticism that ignores the concrete present and purports to have divine knowledge.

Finally, we will accept Bloom's critique because we already have settled in our minds the question of authority and can avoid the seeming dualism of "soul competency." A divine spark or competency of the soul in religion does not nullify the condition of fallenness. As E.Y. Mullins stated, "... this means a competency under God, not a competency in the sense of human self-sufficiency."

Space limitations will not allow a thorough discussion of the several chapters on religions that are original to America. Additional analyses will need to be made to apply Bloom's gleanings to the American political scene. While he is not the first to recognize the Gnostic tendencies of religious people in America, he is one of the few to understand its import for American society and politics. He has laid an excellent foundation for further study on how religion can influence the state without having to align with a political party.

Bloom strongly hints that the continuation of the Mullins tradition will depend upon the joining of Southern Baptist moderates with African-American Baptists, a much wiser and more accurate prophecy than his political predictions. He should have learned from the prophets he studied that specific predictions are risky. He may have discredited his ability to prophesy with predictions like the following: A dangerously strong coalition of American religionists "guarantee(s) the continued ascendancy of the Reagan-Bush dynasty."

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