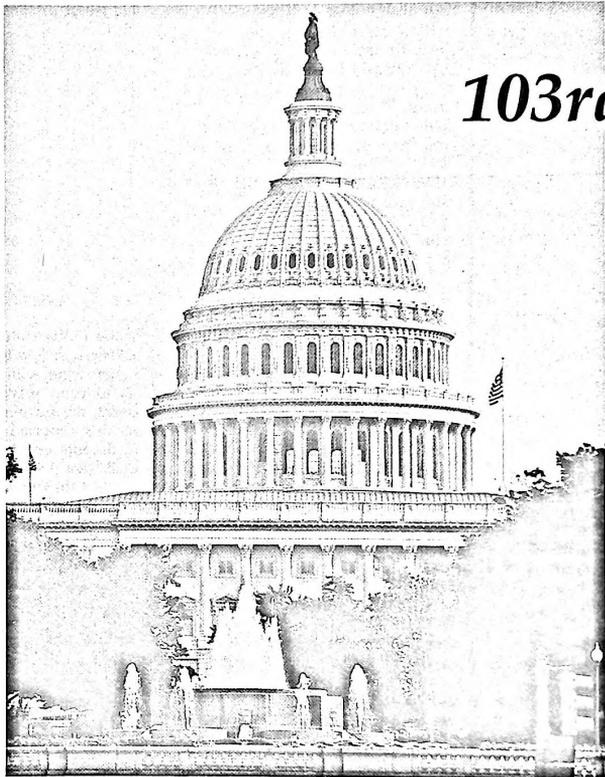


REPORT from the CAPITAL

Starting over



103rd Congress

Religious
Freedom
Restoration
Act
again tops
list of
church-state
measures
facing
lawmakers

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REPORT from the CAPITAL

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

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No time to rest

For the past 12 years the Reagan and Bush administrations have pushed for public financial aid to parochial schools. This so-called "parochiaid" usually takes the form of vouchers, tax credits or outright grants. Most recently, it has masqueraded under the seductive rubric of "parental choice." President George Bush's America 2000 choice plan and his G.I. Bill for Children are notable examples. Neither initiative gained congressional approval.

The Clinton administration has voiced opposition to parochiaid. Since Democrats control Congress, there is little chance that schemes to finance parochial education out of the federal till will succeed in the near future.

Instead, those who seek a governmental hand out will shift their focus to the states and local school boards. Whether they will succeed is hard to tell. Two recent studies seem to lead to contrary conclusions.

In September, a Gallup poll conducted for the National Catholic Education Association showed that 70 percent of those surveyed supported parental choice. Nearly 61 percent said they were willing to shift tax dollars from public schools to fund private school choice proposals. On the other hand, the Carnegie Foundation for the Advancement of Teaching reported in October that 62 percent of public school parents opposed vouchers for private and parochial education. Seventy percent of public school parents surveyed said they would not be willing to send their children to a different school — public or private.

The political *zeitgeist* may be somewhere in between — although we have every reason to believe the Carnegie findings are closer to the truth. For example, Gallup's poll was commissioned by Catholic educators who have long sought public aid for their parochial schools. And, Gallup did not ask whether its respondents would be willing to pay additional taxes to support parochiaid.

Moreover, our track record tends to confirm the Carnegie findings. Since 1966 voters in 19 states have considered various parochiaid proposals in referenda, and in only one state (South Dakota) did the proposal receive majority support. And just this past November a well-financed, broadly publicized parochiaid proposal went down in flames in Colorado by a 2-to-1 margin.

Thus, it seems that we are headed in the right direction. But we cannot rest. Those who want government to pay for religious education will not go away. We who, like Thomas Jefferson, think that it is "sinful and tyrannical" to use tax money to pay for religious instruction must continue to preach that message far and wide. Of course, parents have the right to choose where to send their children to school, but they don't have the right to choose other taxpayers to help them pay for it. □

— J. Brent Walker



THE U.S. SUPREME COURT will hear back-to-back oral arguments in two important church-state cases Feb. 24. The Baptist Joint Committee joined eight other groups in asking the high court to strike down a Suffolk County, N.Y., school district's policy barring after-hours use of its facilities for religious purposes in *Lamb's Chapel v. Center Moriches Union School District*. The church challenged the policy after the school district refused its request to show a James Dobson film. We argued that the policy, which allowed non-religious after-hours use of the facilities, violated the neutrality required by the First Amendment's free exercise and no establishment of religion clauses, as well as the free speech clause. Other groups allowed to meet included the local council of churches family counseling services, the Salvation Army and a local gospel singing group.

This is a case involving discrimination against religious speech in a setting in which, if the speech were allowed, it would not violate the establishment clause. The case has serious consequences for churches throughout the country. Thousands of Baptist churches, as well as others, use school facilities for temporary quarters while sanctuaries and educational buildings are being constructed. We are looking forward to a favorable ruling on this case.

In *Zobrest v. Catalina Foothills School District*, an Arizona school district refused to pay for a sign language interpreter for a deaf student at a Catholic high school, fearing a potential establishment clause violation. The Education of the Handicapped Act allocates federal funds for special services, such as sign language interpreters for deaf students for public and private school.

The BJC, along with others, filed a brief taking the position that providing such aid to parochial students would not violate the establishment clause. This is not a case of public funding for parochial schools; this aid is provided to the students themselves -- like providing hearing aids or eyeglasses. Aid in this case would not create the structured relationship between religion and government that threatens religious liberty and violates the Constitution. We also argued that the court should not take this case as an occasion to re-examine the *Lemon* test but that, even under *Lemon's* principle of neutrality, the student should prevail.

In this case, as with *Lamb's Chapel*, we are hoping for a favorable ruling from the court. The student is not constitutionally entitled to have the government pay for his sign language interpreter, but if the statute allows it, there is nothing in the establishment clause to prevent it from happening. • (JBW)



"America was established as a democracy which constitutionally impels tolerance and protects diversity of view, not a theocracy which impels orthodoxy and discourages dissent."

— U.S. Rep. Jim Leach

Troubled marriage

GOP moderate questions political use of religion

(EDITOR'S NOTE: U.S. Rep. Jim Leach, R-Iowa, is a member of the House Banking and Foreign Affairs committees and is chairman of the Republican Mainstream Committee. Following are excerpts from an article by Leach, an Episcopalian, published in the November-December issue of The Ripon Forum. Leach's article addresses two questions raised during the 1992 political campaign: whether the Republican Party with a newly emphasized moral agenda can hold the center of the American electorate and whether the two-party system will continue to shape the country's political process.

Answering the latter, Leach says America is on the verge of following the European model in "countenancing a panoply of political parties."

Leach's comments on religion and partisan politics (excerpted below) confront developments in his own party but reflect principles that cut across partisan lines.)

The two central questions of American politics in 1992 are whether the Republican Party with its newly emphasized moral agenda can hold the center and whether the current two party system can continue to structure this country's political process. The two are interrelated.

At issue is a widening philosophical and social chasm within the Republican Party. Philosophically, the party of conservatism has contrasting roots stemming from Edmund Burke's emphasis on stability, gradualist change, and John Locke's more radical assertion of individual rights.

In today's context, cultural conservatives like Pat Buchanan, William Bennett and Pat Robertson speak of an impending cultural war and assert the need for the socialization of American values. Individual rights conservatives like Barry Goldwater and before him, Robert Taft, on the other hand, articulate the primacy of the individual over the state and thus on issues like abortion and prayer in school are inclined to be pro-choice and adamant about maintaining separation of church and state.

Sociologically, the Republican Party has broadened its tent in the past three elections to embrace and give voice to non-country-club Republicans, who by and large, are less likely to be members of mainline churches.

As these new voices have become politically enfranchised, establishment Republicans have felt challenged in ways similar

to their Democratic counterparts who watched their party cede influence to particularized social and special interest groups.

While the courts have attempted to assure power sharing for racial and ethnic minorities, the new cultural right is, through participation in party politics, making it clear that the aspirations and beliefs of a large and growing block of fundamentalist voters deserve not only attention but power.

Groups that the party establishment attempted to lead a decade ago now want to control the party that legitimized their concerns. Thus, the crucial political science question in 1992 is whether mainstream Republicans will stay or exit through the rear door of Lee Atwater's "Big Tent."

As a pro-choice, pro-Israel, pro-public education, pro-arms control, pro-NEA, non-isolationist Republican, I would argue that George Bush as an individual is far more tolerant than the Republican Party platform and that his record deserves the support of mainstream Republicans.

For believers in two-party coalition politics, warning signs should flash: A desertion of the Republican ticket by moderates this year could be the catalyst for development of splinter parties, for the rise of an American version of the fragmented politics of multi-party Europe.

To avert such an outcome, mainstream Republicans must understand and respect what motivates the new cultural conservatives and recognize that large tents imply the existence of healthy, unavoidable tensions.

More importantly, it is crucial that mainstream Republicans, descendants of the Taft-Goldwater as well as the Eisenhower-Scranton wings of the party, get their philosophical house in order. They represent the largest unorganized political force in the country. Elections like 1992 test their loyalty; future party involvement tests their ability to find principled common ground with the newcomers to their fold.

A good place to begin is to acknowledge that fundamentalist churches and their pastors are playing an important, under-recognized role in addressing the quandaries faced by many families disoriented by the changes of modern society. But such acknowledgment need not imply that because some proclaim religious authority for their views, they enjoy a monopoly on moral or family value themes.

Religious values, to be sure, anchor individual morality. But in our constitutional democracy, individuals of faith have a responsibility to ensure that the line between faith and bigotry, between tolerance and coercion, is not crossed.

The public has a particular responsibility to measure carefully the thoughts and words of those politicians who wear religion on their sleeve and those pastors who engage most combatively in politics. While religious themes are inescapable in politics and fine public servants from John Witherspoon, a signer of the Declaration of Independence, to current United States Senator Jack Danforth have had seminary backgrounds, America was established as a democracy which constitutionally impels tolerance and protects diversity of view, not a theocracy which impels orthodoxy and discourages dissent.

It is impossible not to be troubled when the Religious Right suggests witchcraft is on the rise in the feminist movement and several Republican state platforms shelter this concern in party dogma. It is also difficult not to be concerned when a public figure as Pat Buchanan, a man who by profession chooses his words carefully, raises the specter of a "fifth column" in our midst and frames his address to the

Republican convention in the jihad code of "religious war." As Madison pointed out two centuries ago, "The use of religion as an engine of Civil policy is an unhallowed perversion of the means of salvation."

Our founding fathers established a nation "under God," one in which revolution against British authority was premised upon "self-evident" individual rights and an appeal to a higher law of conscience which precedes the more mundane civil laws of society. But in appealing to conscience to justify a revolutionary government, America's first citizens labored carefully to construct, in Jefferson's terms, a wall between church and state.

In erecting this constitutional barrier between church and state, the crafters of the Bill of Rights looked inward as well as outward and turned a wary eye to the American as well and European experience. They fully understood that it was religious authoritarianism in Europe that drew many of the early settlers to our shores, but that upon arriving in the New World, some, like the Puritans, invoked a rather exclusionary discipline of their own, with witchcraft trials and stocks and pillories used to coerce alleged non-believers.

"Who does not see," Madison warned, "the same authority which can establish Christianity in exclusion of all other religions may establish, with the same care, any particular sect of Christians in exclusion of all other sects?"

The strength of the haven we have provided for the oppressed people the world over comes from a tolerance for diversity rather than a compulsory conformity.

As we cope with a world in which weapons of mass destruction have proliferated, in which man's inhumanity to man is increasingly evident, the greatest challenge of mankind is to harness, if not subdue, prejudice.

Christians look first for religious guidance, to Jesus of Nazareth, who warned of stone casting and in the Sermon on the Mount instructed His followers to "beware of practicing your piety before men in order to be seen by them." He goes on to suggest in Matthew 6:6, "When you pray, go into your room and shut the door and pray to your Father who is in secret: and your Father who sees in secret will reward you."

Several days after the Republican convention, Pat Buchanan suggested to a convention of the Religious Right that the rioting in Los Angeles stemmed from "barbarians" educated in public schools where God had been "long ago expelled."

Americans may reasonably differ on whether state crafted prayer should be authorized in public schools, but it is an insecure, if not manipulative, view of the Christian faith to imply that an agency of the state can block the presence of God. God is not an object, excludable from any place at any time.

For a Christian or Jew, He is the Creator of Heaven and Earth, and anyone — adult or child — may speak to Him from the heart whenever and wherever he or she is so moved. A U.S. Supreme Court cannot keep God out of our schools anymore than Congress can put Him back in. An omniscient Lord is omnipresent.

There is a moral crisis in America, but in public life it most poignantly stems from failed example, not failed advocacy.

The best reflection of faith and inspiration for ethical conduct stems from models of personal behavior. Moral exhortation, while a function of all leadership, is more appropriately the principal province of churches and deacons than political parties and candidates. □

"The use of religion as an engine of Civil policy is an unhallowed perversion of the means of salvation."

— James Madison

Who speaks for God?

Political season raises age-old question

As ancient as the practice of religion is the fundamental question, "How do we know who really speaks for God?" Is there some mathematical calculation, horoscope sign or chicken entrails we can read to distinguish true from false prophets?

This is a tough but important question as it seems that every few years some major force in history, be it Judas Iscariot or Genghis Khan, shows up claiming to have God on its side.

In Hebrew scripture, there is an interesting account of a community struggling to discern which of two prophets spoke for God. According to the Book of Jeremiah (28:1-9), Jeremiah and Hananiah engaged in what might best be described as a preaching face-off in the Temple. Jeremiah preached that the nation of Judah had violated its covenant with God and was under curse; he wore a yoke to dramatize the people's bondage to sin. Hananiah, on the other hand, was the establishment preacher. His message was that God was relieving Judah's difficulties, that in two years the exile would end. To ensure that no one misunderstood his sermon outline, Hananiah threw in his own illustration by breaking Jeremiah's yoke.

The tension between Hananiah, the stocks-and-bonds preacher, and Jeremiah, the counter-culturalist, depicts the trauma a community experiences when it struggles to determine who authoritatively speaks for God.

What some people seemed to confuse — especially in this election year — is whether there is some intrinsically holy value in intoning God's name, as opposed to doing godly deeds. The Gospel of Luke provides a sound answer. As Jesus preached his first sermon he described his mission as spirituality in action. "The spirit of the Lord is upon me, he hath anointed me to preach the gospel to the poor; to heal the broken hearted, preach deliverance to the captives and recovery of sight to the blind" (Luke 4:18-19). No mention is made here of any value in simply crying, "Lord,



"What some people seemed to confuse — especially in this election year — is whether there is some intrinsically holy value in intoning God's name, as opposed to doing godly deeds."

—Wallace Charles Smith

Lord."

Other people who claim God exclusively seem unclear on the terms "religious" and "righteous." The Bible rarely uses the term "religious," but when it does, it tends to refer to the outward definitions of worship: correct form, style, frequency, etc. If religiousness, or religiosity as some call it, is one's total goal, then some frequent use of the word "God" in one's platform is basic.

"Righteousness," on the other hand, is out of a deeper well. The term is often misunderstood and misused when devout lifestyles are described. But righteousness has nothing to do with holier-than-thou attitudes. Righteousness denotes relationships. To be human is to live in community. A righteous person is one who lives in healthy balance with one's family, colleagues, the community and the environment. As there is no area of life where we are not affiliated with someone or something, righteousness is a reverence for all existence.

In this light, simply saying the word "God" and having no deep compassion for the poor or concern for the world is not only unrighteous, it is also the place at which organized religion is most justifiably criticized. Billy Sunday, the fire and brimstone evangelist, once said, "Going to church doesn't make one a Christian any more than going to a garage makes one a car." Old Billy had a point.

Each day it seems new books come out reminding us that certain time-honored values are the bedrock of successful lifestyles. Whether or not we

learned all we ever needed to know about life in kindergarten, the lesson slowly dawning in human consciousness is the universality of such principles as integrity and compassion. Screaming out the word "God" — or "Allah" or "Buddha" — as a way to batter or browbeat everyone who does not look or act as we do, may fit the category of religious, but one is hard-pressed to see such behavior as righteous. Regardless of how often we employ whatever the title we use for God, the world is a much better place when persons practice God's principles of love, compassion and justice.

We may not at first glance be able to clearly decide which prophets speak for God, but the Bible offers several clear measurements. First, God is a God of justice. Those who preach justice for the poor and the oppressed deserve our careful hearing. Second, a true prophet's words stand the test of time. If what a prophet says does not come to pass, we are not to fear him or her. Third, there is no greater sin than putting words in God's mouth. Theologians call that isogesis. The Bible calls it blasphemy.

By the way, history has judged that Jeremiah, not Hananiah, was God's authentic spokesperson. As is often the case with the Bible, justice triumphed over the status quo.

As we attempt to ascertain God's will, we can at least be grateful that when our Founding Parents wrote the Constitution, they were wise enough to discern that if a nation were to remain strong, the best bet, in matters of politics, would be to let God remain independent. □

Wallace Charles Smith is senior minister of Shiloh Baptist Church in Washington, D.C. This article appeared in the *Washington Post* and is reprinted with permission.

VIEWS OF THE WALL

Oliver S. Thomas
General Counsel



Hats off to the Southern Baptist Christian Life Commission. I have given that agency enough grief on these pages to feel honor bound to brag on them when appropriate. The accolades stem from two recent actions on their part.

The first pertains to CLC Executive Director Richard Land's repeated endorsements of the Religious Freedom Restoration Act and his urging President-elect Bill Clinton to place RFRA at the top of his legislative agenda. Said Land, Clinton could find common ground with evangelicals by "coming out foursquare for RFRA." Clinton gave an oblique endorsement of RFRA in his September speech to B'nai B'rith, but his enthusiastic support would ensure the bill's early passage in the 103d Congress. Without RFRA, the First Amendment's free exercise of religion clause remains a dead letter.

Land's attempt to find common ground is in stark contrast to the apocalyptic statements of many of his colleagues in the Religious Right. Televangelist D. James Kennedy, for example, has suggested that the wrath of God will be poured out on the nation for electing a gay rights promoting, condom toting, abortion rights advocating president. Kennedy, like many others, equates pro-choice with pro-abortion, non-discrimination with advocating homosexuality and favoring local school control with promoting condom distribution.

The Central Florida Young Republicans did even worse. Until the Secret Service persuaded them otherwise, they were planning to use enlarged photos of President-elect Clinton for their November turkey shoot. Nice guys. And, the ubiquitous Jerry Falwell is threatening to resurrect the moribund Moral Majority, which wasn't too moral and certainly wasn't a majority.

Back to Land and the CLC. Praise is also due for their change of course on the establishment clause — the portion of the First Amendment that creates what "infidels" like Roger Williams and George W. Truett called the separation of church and state. The CLC, to the dismay of many Baptists, had asked the Supreme Court in *Lee v. Weisman* — the celebrated Rhode Island commencement prayer case — to chuck its requirement of government neutrality toward religion for a new rule that would allow government to promote religion as long as people weren't coerced to participate. Six

"Religion is different. The Framers recognized this by including special provisions in the body of the Constitution and in the First Amendment to ensure that government would neither promote nor interfere with religious exercise. Unfortunately, facially neutral laws sometimes do both."

months later the CLC has filed a brief with the likes of the National Council of Churches in *Zobrest v. Catalina Hills School District*, arguing persuasively that neutrality is the touchstone of establishment clause jurisprudence. Said the CLC, "The establishment clause guarantees that government power will not be used to foster or induce the exercise of religion in general, or of any particular religion."

Praise the Lord, and pass the *amicus* briefs.

The CLC goes on to spell out its vision of governmental neutrality. The brief suggests that the law should prohibit any governmental action that accords religious institutions or activities preferential treatment over non-religious alternatives. Moreover, government should not create inducements or incentives to engage in religious practice, according to the brief.

While the brief was written by University of Chicago law professor Michael McConnell and attorneys for the Christian Legal Society, the CLC deserves our commendation for signing on to such a ringing affirmation of church-state separation.

I do have one concern about the brief. I fear that it elevates formal, or facial, neutrality over substantive neutrality. Let me explain.

Religion is different. The Framers recognized this by including special provisions in the body of the Constitu-

tion and in the First Amendment to ensure that government would neither promote nor interfere with religious exercise. Unfortunately, facially neutral laws sometimes do both.

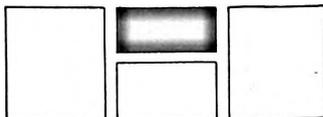
For example, Title VII of the 1964 Civil Rights Act bars employment discrimination based on, among other things, religion. General Motors cannot refuse to hire you because you are a Hindu. The law is facially neutral in that it applies to all employers who have 15 or more employees. But, the application of Title VII to religious organizations could be devastating. If, for example, a synagogue could not refuse employment to non-Jews, it likely would cease to be a synagogue over time.

Similarly, the federal government has a number of grant programs that provide money to private agencies that discourage drug use, teen pregnancy, etc. A facially neutral program would make these funds available to all potential grantees, regardless of their religious affiliation. Yet, paying churches to teach abstinence from sex or alcohol would put government in the business of subsidizing religion, contrary to the core principles of the establishment clause.

Substantive neutrality recognizes that in each of these cases religion should be treated differently. In fact, Title VII *does* allow a religious organization to discriminate in favor of members of its own religion. Similarly, the teen pregnancy grant program does not allow churches and synagogues to receive government grants. Citizens must not be penalized for their religious choices. Indeed, government should accommodate these choices when possible. But neither should religion receive special benefits even through laws that on their faces appear neutral.

In short, religion should neither advantage nor disadvantage a citizen's standing in the body politic. It is sometimes appropriate for judges to carve out special exceptions for religion and to ensure that dominant religious groups are not able to garner special privileges as a result of their political clout.

Rome wasn't built in a day, and a healthy appreciation of the establishment clause doesn't develop overnight. Formal or facial neutrality is inadequate to protect our religious liberty. But let's be grateful to the Christian Life Commission for a giant step in the right direction. □



Church's political ad subject of IRS probe

The Internal Revenue Service has launched a preliminary investigation of a Binghamton, N.Y., church that published newspaper ads urging Christians to vote against Bill Clinton.

The Rev. Don Little of The Church at Pierce Creek said the congregation's leaders had been asked for information. "We did get mail from the IRS," he said. "It listed things for us to supply" about the advertisement. And, he said, the church would "give them a little bit of what they want ... in the next few days."

Little, pastor of the church whose members include Randall Terry, founder of the anti-abortion group Operation Rescue, said the IRS appeared to be seeking to "muzzle" the church. "We feel that isn't what the IRS is for," he said.

The advertisements, which appeared in *USA Today* and the *Washington Times* during the height of the presidential election campaign, accused Clinton of "promoting policies that are in rebellion to God's law."

The ads also accused Clinton of supporting abortion on demand, of promoting special rights for homosexuals and the distribution of condoms in public schools in violation of biblical injunctions.

"The Bible warns us not to follow another man in his sin nor help him promote sin — lest God chasten us. How then can we vote for Bill Clinton?" the ads proclaimed.

Americans United for Separation of Church and State filed a complaint with the IRS charging that the advertisement violated regulations forbidding churches and other tax-exempt groups to participate in any political campaign on behalf of or in opposition to any candidate for public office.

Barry Lynn, executive director of Americans United, called the IRS investigation an appropriate one.

"Churches have every right to speak on the moral issues of the day," he said, "but the IRS quite appropriately draws the line at partisan politicking. The integrity of both religion and government is harmed when churches become cogs in a political machine."

"For a long time, many churches have tried to have it both ways," Lynn added.

"Churches have every right to speak on the moral issues of the day, but the IRS quite appropriately draws the line at partisan politicking. The integrity of both religion and government is harmed when churches become cogs in a political machine."

— Barry Lynn
Americans United

"They want to reap the benefits of tax-exempt status while still attacking candidates from the pulpit or publishing these types of ads. The IRS's action in the Binghamton case signals that the tax agency may no longer be willing to tolerate this double standard."

Little said the church was "speaking out of the base of God's word. I guess generally speaking, our view is that tax exemption was never meant to be a means by which the government controlled the church."

He also said that if the IRS persists and does take away the church's tax-exempt status, "the case will wind up in the Supreme Court."

The 1992 election was marked by a host of controversial actions involving the fine line of religious involvement in public policy issues as a number of moral issues such as abortion and gay rights were debated.

Lynn expressed the hope that the incidents, including the Binghamton congregation's case, would encourage the IRS to "put some teeth" into its longstanding rules that forbid partisan political activity by churches. □

Student aid hinges on making chapel optional

If Jerry Falwell's Liberty University ends several religious requirements, its students have provisional approval from the state of Virginia to get tuition grants and other aid.

But Falwell, who serves as chancellor of the financially beleaguered university, told students that the school, based in Lynchburg, Va., would defy the State Council of Higher Education and continue to require compulsory chapel attendance at the school, possibly setting up another confrontation with the state.

Americans United for Separation of Church and State said other schools may be affected by the ruling, pointing to possible cases at Pat Robertson's Regent University in Virginia Beach, Va., and Christendom College, a small traditionalist Roman Catholic school in Front Royal, Va.

The confrontation at Liberty was sparked when Americans United, a watchdog group opposed to government aid to religion, asked the council to review the school's participation in the state aid program.

Virginia's constitution bars state support for "pervasively sectarian" schools and seminaries.

In 1991, the Virginia Supreme Court blocked an effort by the school to obtain tax-free industrial development bonds from the city of Lynchburg, ruling the school was "pervasively sectarian."

Liberty University students receive about \$1.3 million a year in aid. The council recently voted to continue the aid and said in a two-page ruling that school officials "have represented that certain Liberty University requirements are no longer enforced."

Those requirements, the council said, included "compulsory attendance by faculty and students at religious services and convocations; a signed statement by faculty and students that they agree to respect, support and abide by Liberty University's doctrinal position and statement of purpose; and restriction on the freedom of faculty to teach and publish materials that conflict with Liberty University's doctrinal position."

In deciding to continue aid, the council also said Liberty must change its written publications to reflect that those requirements are no longer enforced and promptly inform faculty and students of the change.

But Falwell, in an appearance at the school's chapel, said the school will continue to require attendance at religious services.



"It's part of our training. It's part of our identity," he said.

Barry Lynn, executive director of Americans United, called the council move "a step in the right direction." But citing Falwell's promise to defy the state agency on the issue of compulsory attendance, he expressed skepticism about Liberty's willingness to make the changes.

"Mr. Falwell has already vowed to ignore some of these conditions," he said.

The school has until Jan. 30 to tell the council when its publications will be reprinted to reflect the policy changes on which continued aid is based. □

Court agrees to resolve two free speech cases

Enhanced penalties for "hate crimes" and restrictions on broadcast lottery advertisements are at the heart of two free speech disputes the U.S. Supreme Court has agreed to resolve.

The high court announced Dec. 14 it will decide whether states may provide stiffer penalties for crimes motivated by hate. At issue is a Wisconsin law that allows tougher punishment for certain crimes if the victim was selected because of race, religion, sexual orientation or other protected status.

Justices will also review lower court rulings that the First Amendment's free speech protection was violated by federal laws that prevent a North Carolina radio station from airing lottery advertisements from neighboring Virginia.

The Wisconsin statute was challenged by Todd Mitchell, who received twice the normal two-year sentence for aggravated battery after a jury found the victim was selected because of his race.

The Wisconsin Supreme Court struck down the penalty enhancement law.

"The hate crimes statute violates the First Amendment directly by punishing what the legislature has deemed to be offensive thought and violates the First Amendment indirectly by chilling free speech," the top Wisconsin court said.

The Wisconsin Supreme Court rejected the state's assertion that the statute punishes only "conduct" and not bigoted thought.

"The statute commendably is designed to punish — and thereby deter — racism and other objectionable biases, but deplorably, unconstitutionally infringes upon free speech," the court said.

In its last term, the nation's high court struck down a Minnesota law that barred bias-motivated disorderly conduct. While the court was unanimous in condemning the Minnesota law, justices were sharply divided over why it was unconstitutional.

At issue in the second case accepted for review is the application of federal restrictions on lottery advertisements to radio and television stations licensed in states that do not have a lottery but whose broadcast audience extends to a neighboring state that operates a lottery.

Lower courts held that a North Carolina radio station's free speech rights were violated by the law preventing it from participating in Virginia's substantial advertising expenditures.

Radio station WMYK-FM is licensed by the Federal Communications Commission to Elizabeth City, N.C. More than 92 percent of the station's audience resides in Virginia and less than 2 percent of North Carolinians reside within its listening area.

A federal appeals court held that the commercial speech involved can be restricted only to serve a "substantial" government purpose and only through means that advance that purpose.

In this case, the appeals court said, North Carolina's purpose of shielding its residents from gambling is not advanced because residents in the radio station's listening area are already exposed to numerous Virginia lottery advertisements by Virginia-based telecast, broadcast and print media. □

High court declines to hear rap group's case

The U.S. Supreme Court recently declined to review a federal appeals court ruling that the free speech rights of the rap group 2 Live Crew had been violated. Federal District Judge Jose A. Gonzalez Jr. had enjoined the Broward County, Fla., sheriff's department from interfering with the sale of the group's recording "As Nasty As They Wanna Be," but declared that the recording was obscene.

A federal appeals court held that the sheriff, who offered no evidence but the recording itself, failed to prove that the recording was obscene. The appeals court also said the judge must rely on expert witnesses, not on his own personal expertise about community standards and artistic values, in determining whether a recording is obscene.

The high court also granted Solicitor General Kenneth W. Starr's request to participate in oral arguments in a challenge to an Arizona school district's refusal to provide a sign-language interpreter for a deaf student who attends a religious school. The federal Education of the Handicapped Act authorizes federal funds for special services such as interpreters for deaf students.

In a friend-of-the-court brief supporting the student, Starr argues that provision of an interpreter in a religious school does not violate the First Amendment ban on an establishment of religion. Specifically, Starr contends that providing an interpreter under the act satisfies all three parts of the test used by the high court to decide establishment clause challenges.

Known as the *Lemon* test, that standard requires that governmental laws and policies have a secular purpose, neither advance nor inhibit religion and avoid excessive entanglement with religion. □

Students fight for right to hold Bible study

Christian students at a public high school outside Seattle are asking a panel of three federal judges to allow a Bible study on campus, according to the Christian Legal Society.

For more than eight years, some Lindbergh High School students have been seeking the right to meet before school like any of the 30 other clubs allowed on campus.

"Washington is the only state in the Union where religious students are denied the right of equal access to school facilities, but this case should change that," said Steven T. McFarland, the students' attorney and director of the CLS's national Center For Law and Religious Freedom.

The Renton School district has refused permission for the students to meet because it says such meetings would violate the federal and state constitutions. In June 1990, the U.S. Supreme Court rejected the school district's argument regarding the federal Constitution. In August 1991, the appeals court ruled against the students because of Washington state's more restrictive constitution. □

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

Starting over

Religious liberty bill among issues facing Congress

A new crop of lawmakers probably will not impede passage of the Religious Freedom Restoration Act, say bill proponents who predict the measure is on track for early passage in the 103rd Congress.

When Congress convenes Jan. 5, the House of Representatives will have 110 new members — one-fourth of that body and the largest class since 1948. The Senate will welcome 12 freshmen.

The process of introducing so many newcomers to the need for RFRA could slow down the bill, which has died in the previous two Congresses for lack of time. But a church-state specialist who heads a 54-member coalition backing the bill said that danger is minimal.

Oliver S. Thomas, general counsel for the Baptist Joint Committee, said the Clinton administration's support for RFRA will offset the difficulty of having to educate new members of Congress on the bill. (RFRA is designed to restore a high level of protection for religious practice that virtually was abandoned by the U.S. Supreme Court in its 1990 *Oregon v. Smith* decision.)

Clinton has voiced his support of the bill, and if his administration makes RFRA a priority, the measure should move quickly, Thomas said.

The political problems that plagued and eventually killed the bill in the 102nd Congress should be less of a threat, Thomas said.

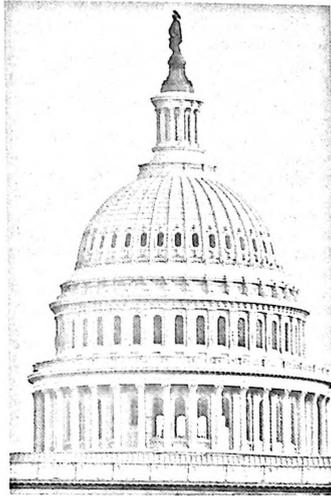
The National Right to Life Committee and the U.S. Catholic Conference were the two staunchest opponents of RFRA. Those organizations argued that women could make a free exercise claim to an abortion under RFRA should *Roe v. Wade* be overturned, denying women the legal right to an abortion.

Most constitutional and legal scholars think such a claim could be made but not won. They characterize the abortion argument as a smoke screen or mythical.

RFRA opponents will be less effective in the 103rd Congress for two reasons, Thomas said.

First, 1993 is not an election year. Many people did not want to take on the National Right to Life Committee during an election, Thomas said.

Second, the Supreme Court in July reaffirmed the essential holding in *Roe*, making the abortion arguments related to RFRA even more imaginary, Thomas said.



"We are especially eager to work with new members who are, for perhaps the first time, facing the national implications of the first freedom, freedom of religion, set out in the first 16 words of the Bill of Rights."

— James M. Dunn

With a pro-choice president and the court's recent ruling, abortion politics are less likely to derail RFRA, he added.

In addition to RFRA, the new Congress is likely to address other legislation affecting churches.

● **Choice:** One such issue is the public funding of private and religious schools. In the 102nd Congress, the Bush administration pushed an education package that included school choice, a plan to provide parents vouchers to send their children to the public, private or religious schools of their choice.

After months of political battles, the House approved a bill without choice provisions and the Senate approved a measure providing only public school choice. The education bill died when the Senate failed to approve the conference report; Bush had vowed to veto it if the measure did not include school choice.

Choice has less chance of advancing in the new Congress, said J. Brent Walker, BJC associate general counsel, because majorities in both houses of Congress oppose public funding for private purposes and the new administration is on their side.

The choice issue probably will return

to the states, Walker said.

● **Lobbying:** A bill designed to tighten restrictions on lobbyists likely will move through the legislature because of the emphasis in the campaign on reforming lobbying laws and campaign finances, Thomas said.

The bill needs an exemption for churches, Thomas said. Churches acting out of a sincere religious conviction should be protected by the First Amendment, he said.

● **Taxes:** The new Congress probably will grapple with a tax bill that contains provisions affecting non-profit organizations and their donors, the lawyers said.

Such provisions, said BJC attorneys, were included in a wide-ranging tax bill (H.R. 11) that Bush vetoed because it contained a tax hike on the very wealthy. Several of the bill's provisions would have encouraged charitable giving by changing tax laws governing non-profit institutions and their donors.

One provision would have made all gifts of appreciated property fully deductible on a permanent basis. Appreciated property includes real estate, stocks and tangible items such as collectibles whose value increased after being pur-

chased. A 1986 tax act subjected the appreciated portion of charitable gifts to the alternative minimum tax, causing a decline in large gifts to charitable institutions.

The bill would have repealed the alternative minimum tax on such appreciated property so that all donors would receive a deduction equal to the property's fair market value.

Two other provisions would have required more disclosure and substantiation of charitable contributions.

One would bar a taxpayer from deducting any contribution of \$750 or more without a receipt from the charity receiving the donation. Previously, the Bush administration proposed that the charity report taxpayers who gave \$500 annually to the IRS. The new proposal involved single contributions of \$750 or more and would require only that the taxpayer have the receipt in his possession.

The other involved disclosure requirements related to "quid pro quo" contributions, payments made partly as a contribution and partly for goods and

Clinton has voiced his support of the bill, and if his administration makes RFRA a priority, the measure should move quickly.

services provided by the church or charity.

The provision would require the church or charity to inform the donor that the deductible amount is limited to how much the gift exceeds the value of goods or services provided. The church or charity also would have to provide the donor with a "good faith estimate of the value of such goods or services."

Both disclosure provisions would result in churches dealing exclusively with the donor, not the government.

"The new disclosure proposal is a vast improvement over the one originally proposed by the administration," Walker said.

The measure also dropped proposals to extend beyond 1995 or make permanent the 3 percent floor for itemized tax deductions.

Present law limits itemized deductions, including charitable contributions, for higher income individuals. Itemized deductions for high-income taxpayers are reduced by an amount equaling 3 percent of their adjusted gross income of more than \$100,000.

Both attorneys agreed those provisions would benefit the non-profit community.

James M. Dunn, BJC executive director, said the religious liberty agency is eager to work with the new Congress.

"We are constantly amazed and appalled at the general level of insensitivity to the counter-majoritarian nature of the Bill of Rights," Dunn said. "We are especially eager to work with new members who are, for perhaps the first time, facing the national implications of the first freedom, freedom of religion, set out in the first 16 words of the Bill of Rights." □

— Pam Parry

New Congress to look more like America

The new Congress will look more like America, benefiting from the election of a record number of women, African-Americans and Hispanics.

When it convenes Jan. 5, the 103rd Congress will welcome 122 new members, with 110 in the House of Representatives and 12 in the Senate.

A record 48 women will serve in the House. Women also made significant strides in the Senate, tripling the number in the previous Congress. The election of four new members brings to six the number of women in the Senate. Four decades have passed since more than two women served in the Senate, according to *Congressional Quarterly's* Nov. 7 issue on new members and districts. (In the last Congress, three women served for a few months when Jocelyn Burdick, D-N.D., replaced her husband, Quentin Burdick, following his death.)

Despite gains, women still are not proportionately represented in the legislative branch. Women make up more than half of the country's population, but they constitute only about 10 percent of Congress.

African-Americans and Hispanics made greater gains proportionately. Sixteen blacks are among the new members of the House, with one black elected to the Senate. Carol Moseley Braun, D-Ill., is the first black woman elected to the

Religious Affiliations of 103rd Congress			
	Vote '92	Vote '90	Gain/Loss
Catholic	141	142	-1
Methodist	65	75	-10
Baptist	62	59	+3
Presbyterian	54	51	+3
Episcopalian	50	59	-9
Jewish	42	41	+1
Protestant	29	30	-1
Lutheran	21	22	-1
UCC	14	12	+2
Mormon	12	13	-1
Unitarian	7	10	-3
Unaffiliated	10	5	+5
All Others	26	16	+10

Senate. The Senate has never had two blacks serving at the same time.

Blacks constitute about 12 percent of the population, and their membership in the House will be about 9 percent.

Hispanics did not fare quite as well. Eight new Hispanics were elected to the House; no Hispanic will be in the Senate.

Hispanics hold 4 percent of House seats and make up 9 percent of the total population.

Voters also elected for the first time a Korean-American to serve in the House.

J. Brent Walker, associate general counsel for the Baptist Joint Committee, praised the demographic diversity of the new Congress. The more Congress looks like America, the better off it is, Walker said.

"It's exciting that Congress is going to be more reflective of our diversity," added Oliver S. Thomas, BJC general counsel. New viewpoints and perspectives will be represented by an eager group of freshmen, he added.

The new freshmen generally are younger and have more political experience going into the job than their incumbent counterparts had when first elected. Despite an election-year emphasis on changing the status quo, nearly 72 percent of House newcomers have held an elected office.

The new class reflects a diversity of religious affiliations. Fifteen Baptists are among the 110 new House members. No additional Baptists were elected in the Senate.

Within Congress, Baptists represent the third largest group with 62. The two largest groups are Roman Catholics (141) and Methodists (65). □

— Pam Parry



Church groups announce aid for Somalia

U.S. church groups have announced a new grant of \$300,000 to aid starving Somalians, and religious leaders are urging stepped up diplomatic efforts to solve the crisis.

As U.S. troops, ostensibly under the direction of the United Nations, slowly work to provide safe passage for delivery of emergency food supplies, Church World Service said it will buy \$300,000 worth of Kenyan red sorghum for an area southwest of the city of Baidoa where 90,000 people face starvation.

The grain is being bought, transported and distributed through Catholic Relief Services and Lutheran World Relief, with half of the purchase financed by a contribution from the United Methodist Committee on Relief.

Religious leaders calling for diplomatic efforts included the Rev. Thom White Wolf Fassett, head of the United Methodist Church's Board of Church and Society. In an official statement, he urged the United States and the United Nations to enter into immediate consultation with Somalia clan elders, people "who are providing positive and courageous leadership to save their brothers and sisters."

Bread for the World, while backing the military effort, called it a "band-aid," warning, "we are ... not treating the infection which threatens the nation."

Sharon Pauling, Bread's policy analyst for Africa, said, "Military intervention is necessary to save lives now, but it does not address the root political and economic causes of the crisis."

The call comes as the first questions about the precise nature of the U.S. role in the war-torn and drought-plagued African nation were being raised.

U.S. officials have tended to stress a limited, short-term mission aimed at providing security for non-governmental agencies delivering food.

Others, however, including United Nations Secretary General Boutros Boutros-Ghali and some relief agencies, have called on the United States to play a far wider role, ranging from action to disarm Somali gunmen to facilitating a long-term peace.

Fassett's statement gave overall support to the use of U.S. troops for the humanitarian effort, but said the United States and the United Nations "must not act without care for the wishes and

"Military intervention is necessary to save lives now, but it does not address the root political and economic causes of the crisis."

— Sharon Pauling
Bread for the World

integrity of the people of Somalia."

The African nation traditionally has been organized around a clan system where elders exercise great influence. But in the breakdown of society following the ouster in January 1991 of U.S.-backed dictator Mohammed Siad Barah, the warlords of competing clans launched a bloody bid for power, and Somalia fell into virtual anarchy.

Pauling echoed Fassett's call for the use of clan elders, community organizations, professionals and militia leaders in a broad-based diplomatic effort. □

Baptist World Alliance wants troops in Liberia

The Baptist World Alliance, citing the use of military troops in Somalia as a precedent, is calling for a similar peace-keeping force in Liberia.

In a letter to President George Bush, the BWA's General Secretary Denton Lotz told Bush: "In the name of God, we appeal to you, Mr. President, to please consider seriously some type of peace force immediately.

"Too long the people of Liberia have suffered," Lotz said. "Too long have we turned our attention to other areas of the world which might prove more profitable economically, such as the oil-producing countries, but have not tried to send peace forces to Liberia."

Liberia was founded in 1822, partly as a result of the effort of a number of American charities seeking to establish a homeland for former slaves.

During the 1980s the Reagan administration poured some \$500 million to the military dictatorship running the nation in return for allowing the country to be used as a CIA listening post.

The current civil war in Liberia began

in 1989 with a revolt against the government. It led to the ouster of Samuel Doe, the U.S.-supported dictator.

In early November, five U.S. nuns working in the African nation were murdered in an action widely attributed to a band of rebels led by Charles Taylor.

Lotz also wrote to United Nations Secretary General Boutros Boutros-Ghali and President-elect Bill Clinton pleading for U.S. intervention in Liberia.

Appealing to Boutros-Ghali as "a son of Africa," Lotz asked him "on behalf of Baptist believers around the world to do all that you can to actively seek to institute a peace force for the peace of Liberia."

In the letter to Clinton, Lotz acknowledged the "many matters" that will demand time from Clinton in the early days of his presidency. But he added that "any type of word to encourage peace in Liberia would be a sign of hope to the suffering people there."

The BWA has historic ties to Liberia. President William Tolbert, toppled and assassinated by Doe in 1980, was president of the international Baptist organization between 1965 and 1970, and some of the first slave settlers in Liberia were Baptists. □

Anglicans against women priests plan strategy

Church of England bishops opposed to the Nov. 11 vote to ordain women as priests want to negotiate arrangements that would keep them in the church, parting company with traditionalists who are poised to become Roman Catholics.

In a joint statement, 12 of the 13 bishops who voted against the women's ordination measure urged the church's House of Bishops to work out policies at the next bishops' meeting that would accommodate their opposition to women priests.

The meeting is scheduled for Jan. 11-14.

Their strategy contrasts with a call issued after the vote by retired Bishop of London Graham Leonard, a traditionalist, who suggested a separate structure for Anglicans who would become Catholics but retain many of their Anglican



NEWS SCAN

traditions.

Meanwhile, other pockets of resistance to women priests in the church, including the church's extreme Anglo-Catholic and evangelical wings, will meet Jan. 20-22 in Cheltenham to coordinate strategies.

Legislation passed by the church's General Synod allows bishops to maintain dioceses where women priests are not permitted. But the bishops who signed the joint statement said it is difficult to see how that legislation would work, and they want further discussion.

Before the legislation is finalized, it must be approved by Parliament and the queen. And before it is put into effect funds must be made available to provide compensation for priests who decide to leave the church because they feel they cannot be part of a church with women priests. □

Parks to head global missions for Fellowship

Keith Parks, retired head of the Southern Baptist Foreign Mission Board, said he will direct the missions program of the Cooperative Baptist Fellowship to give Southern Baptists two channels for doing global missions.

Parks, who retired in a dispute with trustees, ended a year of speculation by announcing he will take the post of missions coordinator for the Fellowship. The two-year-old Fellowship is an organization of Southern Baptists displeased with the current conservative direction of the SBC and its agencies.

Parks, 65, said the Fellowship's missions program will "supplement" and not compete with the SBC's two mission agencies, the Home and Foreign Mission boards. A second channel is needed, however, because many Southern Baptists have lost interest or faith in the work of those agencies, he said. □

Capsule with Russian icon recently discovered

Five years ago, or even two years ago, a Russian space capsule landing in North American waters might have been a cause of great alarm.

How times have changed.

When such a capsule recently was opened at the Museum of Flight in

Seattle, Wash., the contents were benign. The capsule housed an icon from the Russian Orthodox Church along with a message of goodwill from Russian Orthodox Patriarch Aleksii II of Moscow.

The capsule was carried aboard a Russian spacecraft launched earlier this month from the Russian cosmodrome Plesetsk. The launch, the brainchild of a consortium of Russian private and public organizations, was timed to coordinate with the Columbus quinquennial and the International Year of Space.

National Council of Churches officials have been told the icon inside the capsule is of Vladimirskaia Mother of God, the patroness of Moscow.

Representatives from the council and from Russian churches were on hand for the opening ceremony. □

Asian activist group pans mosque destruction

A group of Asian activists meeting in Bangkok, Thailand, condemned the destruction of India's Babri Mosque by Hindu militants and called for its restoration.

Tapan Bose, an Indian human rights activist, presented the resolution to a representative of the Indian Embassy.

Delegates representing 42 countries said in the statement, "Given the background of growing tensions, the savage assault and near destruction of the Babri Mosque could lead to an escalation of passions and communal strife not only in India but in the entire region."

The delegates, activist members of popular organizations and non-government organizations, were attending the People's Plan for the 21st Century Main Forum.

The destruction of the temple, said the group, signaled a setback for recent efforts to build alliances among various religious and ethnic groups in the region.

The organization called on the Indian government to take immediate steps to contain the extremists and to protect the site and restore the mosque.

The destruction of the mosque at Ayodhya was the latest and most spectacular action by Hindu fundamentalists who have been gaining strength in India in recent years. They have focused attention on the mosque for several years, protesting its presence and arguing that it should be replaced by a Hindu temple. □

Eugene L. Hill, who helped to start Chinese Baptist churches in Virginia and Maryland after retiring from a 40-year career with the Southern Baptist Foreign Mission Board, died Dec. 11 of injuries from a car-truck crash in the Richmond, Va., area. The Hills' car skidded into the rear of a dump truck Dec. 10 during a rainstorm. Mrs. Hill was treated for less serious injuries and released after an overnight stay. Hill is the grandfather of Allen Hill, husband of BJC staffer, Susan Hill. ... At least 13 Southern Baptist military chaplains are among those assigned to relief efforts in Somalia, said Lew Burnett, director of military chaplaincy for the Southern Baptist Home Mission Board. While the chaplains' primary ministry is to soldiers, the focus on humanitarian aid rather than warfare will change the nature of the chaplains' task, Burnett said. ... The Hindu-Muslim tensions that erupted in India recently — tensions measured in centuries but brought to bear on a contemporary political struggle — is the latest example of the worldwide phenomenon of religious fundamentalism turned violent, according to several experts. Leaders of both religions in the United States took issue with the extreme elements of their faiths in India. Religious leaders expressed concern that the destruction of a 16th century Islamic mosque in Ayodhya by Hindu extremists would seriously threaten India's status as a secular state. India's prime minister has staunchly upheld the constitution's mandate that the nation be secular in character, according to observers in India. ... The World Council of Churches and Conference of European Churches have arranged a meeting between high-ranking Muslim and Christian leaders in an effort to end the bloody conflict between Armenia and Azerbaijan over the disputed region of Nagorno-Karabagh. According to the council, the meeting, scheduled early this year, was set up by an ecumenical team. Armenians and Azerbaijanis have been fighting over Nagorno-Karabagh for nearly five years. Most of the disputed area is populated by Armenians, but in the 1920s, Soviet authorities put the region under Azerbaijani administration. □

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

Pastor, Church and Law (2d edition)

By Richard R. Hammar
Christian Ministry Resources
Matthews, N.C., 1991, 1,022 pages.

The first edition of this book came out in 1983. Since then, it has proven an invaluable desk book for attorneys who represent religious organizations, as well as pastors and other church leaders. The second edition is even better. Not only is the first edition updated, but also the book is expanded to cover new subject areas and include some very helpful appendices.

Topics in the first edition that have been rewritten include the clergy-penitent privilege, clergy malpractice, social security coverage of clergy, the housing allowance, church property disputes, copyright and zoning law, the administration of private schools and the First Amendment religion clauses. New topics in the second edition include the definition of "minister" for federal tax purposes, immigration law, regulation of pastoral counselors, sexual seduction of church members by clergy, the Church Audit Procedures Act, the Civil Rights Restoration Act of 1987, the Americans With Disabilities Act and other helpful topics. Finally, the second edition can be updated easily by subscribing to Hammar's bimonthly newsletter entitled *Church Law & Tax Report*. Updated material in that newsletter is cross referenced back to the appropriate section in the book. Appendix Six of the book fully explains and illustrates how the updating works.

The book's weakness is found in the four concluding chapters on the First Amendment. Hammar demonstrates much too anti-separationist a bent in his understanding of constitutional history and the application of the religion clauses to contemporary church-state issues. For example, in his discussion of *Wallace v. Jaffree*, the author features Rehnquist's dissent and dubs the majorities' analysis "facile." (p. 846) The readers should take these chapters with a grain of salt.

Hammar's original purpose — and the purpose for the second edition — is "providing seminary students, clergy, attorneys and accountants with a comprehensive yet readable analysis of the major laws affecting church and clergy." He has succeeded in doing just that. No pastor, church library or attorney should be without a copy of *Pastor, Church and Law* on his or her desk. □

— J. Brent Walker



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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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This will forever be the Christmas with a cast.

REFLECTIONS

James M. Dunn
Executive Director



One wag suggests, "I know what happened. You tried to get *both* feet in your mouth at the same time." Not cute!

Another, sounding much like all three of Job's "friends," at once piously counseled, "God has His own ways of slowing one down." Eliphaz, Zophar and Bildad could not have said it better.

I already had planned to spend December glued to the desk chair asking you and others for year-end contributions to the Baptist Joint Committee. We're coming up about \$25,000 short. But this was definitely not the way I intended to do it: with my right foot "histed" above the level of my heart.

All my 60 years I had never broken a bone. Then, Dec. 1, I smashed a batch of metatarsals simultaneously.

It was in that twilight zone, just after supper and the evening television news. Those of you as ... mature as I know the time. Shoes off, the phone had stopped ringing, you've eaten your fill and you sort of fade away.

The doorbell rang, jolting me awake. With an unnecessary rush I tumbled down the stairs from our second floor family room. Almost to the front door I missed the last step, came down on *top* of my foot. Crack! I knew it was broken.

I confess, I uttered an expletive — as a prayer of course. (Check the book of Psalms for lots of expletives as prayers.) Wouldn't you know the two young guys at the door wanted to "see the apartment." We don't have an apartment.

At the hospital it was like a MASH unit, and I kept on not making the triage cut. So, from 9 p.m. Tuesday until 6 p.m. Wednesday, nurses kept saying, "No, nothing to drink, not even a little ice, nothing to eat, the anesthesia, you know." When the angels of morphine mercy would hit me in the hip with another shot, I kept thinking of a way I had much rather fall asleep. I'd fade away again with a smile on my face. So, finally, after 21 hours of uncomfortable waiting the orthopedic surgeon got around to pinning and wiring those foot bones together.

I learned something though. You would think, wouldn't you, that in a place like Washington, D.C., our nation's capital, in its snootiest hospital ... ? So, careful: don't break a foot!

So that's the way it's been since Dec. 2: a fragile footsie in a cast kept from swelling by keeping it higher than my heart.

I got smart in late December. Decided I could get back in the pulpit, sit on a stool, preach. Wrong! The frazzlin' thing filled up the cast and kept growing. So, that's the way it will be until about the first of March: in a cast, higher than my heart most of the time.

This will forever be the Christmas with a cast. (You who know us remember that Marilyn had two of these nearly 40 years ago, two, on an arm and a leg.)

All our kin and most close friends are "across the wide Missouri." Staff members are going to be with family. I'll not even get to church for the Christmas music.

I know, I know, Zophar, don't remind me, lots of folks have it worse. Bones heal. What if it were _____? (You fill in the blank.) See those people in Somalia, Bosnia.

I know, Bildad, I am blessed. House. Car. Job. Wife. Health Insurance. Friends. Doctors. Percoset. I know.

Don't tell me, Eliphaz, about attitude. I've been preaching for 40 years. Had a bout with cancer. Gone through the aftermath of three car wrecks with Marilyn. Watched

a batch of political fundamentalists take the "Baptist" out of Southern Baptist. Lost all our parents. Got to keep things like a broken foot in perspective.

And yet ...

Came Christmas Eve; we got out the little 1 foot tall phony tree, put the lights on it and said, "We'll have Christmas without the wrappings and the trappings." Right.

And yet ...

As Marilyn was at the church getting Christmas Eve music ready, I started feeling the John-the-Baptist-in-the-dungeon syndrome. With me, it was the James-the-Baptist-at-home-by-himself-with-a-cast syndrome.

I was slipping close to a flirtation with self-pity. That's one of those sins common to a lot of us brats who were spoiled rotten by our parents and kept in that state by loving families who couldn't pass any of the tests for politically correct family life.

The doorbell rang, jolting me out of slip sliding into "poor me"ism. I quickly but safely scooted down the steps on my seat, bad foot held high, got to the front door just in time to catch the UPS man. He had three large boxes, CARE packages. They were filled with nuts and candies, sausages and clothes, long drawers and sweaters, neck ties and scarves, silly gifts and good stuff. They came from kin and dear friends. Jack and Frances, the friends, have some heavy health challenges. Still, they are thinking of others.

I shaped up, pretty dad burned fast.

As our former foreman and first officer at the BJC, Jeanette Holt, liked to say, "Now what have we learned from this?"

Well, I don't intend to make it smaltzy and overstate the benefits, but I have learned a few things.

First, a guy that's used to zipping around in all directions at once is suddenly right near helpless on one foot.

Then, I will forevermore identify with, wait upon, hurt for and help out those who are ambulatorily challenged. I promise.

Also, I do see a new need for patience with other people, with the processes of life, with myself. Slow down. Take it easy. What's the rush? Careful! Those phrases take on fresh meaning. I still pray, "Lord, Thou knowest I have need of patience, and I must have it right now!"

Be patient with me; I'm learning.

Next, being suddenly stopped in one's tracks does offer an opportunity for reflection, grudgingly, grumblingly at first, then resentfully and resignedly. It is possible to shift gears, after a while, to take the inner journey that I so routinely neglect in busyness. Sometimes I need to hear, "Don't just do something. Stand there."

Further, I've been reminded of what a great staff the Baptist Joint Committee has. They have not only kept things running, they've hauled me about, done my job and with a minimum of whimpering put up with my heightened expectations that the phone be answered after three rings and that someone tell me what the commotion is in the outer office. Some of you might also need to be appreciative of fellow workers, eh?

More, you can do a lot of work with one foot.

Penultimately, this country *must* have affordable, quality health care for everyone whatever economic and philosophical adjustments are necessary to get it.

Finally, don't answer the doorbell. □



Visions of Reality: What Fundamentalist Schools Teach

By Albert J. Menendez
Prometheus Books
Buffalo, N.Y., 1993, 152 pages.

Anyone who thinks that parochial schools should receive financial support from the public till ought to read this eye-opening book by Albert Menendez about the curriculum followed in many parochial, primarily fundamentalist, schools. In preparing to write this book, the author analyzed 16 textbooks published by Bob Jones University Press and Pensacola Christian College covering such topics as American history, world history, American government, geography, literature and the natural sciences. These books have been widely used among fundamentalist schools since the late 1970s.

While the author rightly acknowledges that parochial schools have the constitutional right to exist and in large measure to determine what they teach, he makes a persuasive case about why they should not receive public funding. Subject by subject, book by book, Menendez parades before the reader an array of examples of a biased, one-sided world view. The curriculum is, without many exceptions, uniformly anti-Catholic, anti-Democrat, anti-intellectual, anti-evolution and anti-labor union. On the other hand, according to Menendez, the books are consistently pro-Puritan, pro-Republican, pro-Victorian morality and pro virtually anything in the past.

Readers will find of particular interest Menendez's sub-chapter on "Ambivalence Toward Religious Liberty." The reviewed texts clearly admire the theocratic Puritans, criticize the alleged excesses of Roger Williams' Rhode Island experiment, endorse Anne Hutchinson's banishment from Massachusetts Bay and ignore the hanging of Quaker Mary Dyer. They further, quite expectedly, endorse the Christian nation thesis and American exceptionalism. The texts see the Constitution as "God inspired." (They neglect to discuss the

no religious test provision of Article VI.)

The book is both sobering and, at the same time, almost humorous. For example, did you know that "most of the major labor strikes in our history have been immoral" (p. 69) or that American imperialism "illustrates how God uses natural means to accomplish His divine purpose"? (p. 147)

One should be careful to avoid over-generalization. Clearly, not all private and parochial schools utilize the curriculum that the author so masterfully picks apart in this book. But, a lot of them do. It is ironic that people who teach this kind of biased (indeed, unreal) world view are the very ones who criticize the public schools for doing the same thing on the other side of the fence.

Religious schools certainly have the right to put their spin on what they teach, but indoctrination has never been a substitute for good education. □

— J. Brent Walker

Religion in the Public Schools: Guidelines for a Growing and Changing Phenomenon for K-12

Tamara Ellison, Anti-Defamation League
of B'nai B'rith, 1992, 34 pages.

The latest publication of the Anti-Defamation League (ADL), *Religion in the Public Schools*, is a resource that belongs in the hands of every pastor, every school board member and every person concerned about separation of church and state. In a wonderfully concise 34 pages, Tamara Ellison, assistant director of the ADL Legal Affairs Department, identifies nine major manifestations of religion in the public schools. Each brief chapter is devoted to a separate issue and proceeds with sample scenarios followed by discussion in a question and answer format. With

this structure, it serves as a thumbnail sketch of church and state relations in the public school venue.

While *Religion in the Public Schools* is not a law review article, it does give careful attention to the leading court decisions and is surprisingly current. Nevertheless, legal jargon is absent and the lay person will have no difficulty in mastering the material.

Religion in the public schools may be one of the hottest battlegrounds of church and state relations in the 1990s. This treatment of the topics of prayer, religion in the curriculum, religious holidays, released time, equal access, distribution of religious materials by students, proselytizing by outsiders and rental of school facilities by religious organizations is as fresh as a morning newspaper. One would be hard pressed to find a better, more succinct primer on religion in the public schools.

Baptists true to their heritage of separation of church and state and support for public schools will want a copy of this workbook. In fact, because of its topical organization, case study approach and discussion questions and answers, it is an excellent resource for Sunday schools, discipleship training or other small group settings. To be sure, it will provide fertile ground for lively discussion.

Pastors and others with an inclination toward advocacy will immediately recognize the value of this booklet. For example, I am presenting a copy to members of our local school board for their ready reference. School principals and teachers would also benefit from this timely information. Thanks to the ADL for this fine resource and for its recognized work on religious liberty concerns.

— Jeffery Warren Scott
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Cuyahoga Falls, Ohio

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