

REPORT from the CAPITAL

Bipartisan huddle



Baptist Joint Committee General Counsel Oliver S. Thomas (right) confers with Sens. Edward M. Kennedy, D-Mass. (left), and Orrin G. Hatch, R-Utah, at a news conference announcing the reintroduction of the Religious Freedom Restoration Act.

Page 4

Inside

Baptists and Sunday mail 2
 Ham and eggs law 7
 Thanks, Thomas Jefferson 10
 Religion as a thermostat 15

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



REPORT from the CAPITAL

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

Vol. 48, No. 4

April 1993

Articles

RFRA off to fast start.....	4
by Pam Parry	
Jefferson: Friend of liberty.....	10
by D. Glenn Saul	

Features

Washington Observations.....	3
Views of the Wall.....	7
by J. Brent Walker	
News in Brief.....	8
compiled by Pam Parry	
International Dateline.....	12
compiled by Pam Parry	
Reflections.....	15
by James M. Dunn	
Reviews.....	16
by J. Brent Walker	

COVER: Photo of Religious Freedom Restoration Act news conference by Pam Parry; drawing of Jefferson Memorial by Steve Mosley.

Executive Director: James M. Dunn
 Editor: Larry G. Chesser
 Associate Editor: Pam Parry
 Book Reviews: J. Brent Walker

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

REPORT from the CAPITAL is published 10 times each year by the Baptist Joint Committee on Public Affairs, a religious liberty agency maintained in the nation's capital by the Alliance of Baptists, American Baptist Churches in the U.S.A.; Baptist General Conference; Cooperative Baptist Fellowship; National Baptist Convention of America; National Baptist Convention, U.S.A., Inc.; National Missionary Baptist Convention, North American Baptist Conference; Progressive National Baptist Convention, Inc.; Religious Liberty Council; Seventh Day Baptist General Conference; and Southern Baptist state conventions and churches.

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

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

The Sunday mail controversy

One of the great American heroes of religious liberty in the 19th century was Sen. Richard M. Johnson from Kentucky. Johnson was a member of Congress for 30 years and served as Martin Van Buren's vice president from 1837 to 1841. Johnson's life story contains several fascinating events.

His most influential and greatest contribution as a statesman arose amid "The Sunday Mail Controversy." The debate concerned whether or not the mail should be carried and made available on Sundays. The question frequently was debated in Congress from about 1810 to 1830.

Many petitions for discontinuing the Sunday mail were presented to Congress. These were referred to the committees on the post office and post roads. Johnson delivered the Senate Committee report on Jan. 19, 1829. The very next year, Johnson delivered the House committee report on this issue. These two documents are reported by historians to be the most significant statements on religious liberty from the Jacksonian period.

The House report states that the Constitution provides no authority to the Congress to even inquire as to whether a certain period of time has been set aside by the Almighty for religious exercises. Quite to the contrary, there are three prohibitions placed on the Congress: no religious test for public office, no laws respecting an establishment of religion and no restrictions on the free exercise of religion. The argument should have died here, says the report, on the grounds that the question referred to the committee did not fall under the auspices of the Congress. However, the "perseverance and zeal" of those opposed to Sunday mail delivery was so insistent that further clarification of the issue was needed.

The 10-page House committee report did just that. The report contains some of the most convincing language on religious liberty and church-state separation ever written. Paragraph after paragraph extols the wisdom of political restraint in matters of conscience and denigrates the devastating effects of legislated religion. The report is packed with superb analyses like the following: "If a solemn act of legislation shall, in one point, define the law of God, or point out to the citizen one religious duty, it may, with equal propriety, proceed to define every part of divine revelation, and enforce every religious obligation, even to the forms of worship, the endowment of the church, and the support of the clergy."

The entire report sounds like it was written by a Baptist. But, as far as we know, Johnson wasn't a Baptist. Further research, however, reveals that the report actually was prepared by the chief clerk of the Post Office Department, Obadiah B. Brown. Some might view him as an insignificant cog in a young bureaucracy who happened to help write one of the best religious liberty documents in U.S. history. However, for many of us, it is not a trivial fact that Brown was also the first pastor of First Baptist Church of the City of Washington, D.C. □



Patrick N. Horn

THE AMERICAN CENTER FOR LAW AND JUSTICE (ACLJ) is Pat Robertson's answer to the American Civil Liberties Union (ACLU). By its own admission, the ACLJ is ready to dispatch "legal SWAT teams" to communities around the country to try to get prayer back into graduation ceremonies. Just last week, the ACLJ held a press conference at the National Press Club in Washington to announce the release of a "special bulletin" that it is sending to every public school superintendent in the country.

In *Lee v. Weisman* (1992) the U.S. Supreme Court held that it was unconstitutional for a middle school principal to select a Jewish rabbi to pray at a school-sponsored graduation ceremony and to give the rabbi guidelines to follow in fashioning his prayers. At the same time, the court reviewed a federal appeals court decision in *Jones v. Clear Creek* that had upheld a school board's policy allowing students to say non-sectarian, non-proselytizing prayers at graduation if a majority of the senior class voted for it. The Supreme Court vacated the judgment in *Jones* and returned it to the lower court for reconsideration in light of *Lee*. The lower court again ruled for the school board. The ACLJ has latched onto this latter decision in *Jones* as a paradigm for its new guidelines.

But the ACLJ misses the mark here. It gives much too pinched an interpretation of *Lee*. The illicit coercion in *Lee* is not cured by running a student in to do the praying instead of a rabbi, even if sanctioned by a student majority. As long as the ceremony remains a school-sponsored event, there is still a constitutional problem. The ACLJ gives too much weight to the opinion in *Jones*. At best, as a decision of an inferior federal court it is binding only in Texas, Louisiana and Mississippi. At worst, it conflicts with the Supreme Court's teaching in *Lee* and is to that extent bad law. Moreover, when the school previews the student prayer to be sure it is "non-sectarian, non-proselytizing," the church and state become unduly entangled. The ACLJ would do better spending its time teaching the importance of civic responsibility and extolling respect for the rule of law rather than counseling ways to get around the high court's ruling.

Corporate prayer at a state-sponsored graduation ceremony should be avoided. A majority vote does not lessen the coercive effect of the prayer or turn a state-sponsored event into a proper forum for religious worship. A voluntary, church-sponsored baccalaureate service off campus is the proper venue for corporate prayer. • (JBW)

Fast start

Early action good sign for religious liberty bill

A quick, early start in the 103rd Congress has supporters of the Religious Freedom Restoration Act predicting a victory that has eluded them for nearly three years.

The legislation would restore a high level of protection for religious practice virtually abandoned by the U.S. Supreme Court in 1990. In *Employment Division v. Smith*, the high court said government in most instances does not need to demonstrate a compelling interest before it restricts the religious practices of its citizens.

Writing for the court in that decision, Justice Antonin Scalia said full-blown religious liberty is a luxury the nation could no longer afford.

The court decision generated an uproar among U.S. religious and civil liberties groups. Their concerns have been confirmed by the high percentage of cases lost by religious claimants under *Smith's* relaxed standard.

Spearheaded by the Baptist Joint Committee, the religious and civil liberties organizations formed a broad-based coalition to help find a legislative solution to *Smith*. The Religious Freedom Restoration Act was introduced too late in the 101st Congress for consideration and passage.

The bill was reintroduced in the 102nd Congress but again lost a race against time and some formidable opposition in the U.S. Catholic Conference.

The latest version of RFRA (H.R. 1308, S. 578), backed by an unprecedented array of 58 religious and civil liberties groups that includes the Catholic Conference, was introduced in mid-March and within two weeks easily had cleared committee hurdles in the House of Representatives.

The House Judiciary Committee unanimously approved the bill without amendment, as committee members expressed enthusiasm and support for the legislation.

"We cannot let the *Smith* decision further chip away at the freedom to exercise religious beliefs," said Rep. Don Edwards, D-Calif.

Oliver S. Thomas, BJC general counsel and chairman of the Coalition For the Free Exercise of Religion, said, "The unanimous vote of the 35-member House Judiciary Committee shows the breadth of support for this bill. The members recognize that without RFRA the free exercise clause remains a dead letter."

Forest Montgomery, counsel for the



Rep. Don Edwards, D-Calif., adds his support for RFRA at a news conference announcing the bill's reintroduction in both houses of Congress.

National Association of Evangelicals, said, "You can't do better than 35-zip, and I think it sends a powerful message to the House ... that any qualms expressed in the past have been taken care of, and we are clear for rapid passage."

But the momentum generated by the quick advancement in the House was blunted slightly when the Senate Judiciary Committee postponed consideration of the bill until after the April recess.

Attorneys working for RFRA's passage agreed the House committee action far outweighed the Senate committee's inaction in determining RFRA's future.

J. Brent Walker, BJC associate general counsel, said that "the House committee's unanimous approval sets the tone for a successful vote in the Senate Judiciary Committee when it takes up the bill after the Easter recess. After all, several of the House committee members were RFRA's harshest critics last year, and they voted for it this time around."

Walker said while the Senate delay is not ominous with regard to the measure's final passage, it will prevent President Bill Clinton from signing it by April 13 — a target date set by the coalition. That date was selected because it marks the 250th anniversary of Thomas Jefferson's birth.

The Senate delay was prompted by a memo from the Bureau of Prisons saying it wanted to review the bill to make sure reinstatement of the compelling interest test would not produce undue burdens in prison settings. Thomas said he's confident it would not.

Although the delay is disappointing, it is important to note that RFRA was reintroduced only two weeks ago, Thomas said, adding "we have been waiting for three years to have this bill marked up in the Senate."

Because of a congressional recess, the earliest date the Senate committee could consider RFRA is April 22.

"I have spoken with both the Senate sponsors as well as the attorney general's staff and am confident the postponement in the Senate signals no change in the administration's position.

"Both the president and the attorney general have unequivocally endorsed RFRA."

Congressional sponsors, buoyed by unprecedented support from religious groups and a strong White House endorsement, have predicted RFRA should move expeditiously through the 103rd Congress and become law.

Sens. Orrin Hatch, R-Utah, and Edward M. Kennedy, D-Mass., who are lead Senate co-sponsors of RFRA, pointed to President Clinton's endorsement of the legislation as critical to its anticipated success in the 103rd Congress.

During a news conference marking the bill's introduction, Kennedy read from an endorsement letter the president sent to him.

In the letter, Clinton wrote, "The right to practice one's faith free from governmental interference is among the most fundamental liberties protected by our Constitution. ... RFRA is urgently needed to restore full legal protection for the exercise of religion.

"I look forward to working with the Congress to secure speedy enactment of this important legislation."

The senators also pointed to the diversity among the 58 organizations that make up the coalition as vital to the bill.

Steven T. McFarland, director of the Christian Legal Society's Center for Law and Religious Freedom, praised the remarkable nature of the coalition. "Never have so many diverse ideologies come together to support a piece of human rights legislation."

The unique coalition includes some

organizations that are usually adversaries, such as the American Civil Liberties Union and Concerned Women for America.

Hatch and Kennedy credited the coalition's efforts to secure the Catholic Conference's endorsement. In the past, the Catholic Conference was the only major U.S. religious body opposing the bill.

While acknowledging concern over *Smith*, the Catholic Conference had opposed the bill because it said RFRA could advance abortion rights, be used to deny religious organizations' tax-exempt status and prohibit religious organizations from participating in government programs.

The coalition has maintained those concerns are unfounded.

"We have just started over. It is imperative that the Religious Freedom Restoration Act be passed by this Congress. ... Almost like baseball it may be a matter of three strikes and you're out."

—James M. Dunn

"I am especially pleased that in this year's bill, we have been able to clarify its provisions to meet concerns expressed by the United States Catholic Conference ...," Kennedy said.

The Catholic endorsement is "pivotal," Hatch added.

Walker said the agreement with the Catholic Conference did not alter the bill, but rather, language was added to address more explicitly what the drafters' intended in the first place. But, Walker added, its legal effect would be the same as the previous bill.

Thomas, who helped write the bill, described the new language as a "clarification."

Rep. Charles Schumer, D-N.Y., who along with Rep. Christopher Cox, R-Calif., introduced the measure in the House, said "this is an important bill" for the Jews in his congressional district, for Mormons in Utah and for Southern Baptists in Mississippi and Alabama.

"We have just started over," said James M. Dunn, BJC executive director. "It is imperative that the Religious Freedom Restoration Act be passed by this Congress. ... Almost like baseball it may be a matter of three strikes and you're out. Now is the time."

Every Baptist in America should be concerned about this bill, Thomas said, adding, "Without RFRA, as one judge recently put it, churches have no more constitutional rights than adult movie theaters." □

RFRA Chronology

April 17, 1990

U.S. Supreme Court virtually abandons requirement that government show a compelling reason to restrict religious practice.

101st Congress

July 26, 1990

RFRA introduced in the U.S. House of Representatives.

Oct. 26, 1990

RFRA introduced in the U.S. Senate.

Oct. 28, 1990

RFRA dies in House and Senate Judiciary Committees as 101st Congress adjourned.

102nd Congress

June 26, 1991

RFRA reintroduced in the House of Representatives.

July 2, 1992

RFRA reintroduced in the Senate.

May 13-14, 1992

House committee holds hearings on RFRA.

Sept. 18, 1992

Senate Judiciary Committee holds hearings on RFRA.

Oct. 9, 1992

House Judiciary Committee approves RFRA but 102nd Congress would adjourn before it could be considered by full House.

Oct. 9, 1992

RFRA dies in Senate Judiciary Committee after Sen. Alan Simpson, R-Wyo., puts a hold on bill just days before Congress adjourns.

103rd Congress

March 9, 1993

U.S. Catholic Conference endorses RFRA.

March 11, 1993

President Bill Clinton sends a letter endorsing RFRA as measure is reintroduced in both the House and Senate.

March 17, 1993

A House subcommittee approves RFRA.

March 22, 1993

House Judiciary Committee approves RFRA, clearing the bill for floor action. Senate Judiciary Committee vote on RFRA delayed to allow consideration of Bureau of Prisons concerns about the bill's impact on prisons.

Research: Michael L. Hance

Baptist statesman, Fred Schwengel, dies

Fred Schwengel, 86, a former member of Congress, founder and former president of the U.S. Capitol Historical Society and an ardent advocate of church-state separation, died April 1 following a brief illness.

Mr. Schwengel, a Republican and a member of Calvary Baptist Church here, represented Iowa's 1st Congressional District for 16 years. He lost a 1972 re-election bid after leading the effort in the U.S. House of Representatives to defeat a proposed constitutional amendment that would have permitted government-sponsored, non-denominational prayer in public schools.

During a three-week period in 1971, Mr. Schwengel took the floor every day to argue against the proposed amendment and in favor of church-state separation. The proposal had solid support in the House but fell 28 votes short of the necessary two-third majority needed for passage.

Supported by a bipartisan group of congressional leaders including House Speaker Sam Rayburn, Rep. Gerald Ford and Sens. Everett Dirksen and Hubert H. Humphrey, Mr. Schwengel organized the Capitol Historical Society in 1962.

Under his leadership the historical society published the best-selling Capitol guidebook, "We the People," and a calendar widely distributed by members of Congress.

Mr. Schwengel was an avid student of



Fred Schwengel

history and of Abraham Lincoln. His knowledge and love of history were evident in the unsurpassed tours of the Capitol Mr. Schwengel conducted for the

James M. Dunn, executive director of

the Baptist Joint Committee, said, "Fred Schwengel was a symbol and a spokesman for all that is best in Baptists. He stood tall for freedom and never confused the need for separation of church and state with the necessary witness of religion to politics."

Steadfast in his support of church-state separation, Schwengel believed that "a religious experience to be acceptable to God and to be worthy of the name must be a voluntary response to God. The power of government in whatever form it may take, must not be used in an attempt to force people to be religious."

A recipient of numerous honorary degrees and awards, Schwengel was honored by the Baptist Joint Committee in 1986 when the agency gave him the J.M. Dawson Religious Liberty Award. Only two people have been given this award.

In that same year, Congress surprised him with a birthday party celebrating his 80th year. At the party, then-Speaker of the House Thomas O'Neill gave Schwengel a testimonial scroll signed by the congressional leadership.

Mr. Schwengel is survived by his wife, Ethel Schwengel of Arlington, Va.; a son, Franklin Dean Schwengel of Santa Monica, Calif.; a daughter Dorothy Jean Cosby of Alexandria, Va.; five grandchildren and a great grandchild. □

Republican colleague pays tribute

Following are excerpts of a tribute to Fred Schwengel by House Minority Leader Robert H. Michel, R-Ill., that appeared in the April 7 issue of the Congressional Record:

Fred and I were good friends ever since he was first elected to the Congress from our neighboring State of Iowa. He was a good-natured soul who never had a derogative word for any of his colleagues. He was a real workhorse when he was in the House of Representatives. He was always happy to win on the issues and his own election and sad when we

went down to defeat or through circumstances beyond his control, lost his own re-election bid.

He always liked to talk about Lincoln as one of his favorite historical subjects, but there's no question but that he was the real father of our Capitol Historical Society. There was no one better to take you through this edifice than Fred Schwengel, and he explored every nook and cranny of the place and could so interestingly relate the history of our country to that Capitol Building. Oddly enough, he probably made more of a mark during his tenure as head

of the Historical Society than he did as a sitting Member of the Congress, but they were both very complementary to his good life.

We always used to enjoy his stopping by the office unannounced with tourists in tow to come view the Capitol Hill office and shake hands with the Republican leader.

I would be remiss if I didn't take these few moments to express my own personal sadness at his passing and to extend to his wife, Ethel, and all the members of the family my profound sympathy and condolences." □

VIEWS OF THE WALL

J. Brent Walker
Associate General Counsel



The Baptist Joint Committee has filed three briefs this term in the U.S. Supreme Court and is spearheading a coalition of groups urging Congress to pass the Religious Freedom Restoration Act. But, that's not all we have been doing. In addition to the lofty tasks of filing briefs in the Supreme Court and drafting legislation, we also are involved in day-to-day church-state problems on behalf of Baptist constituents and others — what that lawyer turned novelist, John Grisham, calls "ham and eggs" law. We give advice and guidance, write letters and make phone calls and sometimes actually intervene in disputes.

These are just a few of the ones that we have dealt with recently and in some cases routinely:

Tax exemption. A church starts to fill out the thick Form 1023 application for tax exemption and gets fed up with that burden or the IRS presses for disclosure of delicate information about the church's donors or average attendance at worship service. The pastor gets nervous and gives us a call about what to do. We usually say stop what you are doing and do nothing. Churches and religious organizations are presumptively exempt from federal taxation. There is no need to apply for the exemption. And, most Baptist churches are covered by the group exemption letter that their denomination has obtained anyway.

We also get a lot of questions about the extent to which churches and religious organizations can engage in what appear to be commercial enterprises on the side. A church that regularly carries on a trade or business that is not substantially related to its exempt purpose may be required to pay unrelated business income tax (UBIT) on the proceeds even when otherwise tax exempt.

Two of these have come in recently: (1) One church wants to use its fellowship hall to serve meals to outside tax-exempt groups on a weekly basis where the church hostess will make a small profit and (2) a second church wants to rent excess educational space during the week to a private school. The first church is probably OK; the latter one may have to pay UBIT.

Student's rights. We got a call from a high school student in California who was prevented from performing a song that he wrote titled "Jesus" at an after-hours drama club talent show. He even offered to change the name to "My Best

"We spend a lot of time trying to counter demagoguery."

Friend" but that wouldn't satisfy the principal. Ultimately the student was given permission to perform the instrumentation. But he then pulled a fast one. When he finished, he referred the audience to copies of the words at the rear of the auditorium if they cared to look at them as they left. The school was out of line, and the principal recanted.

A hot topic now-a-days, in light of last summer's Supreme Court decision in *Lee v. Weisman* (the Rhode Island middle school graduation prayer case), is how properly to do graduation — commencement ceremonies and baccalaureate services. Our general advice is not to have prayer at the graduation service, but to hold a church-sponsored, voluntary baccalaureate service (in addition to graduation services) where praying and worship can be done with impunity and without limitation.

Employment issues. We get a lot of questions about the operation of Title VII of the Civil Rights Act of 1964 concerning employment discrimination. These usually revolve around two areas: (1) Church as employer. A church is entitled to discriminate on the basis of religion under Title VII. A Virginia church recently called concerning a complaint that had been filed by a disappointed Muslim applicant for a day-care job and who had been turned down because she was not Christian. The investigation is being dismissed. (2) Discrimination against church members. Religious people are often discriminated against in their secular jobs where the employer refuses to accommodate their religious exercise. The U.S. Postal Service refused to allow a Baptist in Western New York off work to worship on Sundays. Apparently, the local supervisor let Jews off on Saturday almost without exception, but not Christians on Sunday. This matter is being pursued in an effort to work out the dispute before Equal Employment Opportunity Commission proceedings are begun.

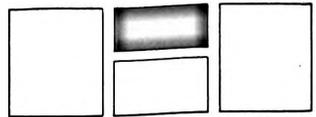
We recently were able to intervene successfully on behalf of a Seventh Day Adventist woman javelin thrower at a University of Tennessee who would have missed both the SEC meet and the NCAA nationals because her event was scheduled either on Friday evening or on Saturday. She also would have lost a major part of her scholarship. With our intervention, along with others, the events were switched so that she could compete.

Extinguishing rumors. We spend a lot of time trying to counter demagoguery. The best example of this is the infamous Madalyn Murray O'Hair FCC petition that has cropped up periodically for the last 15 years. It says that Madalyn Murray O'Hair has petitioned the FCC to discontinue religious broadcasting and urges the reader to write the FCC and complain. This is utterly false, but you wouldn't know it from the 22 million letters received by the FCC since 1974.

A more recent one has to do with a flyer that's being circulated titled "Could the Federal Government Close Down Your Church?" This is a diatribe against the various gay rights bills that have been introduced in Congress. It goes on to say that these bills would prevent churches from discriminating against homosexuals in hiring, require churches to perform marriages for gay couples, subject churches to mandatory hiring quotas and even shut the church down. Of course, all of this is false. We are seeking exemptions for churches and religious organizations from the gay rights bills. But, even if we are not successful, the law could still not be used to force churches to hire homosexuals as ministers or perform tasks that are essentially religious in nature.

There are many other examples I could mention from church discipline to child sexual abuse, from questions about the American flag in the sanctuary to immigration law, from intervening to preserve the clergy-communicant privilege in the face of a federal subpoena to testify at a murder case to helping a church obtain a zoning variance to build a steeple to a desired height.

I urge you to give us a call if you have a church-state problem no matter how mundane the it seems to be. We just might be able to help. And if not, we will not feel bashful about saying "I don't know." But if we don't know the answer we usually find someone who does. We are here to help. Please call on us. □



Despite challenges — First Amendment still works

America's great experiment — the First Amendment — still works but faces chilling challenges in an increasingly pluralistic society, according to speakers at a March 16-17 symposium on religious liberty.

The conference, sponsored by The Freedom Forum First Amendment Center at Vanderbilt University and held at the Forum's World Center in Arlington, Va., drew more than 100 invited guests from the fields of education, law and religion. Since the First Amendment foundation primarily has focused on free press and free speech issues in the past, Freedom Forum President Charles Overby called its first conference devoted to the religion clauses historic.

Two keynote speakers and participants on four panels focused on three segments of society that relate to religion: government, public education and minority communities.

Oliver S. Thomas, a panel moderator and general counsel of the Baptist Joint Committee, said there are few absolutes in life — death, taxes, change and "the absolute nature of the free exercise clause."

Quoting the First Amendment, Thomas reminded the audience that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

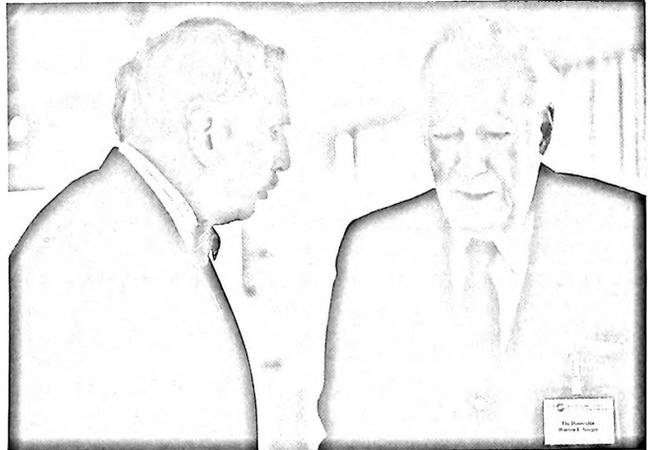
"No law," he emphasized. "A textual absolute is a rarity, but it's there."

The Framers' choice to accommodate religion was deliberate and sustained by the nation's high court until three years ago, Thomas said.

In April 1990, the U.S. Supreme Court handed down the *Dred Scott* of First Amendment law, he said. (*Dred Scott* was the 1857 decision that declared African Americans were property and could not become citizens.)

In *Oregon v. Smith*, Justice Antonin Scalia called religious liberty a "luxury" this nation can no longer afford, Thomas recapped, asking panel participants whether government could still accommodate religion in a pluralistic society.

Beverly Campbell, director of international affairs for the Church of Jesus Christ of Latter-day Saints, said Justice



Baptist Joint Committee Executive Director James M. Dunn talks with Warren E. Burger, retired chief justice of the U.S. Supreme Court, at a Freedom Forum conference.

Scalia was wrong; the Bill of Rights protects "principles not constituencies."

Abba Cohen, director of the Washington office of Agudath Israel of America, said, "Accommodating religion is simply good government."

If government must accommodate religion, it also must draw some lines, Thomas said, asking where the limits of accommodation should be.

Anuttama Dasa, director of communications, International Society of Krishna Consciousness, said that the government allows members of his religion to practice their faith in public locations, but sets reasonable time, place and manner restrictions on those activities.

Other participants discussed the "compelling interest" test the court formerly required government to meet before restricting religious practices. In *Smith*, the court virtually abandoned that test, redrawing the line unfavorably toward religion, they said.

The solution: the Religious Freedom Restoration Act, according to virtually

everyone present. The bill (H.R. 1308, S. 578) would restore the compelling interest test and is pending in Congress.

In a keynote address, former U.S. Rep. John Buchanan said RFRA enjoys "great unity across the whole spectrum of politics and religion."

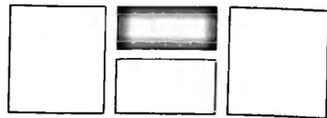
Buchanan, a Baptist, applauded America's pluralism: "We are not just a melting pot. We are a rich mosaic."

But it's exactly that multi-culturalism that makes the debate of religion and the public schools that much harder to settle, according to participants.

Charles Haynes, panel moderator and executive director, First Liberty Institute at George Mason University, said the real question is how Americans live with their deepest differences, noting public schools are besieged on all sides.

Haynes said most Americans can agree on an approach that treats religion fairly while safeguarding liberty of conscience, he said.

Steve McFarland, director of the Christian Legal Society's Center for Law and



Religious Freedom, said, "We need mass public education in the First Amendment" because too many people view the establishment clause as "an unfortunate hurdle."

Diane Berreth, deputy executive director, Association for Supervision and Curriculum Development, Alexandria, Va., said, "It is wrong for the school to inculcate any faith. It's the school's responsibility to teach the truth about religion's place in our society."

She said that national standards are being established that will help educators infuse the role of religion in art, literature, history and science for all grade levels.

She said teaching about religion in public schools does not mean imparting religious values but rather the academic truth about religion's role in shaping America's history. □

BJC's Dunn criticizes Vatican appointment

President Bill Clinton's decision to name Boston Mayor Raymond L. Flynn as the next U.S. Ambassador to the Vatican has drawn sharp criticism from Baptist and civil liberties organizations.

Flynn, an active Roman Catholic and a Democrat who opposes abortion, announced at a March 17 news conference in Boston that he had accepted Clinton's offer to fill the post that has been held by two other Catholics — William A. Wilson and Thomas P. Melady — since President Ronald Reagan established formal diplomatic ties with the Vatican in 1984.

"Such an appointment is a clear violation of the principle of church-state separation, a dangerous and divisive precedent of government meddling in church affairs, and the occasion for practical problems for all those engaged in the far-flung missionary venture in developing countries," said James M. Dunn, executive director of the Baptist Joint Committee.

Dunn said he directed the same words at President Reagan's decision nearly a decade ago to establish full diplomatic ties with the Vatican.

"The constitutional principle abandoned then continues to be ignored by Mr. Clinton's decision to maintain diplomatic ties with a church. I am deeply disappointed by this."

Dunn noted that the BJC, a Washington, D.C.-based religious liberty agency, has opposed "such flagrant entanglement between church and state" for

more than half a century and will oppose Flynn's confirmation by the U.S. Senate.

Perhaps as predictable as Baptist opposition to the appointment was Catholic support for it.

Archbishop William H. Keeler of Baltimore, president of the U.S. Catholic Conference, lauded the appointment, describing Flynn as "a champion of justice and an eloquent spokesman for the poor and the marginalized in our land."

Keeler said it is gratifying that the United States and more than 100 other nations "recognize the value to our people of diplomatic relations with the Holy See, whose moral leadership on behalf of peace, justice, human development and human rights has been so universally praised."

When Congress and President Reagan moved during 1983 and 1984 to establish diplomatic ties with the Vatican, some Catholic leaders expressed doubts about how much support the move enjoyed among U.S. Catholic bishops.

Today, with U.S.-Vatican ties in place, the situation is different, according to Jim Castelli, a veteran journalist and close watcher of Catholic affairs.

Any attempt now to downgrade the diplomatic status between the United States and the Vatican would be perceived by the hierarchy and most U.S. Catholics "as a slight and a slap in the face," Castelli said. □

White steps down from nation's high court

Associate Justice Byron R. White's decision to leave the U.S. Supreme Court at the end of this term opens the door for an improvement in church-state law, according to three Baptist court observers.

White, who gravitated to the right on a range of issues during his 31-year tenure, announced March 19 that he will step down this summer.

While the White House has not released a list of prospects for the post, President Bill Clinton said he wanted a nominee with a strong view of the Bill of Rights and is widely expected to replace White with a nominee who would help thwart, if not reverse, the court's rightward direction.

White, 75, was appointed in 1962 by President John F. Kennedy. He was viewed then as a moderate but increasingly over the years has sided with the court's conservatives.

He generally has favored a low wall of

separation between church and state and thinks the court has gone too far in advancing abortion rights.

"In church-state law, Justice White is less of a conservative than he is a justice who has tended to uphold whatever the state chose to do with respect to religion," said Oliver S. Thomas, general counsel of the Baptist Joint Committee. "He has grown increasingly hostile toward both the free exercise of religion and the separation of church and state."

Thomas noted that White would allow more government promotion of religion and is unwilling to stop government from interfering with religious practices.

"In short, he is not a separatist and his departure from the court opens the door for improvement in church-state law," Thomas said.

Stan Hastey, who covered the high court as a Baptist journalist for 15 of White's 31 terms on the bench, also noted White's movement to the right.

"Justice White, like some other justices, didn't turn out to be the kind of jurist that people thought he might be at the time of his elevation to the court," said Hastey, now executive director of the Alliance of Baptists.

In recent Supreme Court decisions on emotionally volatile church-state issues, White sided with conservatives.

In a 1991 case, White, along with Justices William Rehnquist, Antonin Scalia and Clarence Thomas, strongly objected to the decision to strike down a Rhode Island school district's commencement prayer practice.

A year earlier, he had helped form a narrow 5-4 majority in *Employment Division v. Smith* that reversed decades of precedent by holding that government no longer needed a compelling reason to justify a restriction on religious practice.

White encouraged that White may be replaced by a justice who favors church-state separation, J. Brent Walker, BJC associate general counsel, said White's retirement may not be immediately noticed in some church-state cases.

"Even if he is succeeded by a separatist, the vote on the issues in the *Smith* case would still likely be 5-4 because Justice Thomas, who replaced Justice (Thurgood) Marshall, probably would vote with the majority," Walker said.

Nonetheless, Walker said, "The appointment of someone who believes in rigorously enforcing both religious clauses is indeed good news for the years ahead." □

Thomas Jefferson

Friend of religious liberty, ... foe of religious establishment

The election was marked by a particular religious flavor. At issue was the fear that if one of the candidates was elected the nation would slide down the slope of godlessness. Prominent clergymen were alarmed that the candidate they opposed appeared to belittle religious faith in favor of a radical kind of freedom that recognized the rights of

all individuals. Entrenched religionists who had access to government were afraid that the election of a new party candidate would be divisive and a threat to order and security. Still other evangelical leaders were skeptical of the candidate's own personal beliefs. Just prior to the election one periodical called on the people to vote for the incumbent and belief in God or the suspect candidate and no God!

Sound familiar? No, it was not the campaign of 1992 but rather the presidential election of 1800 between Thomas Jefferson and John Adams. The candidate feared by the proponents of establishment was Thomas Jefferson, and with good reason. Jefferson was already recognized as a champion of religious freedom and an enemy of religious establishment. The 250th birthday of Thomas Jefferson will be celebrated this month. For this reason it is appropriate to take a brief look at Jefferson's contribution to religious liberty.

Jefferson, himself, was not a particularly religious man, though he was a member of the Protestant Episcopal Church in Virginia and remained a member in good standing throughout his life. He believed that one's religious beliefs were a private matter between a person and God. Indeed, some have felt that Jefferson kept his beliefs private because they were out of sync with those of his church and many of

his fellow citizens. Jefferson was a Deist who denied that God worked outside the natural order of the universe. Perhaps more importantly, he was a man of the Enlightenment who honored reason above all.

Toward the end of his life Jefferson put together his version of the Gospels, which included what he believed to be the

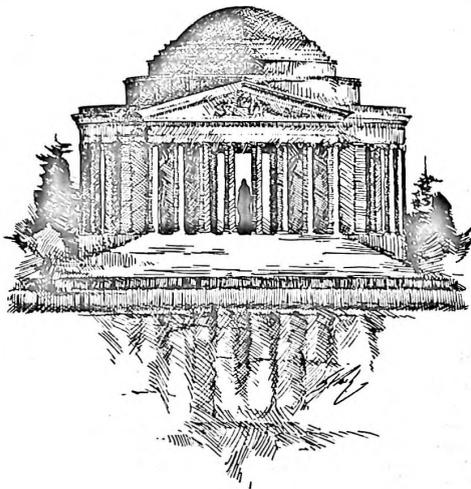
authentic teachings of Jesus. Non-authentic in Jefferson's view were the miracles of Jesus and any notion that Jesus was anything other than a man. The idea of the trinity was offensive to Jefferson. There was only God in Jefferson's eyes and that view caused him to look with favor on Unitarianism. Nevertheless, in spite of Jefferson's unorthodox views, he considered himself to be a "disciple of Jesus" and "a real Christian."²

Americans owe much to Jefferson as the most conspicuous champion of political and spiritual freedom in this country's history. Toward the end of his life, Jefferson composed his own epitaph and thus indicated what he thought were his greatest accomplishments: "Here lies buried Thomas Jefferson, author of the Declaration of American Independence; of the Statute of Virginia for Religious Freedom; and Father of the University of Virginia." Not mentioned were the various offices he held: President of the

United States, Secretary of State under George Washington, Governor of Virginia or the successful negotiation of the Louisiana Purchase.

Why was Jefferson so proud of the three accomplishments listed on his monument? Alan V. Briceland in a provocative article thinks the answer partially lies in one of Jefferson's most quoted statements, "I have sworn upon the altar of God, eternal hostility against every form of tyranny over the mind of man."³

The tyrannies of "Kings, priests and nobles" were most often on the receiving end of Jefferson's ire. "Kings" was Jefferson's catch-all phrase for every kind of totalitarian political leadership or rule. "Priests" was a phrase used to describe any intolerant minister or spokesperson for any sect



D. Glenn Saul, director of Howard Payne University in El Paso, Texas, is the author of this article about Thomas Jefferson. Dr. Saul is a former scholar-in-residence at the Baptist Joint Committee and a contributing editor of *Report from the Capital*.

or faith. "Nobles" was the term for a privileged elite that felt it could govern over the masses. Nobles as a class often were merged into the categories of either kings or priests. Jefferson particularly raged against the harm done by the "combination of the altar and the throne."⁴

In Jefferson's view, kings, priests and nobles regularly had conspired against the well-being of the common people. They had maintained their control by usurping the rule of God and by seeking to enslave the minds of mankind. The union of church and state was particularly odious to Jefferson because he saw that each group reinforced the designs of the other. Republican government was the antidote for the abuses of monarchy. Religious freedom was the answer for priestly tyranny that had turned Christendom into a slaughterhouse creating division and hatred. Public education of the masses was the antidote for the excesses of the nobles.⁵

The American Declaration of Independence written by Jefferson was a tirade against the evils of monarchy. Though the colonies' main grievances were against the British Parliament, the Declaration of Independence singled out the monarchy as the source of tyranny. Some historians have felt that Jefferson overstated the case against King George III in an attempt to try to discredit monarchy once and for all.⁶ In the philosophical section of the document, Jefferson summarized revolutionary philosophy that has been viewed as a charter of American and universal liberties.

It is in the "Bill for Establishing Religious Freedom" submitted to the Virginia Assembly in 1779 that Jefferson's views on church and state are most clearly shown. In 1776 Jefferson, a delegate to the Virginia Assembly, was assigned to the Committee on Religion. The committee struggled with the issue of the establishment of a state church. Jefferson's own words reveal the extent of the struggle: "The first Republican Legislature, which met in 1776, was crowded with petitions to abolish this spiritual tyranny. These brought on the severest contests in which I have ever been engaged."⁷

Jefferson offered his "Bill for Establishing Religious Freedom" in 1779. Even though it did not pass until 1786 it is a significant source of information on this nation's founding principles outside the Constitution itself. Martin Marty has written, "The Virginia event, by common consent, was the most decisive element in an epochal shift in the Western world's approach to relations between civil and religious spheres of life after fourteen centuries."⁸ The ideas of religious liberty and separation of church and state contained in the document flew in the face of the long-held view in the Western world that religious solidarity in one recognized church was essential to social and political stability.

Jefferson, a philosopher of the Enlightenment, was convinced that matters of religion should be excluded from civil control of any kind. He, like Madison, believed that religious belief was a matter of individual conscience that was grounded in natural law and natural rights. Neither the civil government nor religious establishments could usurp a person's right to respond freely to a matter of conscience. The revolutionary change proposal by Jefferson was based on the principles of freedom of religious conscience and opinion and separation of church and state. The basis for these principles was reason and natural right.⁹

The statute is composed of two parts: the preamble and the act.¹⁰ In the preamble Jefferson set forth the rationale for the granting of religious freedom. The document begins by stating that Almighty God has created the human mind free and that all attempts to coerce attendance at religious worship or activity tends to produce hypocrisy and meanness and is contrary to the author of our faith. Furthermore, to force someone to support religious faith or opinions in any way is "sinful and tyrannical" and is a violation of religious liberty. The preamble also declares that a person's civil capacities and rights have no dependence upon their religious beliefs. All persons should be free to profess their opinions in matters of religion without penalty. Civil government should be allowed to interfere with religious practice only when such practices become overt acts against peace and order. Finally, it was Jefferson's belief that truth will prevail if left to itself.

The "act" part of the statute incorporates the above ideas into law: no one shall be compelled to support or attend any religious worship or activity; no one shall be coerced or burdened in any way because of religious beliefs or opinions; all should be free to profess or maintain their religious belief; and religious faith should in no way affect a person's civil capacities.

A final paragraph states that even though succeeding assemblies may have the power to revoke this statute to do so would violate the natural rights of mankind and any attempt to repeal or narrow its scope would be an infringement of natural right.

Before his death in 1826, Jefferson reflected on the significance of this act. "In previous centuries the opinion was universal that civil government could not stand without the prop of a religious establishment and that the Christian religion would perish if not supported. These assumptions were turned on their head in America."¹¹

The principles found in "The Virginia Statute for Religious Liberty" made their way into the First Amendment to the Constitution as proposed

by James Madison. The final wording reads, "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof." The Bill of Rights was ratified and took effect in 1791 by the U.S. Congress.

An informal letter written to the Danbury Baptist Association gives further insight into Jefferson's views of the separation of church and state. The letter was written in 1802. Specifically he wrote, "I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should 'make no law respecting an establishment of religion, or prohibiting the free exercise thereof,' thus building a wall of separation between Church and State."¹² Jefferson's wall of separation has become a fixture in Supreme Court decisions on church-state issues, though there is much debate as to its meaning.

There can be little doubt that Jefferson made a significant contribution to the guaranteeing of religious freedom in the United States. Jefferson belongs in the Religious Liberty Hall of Fame. The coming together of views of the Enlightenment in the lives of folk like Jefferson and Madison and the strident voices of Baptists, Presbyterians and other evangelicals who

"Neither the civil government nor religious establishments could usurp a person's right to respond freely to a matter of conscience."

INTERNATIONAL DATELINE



Report mixes harsh facts with recommendations

The report of the United Nations Commission on Truth, cataloguing the worst human rights abuses and those responsible for them during El Salvador's 12-year civil war, concludes with wide-ranging recommendations for restoring peace and democracy.

In a summary of the 211-page document recently released, the U.N. panel calls for a further purge of the highest level of the military forces, wholesale revamping of the country's justice system, a removal from public office for 10 years of those named in the report, strengthening of the new office of the National Counsel for the Defense of Human Rights and greater emphasis on achieving national reconciliation.

"Bitter though the truth may prove to be in some cases, recognizing what happened in El Salvador is the first essential step to assuring that it will not happen again," wrote the report's authors in an introduction. "For more than a decade a convulsion of violence seized El Salvador. The army, security forces and death squads linked to them committed massacres, sometimes of hundreds of people at a time. They also carried out targeted assassinations of many others including the country's archbishop and six Jesuit priests."

Under recommendations, the report calls for the removal of more than 40 high-ranking personnel from the Salvadoran armed forces and "any other public office." They include Minister of Defense Gen. Rene Emilio Ponce; Vice Minister Gen. Orlando Zepeda; Chief of Staff Gen. Gilbert Rubio Rubio; and Col. Oscar Alberto Leon Linares, former commander of the elite Atlacatl battalion, many of whose members and leaders were trained in the United States.

The commission cited the rebel group, the Farabundo Marti National Liberation Front, as responsible for 5 percent of the incidents listed in the report. The rebel group committed assassinations, disappearances and kidnapping during the war, the report says. The group is asked "to renounce forever all forms of violence in the pursuit of political ends."

Termining the justice system in El Salvador "highly deficient," the report urges constitutional reforms "requiring the turnover of the present members of the Supreme Court." In particular, the president of the court, Dr. Mauricio Gutierrez

Castro, is cited for unprofessional conduct.

The report also calls for greater separation of powers between the court and other branches of government and for decentralizing the power of the Supreme Court in controlling the rest of the judiciary.

The judicial system, in the commission's estimation, is so inept that it "is incapable of fairly assessing and carrying out punishment. Therefore, the commission feels it cannot recommend judicial proceedings in El Salvador against the persons named in the report until after judicial reforms are carried out."

As part of its plan for national reconciliation, the commission recommends material compensation for victims and calls for them to be recognized publicly.

It also recommends a special fund, supported by 1 percent of all foreign aid, for making compensation. The commission further recommends that war victims be recognized with a national monument listing their names and a national monument to remember the dead and celebrate reconciliation.

To preserve human rights, the commission urges that the new offices for the Defense of Human Rights be strengthened and extended to include offices in each department of the country.

Human rights officials should be allowed access anywhere in the country, the report states. It adds that El Salvador "should ratify and implement all major human rights accords" and "accept jurisdiction of the Inter-American Court of Human Rights, something all other Central American states have done." □

U.N. commission defends Baha'is

The United Nations Human Rights Commission has condemned Iran for human rights abuses against the Baha'is and called on the Tehran regime to uphold religious and political freedom.

The commission, ending its annual six-week session, also criticized Cuba and Iraq, Sudan and Zaire in Africa, and Myanmar (formerly Burma) in Asia.

The commission said torture and summary executions of Baha'is were widespread in Sudan, Zaire and Myanmar.

In Washington, Firuz Kazemzadeh welcomed the U.N. agency's action, particularly its decision to continue its investigation of Iran's actions against the

300,000 Baha'is, Iran's largest religious minority.

The commission also included for the first time a clear reference to Iran's threats against Salman Rushdie, the British writer who has been threatened with death by fundamentalist Muslims for his book, "The Satanic Verses."

The resolution on Rushdie expressed concern over "continuing threats to the life of a citizen of another state which appear to have the support of the government of the Islamic Republic of Iran."

Earlier, the commission's special representative for Iran had made public a secret Iranian government document detailing the Islamic regime's policy aimed at suppressing Iran's Baha'i minority. □

Thailand puts Buddhist social critic on trial

BANGKOK, Thailand

A leading Buddhist social critic and Nobel nominee is currently on trial and faces up to 17 years in jail here for openly criticizing the Thai military and government.

Sulak Sivaraksa, 59, an attorney, social activist and founder of the International Network of Concerned Buddhists, has charged that leaders are placing economic growth and the pursuit of wealth before the common good.

"The people who run this country do not know how much (the people) suffer," said Sulak, who was nominated recently for the Nobel Prize.

His harsh words have brought him into conflict with military, government and royal leaders but won him many admirers here and abroad. □

Churches urge aid for Haiti and its people

The nation's Roman Catholic bishops called on the U.S. government to step up its efforts to return democracy to Haiti.

"No nation has a greater capability or greater moral responsibility than the United States to hasten Haiti's transition to democracy and the restoration of the rule of law," Archbishop John Roach said in a letter to Secretary of State Warren Christopher.



NEWS-SCAN

Roach is chairman of the Committee on International Policy for the U.S. Catholic Conference, the U.S. bishops' social policy arm.

Meanwhile, Protestant churches, led by Church World Service and the United Methodist Committee on Relief, mounted a campaign on behalf of 268 HIV-positive Haitian refugees being held on the U.S. Naval Base at Guantanamo, Cuba.

The Protestant groups in a letter to the White House told President Bill Clinton they were ready and willing to resettle the Haitians. The Catholic bishops' Office of Migration and Refugee Services extended a similar offer late last month.

In addition, the United Methodist group said it was asking Methodist churches in areas served by Church World Service projects to help in resettling some Haitians still in Haiti but approved for refugee status by the U.S. government.

The campaign on behalf of the 268 refugees involves distributing postcards to local churches to be signed and sent to Clinton.

Roach's letter to Christopher was prompted by the beating of Bishop Willy Romelus after he conducted a funeral Mass for the victims of the Neptune ferryboat disaster in which an estimated 900 people died.

Romelus, considered a supporter of ousted Haitian president Jean Baptiste Aristide, was beaten — allegedly by security forces — at the end of the Mass at the Cathedral of the Assumption.

"One human tragedy seems to follow another in Haiti," he said. "Compounding the horror of the sinking of the Neptune ... even those mourning the dead have now been assaulted by what are reported to have been armed supporters of the de facto government." □



NCC Delegation

President Bill Clinton (center) prays March 23 with a delegation of 38 clergy and lay leaders from 19 religious denominations at the White House. Ending a 12-year political exile, leaders of the nation's mainline Protestant and Orthodox churches held a 45-minute closed-door session with Clinton in which they discussed foreign and domestic issues. Among the Baptist participants were Charles G. Adams, president, Progressive National Baptist Convention; Joan Campbell, general secretary, National Council of Churches; Shirley Jones, American Baptist Churches in the USA; Mac Charles Jones, National Baptist Convention of America; and Tyrone Pitts, general secretary, Progressive National Baptist Convention and BJC chairman.

Recognize the African nation of Angola, the world mission boards of two major Protestant denominations urged the U.S. government. The statement, issued by the mission boards of the Christian Church (Disciples of Christ) and the United Church of Christ and released in Washington, was sharply critical of rebel leader Jonas Savimbi for rekindling civil war in the oil-rich nation since losing national elections last September. The Angolan civil war, pitting Savimbi's Reagan-backed Union for the Total Independence of Angola against the Marxist-led government of the Popular Movement for the Liberation of Angola, is one of the surrogate Cold War conflicts stemming from U.S.-Soviet rivalries. ... The Rev. Jesse Jackson, a political activist, was among 40 clergy, politicians and community leaders who were arrested and released after blocking traffic in midtown Manhattan in protest of President Bill Clinton's Haitian-refugee policy. The protesters sharply criticized Clinton for detaining 268 Haitian refugees being held in a barbed wire detention camp at the U.S. base at Guantanamo, Cuba, because they or a family member may carry HIV — the virus that causes AIDS. ... Church World Service, the relief and development arm of the American Baptist Churches-related National Council of Churches, is continuing to extend an aid package to the former Yugoslavia that now is valued at \$9 million. In March, CWS administered the distribution of more than \$2 million in grain, more than \$1.1 million in housing assistance and \$1 million in high-energy foods. CWS is hiring staff, to be based in Bosnia, to coordinate distribution. ... Carmen Pena Garay, pastor of Hebron Baptist Church in Juigalpa, Nicaragua, has become the first woman ordained by the Baptist Convention of Nicaragua. She was affirmed earlier this year through a unanimous vote of delegates meeting in Managua. ... The Baptist Peace Fellowship of North America is calling on Baptists to join in special prayer services April 28 in support of the upcoming National Truce Movement Summit on Peace and Economic Development. □

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

Unfortunately there is not often such a clear path from the Bible to the ballot box.

REFLECTIONS

James M. Dunn
Executive Director



The late Brooks Hays loved to repeat Claude A. Swanson's advice regarding politics. He had a brilliant career in politics: governor of Virginia, United States senator, secretary of the Navy. Brooks told about Sen. Swanson with a tongue firmly planted in his cheek to simulate the slug of tobacco Brooks remembered there. Swanson told politicians:

1. Don't buy your ticket till you hear the train whistle.
2. Be strong for something nobody can be against.
3. When in doubt, do right.
4. Never use one word when five will do.
5. Always stand by the Party. If a storm comes, shift the ballast and try to save the ship. But if you see she's sinking, follow the rats!

"When in doubt, do right." Or as Brooks Hays also loved to say, "As Jesus said, and he was right." Oh, that it were so simple. Unfortunately there is not often such a clear path from the Bible to the ballot box.

Religion has been in the spotlight when it comes to politics. Randall Terry called a vote for Bill Clinton a sin against God. George Bush criticized the Democratic platform for not mentioning God and by implication condemned the United States Constitution, another document without reference to the Divine. Candidate Clinton pled not for a New Deal or a Great Society but a New Covenant. That's what we Christians call the New Testament.

It may be true that gender, generation and geography had even more to do with the election results in 1992 than religion. But there is no doubt that religion played a big part. Someday we'll be able adequately to cross reference all those factors.

It is clear that quantifiers have very crude tools for measuring religious identity in the public policy wars. All theological conservatives are not evangelicals. All evangelicals are not theological conservatives. The ways that social scientists throw around and throw away terms like evangelistic, experiential religion, biblical Christians, fundamentalists, liberals and conservatives would be downright ludicrous if church leaders did any better. They don't.

One thing is clear in both politics and religion. Everything that was nailed down is coming loose. One can no longer categorize "mainstream" denominations as pollsters like to do. Most of the folks in them are in all likelihood self-consciously "evangelical." Martin Marty is right. We have seen the "baptistification of America." Chaos reigns. Tests of biblical knowledge and theological commitment in our seminars seem to indicate that the word "evangelical" for many, even those headed for ministry, may be more a political or polemical label than an accurate description of what one thinks or knows or how he/she does theology.

Thin and fragile are loyalties—political, philosophical and denominational—and they are subject to revision by the latest television sitcom. So religious groups and political philosophies are at least scrambled and overlapping.

Yet, religion does still play an important role in shaping public policy in the United States.

A few years ago my dinner partner at the Woodrow Wilson Center was a distinguished professor from the Sorbonne. She insisted that America's love affair with be-

lief was nothing more than rhetorical religiosity. Wrong! However hypocritical, however superficial, however loud the God talk, there is substance to American religious commitments.

The "lively experiment" envisioned by Roger Williams has worked. With the separation of church and state, this nation has the greatest freedom of religion, the least religious conflict, the largest number of people in church/synagogue/temple/mosque every week, the highest percentage of voluntary religious participants, the most missionaries and people-helpers sent out to other countries and the best record of giving for religious causes of any nation on the face of the earth ... all in the name of religion.

No, French friend, with all our shortcomings, the United States spiritual scene is not mere rhetorical religiosity. In the landmark *History of the Expansion of Christianity*, Kenneth Scott Latourette attempts to gauge the "vitality" of Christian movements. There is little doubt that by any measure America has spawned and sustained vital religions. Both hopes and fears regarding religion's role in public life lie in the obvious, overwhelming vitality of faith and practice in this country.

Neither are our battles over values merely a result of cultural captivity. While we are both victims and beneficiaries of civil religion, there is more to religion's impact on public policy than the passive reflection of our various ethnic entrapments, regional religions, culture-bound churches and lowest-common-denominator dedications to a national deity. American religion, in ways we are still uncovering, is more a thermostat than a thermometer when it comes to affecting public policy.

Finally, religious groups are not at the mercy of hysterical hostility toward religion. We as people seem to need boogerbears. A whole herd of religion doers, simple and sophisticated, have nominated the godless, secular humanist media elite as the enemy. They have trouble defining secular humanism, identifying the persons involved or even pointing to the organizations in this "well organized" conspiracy, but they've disturbed millions of Americans with the troubling thought that the boogerbear of secularism has stripped naked the public square. They peddle at full blast the idea that the government, may even our society, is hostile to religion. Poppycrack!

For the last few months three of our own Baptist cronies have had books pregnant with moral witness on the *New York Times* Bestseller List. Bill Moyers, Marian Wright-Edelman, and Al Gore have shared their faith in tangible terms, related to particular problems of our day. And they are just the tip of the iceberg. Look at all the other evidences of the well-clothed public library.

Martin Marty likes to point out that many of the folks who want more public pronouncements about faith and values and truth and decency have the mechanisms and the money to make their witness widely known and no one is stopping them.

But government has no business pushing religion or other orthodoxy. Justice Robert Jackson wrote, "If there is a fixed star in our constitutional constellation, it is

See Reflections, Page 14

REVIEWS



Religion, Politics & Oil: The Volatile Mix in the Middle East

By Charles A. Kimball, Abingdon Press,
Nashville, 1992, 96 pages.

"Religion, politics, and oil make for a volatile mix," asserts Charles Kimball, a religion professor at Furman University. Indeed, those of us who witnessed firsthand the high-tech "living room" war in the Persian Gulf in 1991 can attest to the truth of that statement. Kimball uses the Gulf War as a "teachable moment" to examine the religious, political and economic factors shaping the Middle East. In his book he aims to "provide a framework for understanding major elements that are and will continue to be important in this vital and often confusing part of the world" (p. 18).

Kimball writes with credibility. He has served as Middle East director of the National Council of Churches and has traveled to that area to meet with religious and political leaders. His highly readable and succinct 96-page book contains three chapters, one dealing with religion, politics and economics (oil) in the Middle East. He wants to encourage a "more critical and nuanced appreciation" for this area of the world and the inter-related dimensions that impact it.

In the chapter on religion, Kimball makes the point quickly that the Gulf War was not a religious war or a Muslim *jihād*. Rather, the sources of the conflict were primarily political and economic. Nevertheless, he convincingly argues for the importance of the religious component and the need for Christians and Westerners generally to know more about the religion of Islam. In just a few pages the author sketches out the history and basic tenets of Islam, showing both the differences and the commonalities among Islam, Judaism and Christianity. Of special interest to the readers of this publication, Kimball points out that the *Qur'an* endorses religious liberty and freedom for all religious communities to exist. The *Qur'an* states: "There shall be no compulsion in religious matters" (p.33). But he goes on to point out that, as in the case of

other religious traditions, there exists a gap between the ideals and practices and that Islamic history is replete with many examples of hostility and intolerance of other traditions.

Kimball next shifts to the political sphere. He identifies four major sources of frustration that operate in the Middle East and which were implicated in the 1991 Gulf War: (1) a long history of foreign domination, (2) repressive, unrepresentative governments, (3) gross inequities in wealth and resources within and between countries and (4) unresolved regional conflicts—notably involving the dispute between Israel and Palestine and the complicated civil war in Lebanon. Kimball sees the role of the United States in solving political conundrums of the Middle East to be particularly important along with bi-lateral negotiations between Israel and adjacent states.

Finally, the author turns to the question of oil. He concludes that the crisis in the gulf gravitated "first and foremost around oil and economic interdependence" (p. 74). He goes on to make a convincing case about the far-flung "economic shocks" that are created by the politics of oil generally and in the Gulf War in particular. He outlines the effect not only on consumer nations such as the United States but also on developing countries and the indigenous population (particularly refugees) in the Middle East.

At the conclusion of each of his three chapters Professor Kimball applies his teaching and sketches lessons that we can learn from the gulf crisis. Some of them are these: (1) Islam is playing an increasingly important role in developing and institutionalizing new political structures, (2) we must break through Western stereotypes about Islam and engage in positive cooperation with the Islamic world, (3) global interdependence is real and inevitable, (4) unrepresentative and sometimes repressive political structures in the Middle East cry out to be reformed and (5) we must take responsibility for our consumption of oil and engage in strong efforts to develop more reliable and renewable sources of energy.

Kimball concludes his book by stating: "The crisis in the Gulf has provided a window through which we can see more

clearly some of the issues—religious, political and economic—confronting all who share this planet. The challenge is to look through that window, to learn from these unsettling events and to reshape attitudes and actions in an effort to fashion a more hopeful future" (p. 91). As the Reverend C. Dale White, a bishop in the Methodist Church, aptly points out in the forward, this book takes a major step in bringing that ideal to fruition. □

J. Brent Walker
Associate General Counsel

Life with Liberty



- Baptists and Religious Freedom
- Separation of Church and State
- Christianity and American Life
- Government Intrusion into Religion
- Religion in Public Schools

These pamphlets feature information about Baptist involvement in religious freedom and church-state affairs. They serve as excellent study aids for Sunday School and other church classes dealing with these issues.

Complete series now available for the cost of postage:

10 sets for \$2.50

50 sets for \$4.50

100 sets for \$6.50

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

06100 MAYL7J K 000
DR. LYNN E. MAY JR.
HISTORICAL COMMISSION
127 NINTH AVE., N
NASHVILLE, TN 37234

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