

REPORT from the CAPITAL

New leadership



**Baptist Joint
Committee
elects new
officers ...**



**new
general
counsel**

REPORT from the CAPITAL

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Cover: Photos of new BJC Chairwoman Sarah Frances Anders and Executive Director James M. Dunn and of outgoing General Counsel Oliver S. Thomas and incoming General Counsel J. Brent Walker by Pam Parry.

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Advocacy: An outgrowth of faith

The American Baptist Churches Board of National Ministries called me nearly 11 years ago to be policy advocate here in Washington. Along with many other advocates from the faith community, I try to influence the Congress to take actions that advance peace, justice and environmental wholeness. When I travel to speak in our ABC churches, I often get asked, "Doesn't your work conflict with the separation of church and state?" In a word, no.

The work we do here in Washington, and that you do from your place of work and residence, is simply the natural outgrowth of an expansive understanding of the biblical call to faithful service. People's lives are affected by the actions of government. When those actions hurt people, we must respond.



"Thus says the Lord: Go down to the house of the king of Judah, and speak there this word, and say: Hear the word of the Lord, O King of Judah sitting on the throne of David — you, and your servants and your people who enter these gates. Thus says the Lord: Act with justice and righteousness, and deliver from the hand of the oppressor anyone who has been robbed. And do no wrong or violence to the alien, the orphan and the widow, or shed innocent blood in this place. ... Are you a king because you compete in cedar? Did not your father eat and drink and do justice and righteousness? Then it was well with him. He judged the cause of the poor and needy; then it was well. Is not this to know me?, says the Lord." (Jeremiah 22:1-3, 15-16)

Just as Jeremiah was called to speak truth to power, so we are. When injustice is afoot, followers of the God of justice are called and empowered to object — by many means. Talking to decision-makers is specifically sanctioned by scripture. The separation of church and state has nothing to do with passive acceptance of the actions taken by those in power. We are fortunate enough to live in a society that allows citizen participation, even when some would prefer that we not exercise our freedom. The failure to hold officials accountable for the public good amounts to acquiescence in their bad decisions. That hardly seems consonant with God's will of good for all creation.

I would rather risk my slight power impinging on that of government than remain silent while God's creation gets hurt. Δ

— Carol Franklin Sutton
Office of Governmental Relations
American Baptist Churches in the U.S.A.

THE RELIGIOUS FREEDOM RESTORATION ACT (S. 578) tentatively is scheduled to go to the Senate floor on Oct. 22. We now have 59 co-sponsors and passage seems all but assured. However, the threatened amendment to exempt prisoners' claims from the act's coverage, which is opposed by the coalition of religious groups backing RFRA, appears to be gaining support in the Senate. • (JBW)

THE HOUSE SUBCOMMITTEE ON SELECT REVENUE MEASURES is considering a 30 percent excise tax on lobbying expenditures by public charities and religious organizations. Such attacks would severely impair churches' and religious organizations' ability to speak in the halls of government and would represent a serious impediment to their rights of free exercise. Even though this proposal has not been introduced as a bill, the BJC has spoken out forcefully against it. • (JBW)

THE LOBBY DISCLOSURE ACT OF 1993 (S. 249, H.R. 823) continues to work its way through Congress. The bill, requiring those engaging in lobbying activities to register with the government and report a variety of information, has passed the Senate. It has yet to be taken up in the House. We believe churches and religious organizations must be exempted from this bill. They should no more be required to register and report their lobbying activities than our Baptist ancestors should have been required to obtain a license from the state to preach. Further, the supervisory and monitoring functions that the legislation gives government will result in an excessive entanglement between church and state. We strongly support an exclusion for churches and religious organizations. • (JBW)

CONGRESS PASSED AND THE PRESIDENT SIGNED the National Service Trust Act of 1993. The bill provides grants to public and non-profit organizations to run service programs and award grants to others. While churches and religious organizations have been included in the law, their participation cannot result in providing religious instruction, conducting worship services, constructing or operating facilities devoted to religious instruction or worship, or engaging in any form of proselytization. • (JBW)

Transitions

BJC elects officers, new general counsel

The Baptist Joint Committee paid tribute to its outgoing general counsel, elected his replacement and adopted three resolutions addressing public policy during its annual board meeting Oct. 4-5 in Washington, D.C.

During a 90-minute appreciation luncheon, the BJC board, staff and friends honored Oliver S. Thomas, who after eight years as general counsel resigned to return to his native Tennessee. Both an ordained minister and member of the Supreme Court bar, Thomas, 38, plans "to preach, teach, practice law and write country music — not necessarily in that order."

The board also unanimously elected J. Brent Walker, BJC associate general counsel, as general counsel, effective Nov. 1. Prior to attending seminary and joining the BJC staff in 1989, Walker was a partner in a Tampa, Fla.-based law firm.

Walker, 43, is a graduate of Southern Baptist Theological Seminary, Stetson University College of Law and the University of Florida.

In other action, the board unanimously adopted resolutions addressing a bill that would restrict churches' ability to speak on public policy issues, aid to parochial schools and religious liberty for Native Americans.

The BJC called on Congress to exempt churches and religious organizations from the Lobbying Disclosure Act of 1993, a measure that would require those engaging in lobbying activities — including churches — to register with the government. The bill has been approved by the U.S. Senate and awaits House action.

"When churches and religious organizations speak out on public policy issues and communicate those sentiments to

government, including activities defined as 'lobbying,' they engage in an integral part of their prophetic and pastoral ministries," the resolution states. "Requiring churches and religious organizations to register and report their activities to government is no less objectionable than requiring a state license to preach."

The religious liberty agency also restated its long-standing opposition to public financing of religious schools. The need to restate the position, according to Walker, arose from efforts in California and elsewhere to finance religiously based education with tax dollars.

The BJC decried both direct and indirect efforts to "provide public financial aid to pervasively sectarian primary and secondary schools or otherwise to subsidize the teaching of religion."

The statement cites both theological and constitutional grounds for opposing the use of grants, vouchers and "parental choice" schemes to channel tax dollars to sectarian schools.

"The biblical and Baptist concept of soul freedom requires that government refrain from taxing people to pay for the teaching of religion," the statement declares.

Before approving the statement on a unanimous vote with one abstention, BJC members discussed the threat of Proposition 174 — a school voucher proposal on the ballot in November in California. The proposal would allow parents to receive \$2,600 in tax funds to pay for a child to attend the school of their choice, including religious schools.

Finally, the BJC expressed support for a legislative effort to protect the religious practice of Native Americans, whose traditions, as well as their sacred sites, predate the founding of the republic.

Many of their traditions, including the sacramental use of peyote, have been outlawed and their sacred sites have been disrupted by the U.S. government.

"As Baptists, we support religious liberty for all people, not just those with whom we agree theologically," the resolution says. "We support the effort to accommodate the religious practices of the indigenous people of North America."

The committee also approved a resolution of appreciation for Thomas' eight years of service. The resolution credits Thomas with enhancing "the agency's reputation as a reliable and respected voice for religious liberty" and setting "new standards of leadership in coalition building among groups working in the First Amendment field."

The board accepted Thomas' decision to leave the agency "with regret," and expressed its "deep abiding appreciation for his work and gifts as one of the nation's foremost First

1993-94 Officers

Chairwoman:
Sarah Frances Anders
Senior Professor of Sociology
Louisiana College
Pineville, La.

First Vice Chairman:
Dan Weiss
General Secretary
American Baptist Churches
Valley Forge, Pa.

Second Vice Chairman:
Charles Weber
Professor of History
Wheaton College
Wheaton, Ill.

Secretary:
Dwight Jessup
Vice President/Dean
Taylor University
Upland, Ind.

Pitts: 'Time of opportunity'

I want to personally thank ... all of you who have supported me during this time of crisis but also a time of opportunity. We have been through a lot during the past two years, but they have not been negative times altogether because we have resolved some of the issues that have been very close to the hearts of those of us who really believe that the Baptist Joint Committee is the last best hope, not only for Baptists, but for those who believe in religious freedom.

I do not leave the chair sad. I leave the chair very happy because I know when the nominating committee comes with its report and the leadership is changing that you will have much stronger leadership than you have had in the past. And I say that because I am just excited about the kind of enthusiasm and fellowship that is around this table. There was a time



Chairman Pitts (right) and Dunn at board meeting

when we could not sit around the table in friendship and in brotherhood and sisterhood and come out in one accord. But in the last several meetings this has really been an "Upper Room" experience for all of us.

The task before us, as you know, is going to be much more difficult now. Because the issues that were once so crystal clear are going to be clouded by the fog of uncertainty. And I think that we who are around this table are going to have to make many more decisions that are going to affect religious liberty for all of our constituents and the future

Christian world. I want to thank you for allowing me to have this opportunity. Δ

-Tyrone Pitts
General Secretary
Progressive National Baptist Convention

Amendment attorneys."

In other business, the BJC:

- elected new officers. Fran Frances Anders, senior professor of sociology at Louisiana College, Pineville, La., was elected chairwoman. Other officers are Dan Weiss, general secretary of American Baptist Churches in the U.S.A., as first vice chairman; Charles Weber, professor of history at Wheaton College, Wheaton, Ill., second vice chairman; and Dwight Jessup, vice president for academic affairs and dean of Taylor University, Upland, Ind., secretary.

The committee also acknowledged the contribution of outgoing chairman Tyrone Pitts, who has served in that capacity for two years. Pitts is general secretary of the Progressive National Baptist Convention, Inc.

- approved a \$790,000 budget. The 1994 budget represents a modest increase of \$15,000 from 1993.

- approved a bylaw change that allows BJC membership for state and regional bodies. Membership previously has been restricted to national bodies.

Walker told the board that the change is intended to maintain the BJC's "jointness" and have each member body's representation bear some relationship to the amount of money it contributes.

- heard staff reports. Thomas told the board that the Religious Freedom Restoration Act (S. 578) was scheduled to come to the floor of the Senate Oct. 22. The bill, designed to restore a high level of protection for religious practice, could come before the Senate sooner, but it was not likely, he said.

Walker also told the board that the Omnibus Budget

Reconciliation Act included several tax provisions affecting religious organizations and their donors. Most significantly, donors will be able to deduct the full market value of appreciated property given to non-profit organizations, he said. The change is expected to have a favorable impact on gifts to colleges, universities and other religious institutions, he said.

In addition, Walker reported the City of Berkeley, Calif., tax dispute had been resolved. Berkeley officials adopted an ordinance imposing a minimum license fee and non-profit business tax on gross receipts of all non-profit organizations, including churches. This effectively levied a tax on the collection plate, he said. After a public outcry, the city suspended enforcement.

The BJC, along with other religious groups, filed a position paper against such taxation, and the city now has backed-off this position.

During his executive director's report, Dunn called the board's attention to Proposition 174 on the California ballot. "This particular voucher scheme is so flawed in its economic impact, so unfair and so tilted in such a way" it won't accomplish what supporters are claiming it will, he said.

It is not a matter of choice for the parents, but for the schools because schools can still turn down students, he continued. "It sets up two tracks of separate but unequal funding for basic education," he added.

Information services director Larry Chesser announced that **REPORT from the CAPITAL**, the agency's monthly publi-

At BJC —

Walker named general counsel

The Baptist Joint Committee board unanimously elected J. Brent Walker as general counsel during its annual meeting Oct. 4-5.

Walker, who joined the BJC staff as associate general counsel in 1989, will succeed Oliver S. "Buzz" Thomas. After eight years of service, Thomas, 38, resigned to return to his native Tennessee. Walker, 43, officially will begin his new duties Nov. 1.

"Brent Walker brings to the Baptist Joint Committee the highest level of professional expertise, involvement in issues and dedication to the mission of the agency," said James M. Dunn, BJC executive director.

Dunn also appointed Walker as associate director of the agency.

Walker came to the BJC staff after earning the master of divinity degree from Southern Baptist Theological Seminary in Louisville, Ky., where he was named the most outstanding graduate. Prior to seminary, Walker was a partner in the



Walker leads religious liberty session during Aug. 27-28 March on Washington activities.

Tampa, Fla.-based law firm of Carlton, Fields, Ward, Emmanuel, Smith & Cutler, P.A.

Walker is an honors graduate of Stetson University College of Law. He also holds a bachelor's degree in political science and a master's degree in public administration from the University of Florida.

Both an ordained minister and member of the Supreme Court bar, Walker's writings have appeared in several publications, including recently in the *Pulpit Digest* and the *Florida Bar Journal*. Walker preaches and speaks frequently on church-state issues at churches, conferences and seminars and on university and seminary campuses.

Walker is the first executive-level staff member ever hired by the BJC without a search committee process, Dunn said, adding that there was no need for one because of Walker's unique qualifications.

"His training in both theology and law and his experience with the BJC prompted our board to elect him unanimously to this position by promotion without serious consideration of an extensive search process.

"I welcome this opportunity to work even more closely with a competent colleague and trusted friend."

Walker was equally enthusiastic. "I am excited about this new opportunity. I will miss working with Buzz. I've learned much from him. I hope to build on his legacy of first-rate lawyering to further advance the cause of religious liberty."

Walker's wife, Nancy, is director of childhood education at Redland Baptist Church, Derwood, Md. They have two children, Ryan and Layton. Δ

REPORT to change

Dear Reader:

Beginning in January, you will notice a major change in **REPORT from the CAPITAL**. As part of an effort to strengthen the Baptist Joint Committee's communications with its constituency, **REPORT** will become a biweekly newsletter. This change will increase from 10 to 24 the number of issues you receive each year.

The new format will give our readers a fresher, better-packaged selection of news and comment from the nation's capital.

Existing subscriptions to **REPORT** will stay in effect. Beginning in January, new individual subscriptions and renewals will cost \$10, an increase over the current \$8 rate. In addition, bulk delivery to churches, institutions and other single addresses will be offered.

Watch for additional information about this change in the November-December issue of **REPORT**.

— Larry Chesser

BJC statements

On Lobbying Disclosure Act of 1993

The Lobbying Disclosure Act of 1993 is presently pending in the United States House of Representatives (H.R. 823). The Senate has passed the measure and the House is expected to take it up shortly.

The bill requires, among other things, those engaging in lobbying activities to register with the government and to report a variety of information to the government on a regular basis. The bill language, however, does not exclude churches and religious organizations.

When churches and religious organizations speak out on public policy issues and communicate those sentiments to government, including activities defined as "lobbying," they engage in an integral part of their prophetic and pastoral ministries. Requiring churches and religious organizations to register and report their activities to government is no less objectionable than requiring a state license to preach. The colonial practice of requiring clergy of non-established churches to obtain state permission to preach the gospel gave impetus to the guarantee of religious liberty through the adoption of the religion clauses in the First Amendment.

Requiring churches and religious organizations to

comply with the bill represents a significant impediment to their moral advocacy and amounts to a serious burden on the free exercise of religion. Further, the supervisory and monitoring functions which the legislation gives government will result in excessive entanglement between church and state in violation of the Establishment Clause in the First Amendment.

There is not any compelling need to regulate churches and religious organizations in this way. These organizations take seriously the right and responsibility to speak a prophetic message to government. Any excessive lobbying or other possible abuse of present law can be enforced adequately under the provisions of the tax code.

NOW, THEREFORE; be it resolved that the Baptist Joint Committee on Public Affairs, meeting October 4-5, 1993, urges Congress to specifically exempt churches and religious organizations from the terms of the Lobbying Disclosure Act of 1993. We further request that Representative John Bryant (D-Texas), the primary House sponsor, amend the bill to exclude organizations exempt under I.R.C. §6022 (a)(2).

On Public Financial Aid to Parochial Schools

Attempts to finance religiously based education with public funds — through grants, vouchers and "parental choice" schemes — are nothing new. Such efforts, however, have intensified recently, particularly at the state and local level.

Baptists historically have opposed such proposals on theological as well as constitutional grounds. Authentic religion must be wholly voluntary and uncoerced. The biblical and Baptist concept of soul freedom requires that government refrain from taxing people to pay for teaching of religion. In Jefferson's words, it is both "sinful and tyrannical" to tax people to fund the teaching of religion. Moreover, governmental expenditures always result in governmental regulation. Parochial schools

must not allow their religious teachings to be watered down or compromised by invasive governmental restrictions. Finally, the constitutional principle of "no establishment" prevents government from directly or indirectly aiding in the teaching of religion or unduly regulating and monitoring such teaching.

NOW, THEREFORE; be it resolved that the Baptist Joint Committee on Public Affairs, meeting October 4-5, 1993, reaffirms its historic and traditional opposition to attempts, either directly or indirectly, to provide public financial aid to pervasively sectarian primary and secondary schools or otherwise to subsidize the teaching of religion.

On Native American Free Exercise of Religion

Native Americans have a unique relationship with the land and government of the United States. Their religious traditions and practices, as well as their sacred sites, predate the founding of the republic. Too often the United States government has persecuted the nation's native peoples. Their traditional religious practices — including the sacramental use of peyote — have been outlawed by many states, and their lands have been confiscated. Unlike any other religion in this country, most of the sites deemed sacred by the Native Americans are now owned by the government.

Over the past few years Native Americans' religious liberty has been further inhibited, because of cases like *Lyng v. Northwest Indian Cemetery Association* (1988) and *Employment Division v. Smith* (1990). *Lyng* held that the Free Exercise Clause does not restrict the government's management of land even if that management destroys the sacred sites of Native Americans. *Smith* held that the

Native American Church did not have a right to ingest peyote as a sacramental substance, a centuries-old practice that runs to the core of their religious observance.

The Congress of the United States is considering legislation to protect the religious freedom of Native Americans titled the Native American Free Exercise of Religion Act of 1993.

As Baptists, we support religious liberty for all people, not just those with whom we agree theologically. We support the effort to accommodate the religious practices of the indigenous people of North America.

NOW, THEREFORE; be it resolved that the Baptist Joint Committee on Public Affairs, meeting October 4-5, 1993, authorizes the staff to work to ensure that Native Americans' religious liberty is fully protected and to support appropriate legislative measures that accommodate Native Americans' religious practices without violating other constitutional provisions.



Saperstein (from left), Thomas and Montgomery enjoy comments at 'roast' for departing general counsel.

Colleagues 'roast' Thomas

What would compel one of the nation's foremost church-state attorneys to leave a prominent national position so he could write country music in a small Tennessee town? The answer: talent. Talent to burn.

Baptist Joint Committee friends and staff paid tribute Oct. 4 to Oliver S. "Buzz" Thomas, who after eight years as BJC general counsel resigned to return to his native Tennessee.

Since coming to the BJC in 1985, Thomas has been involved in such issues as clergy malpractice, prayer in public schools, creation science, aid to parochial schools and free speech.

He co-authored two highly acclaimed and nationally publicized sets of guidelines on religion in the public schools. He was chairman and primary draftsman for the coalition that revised the "Equal Access Guidelines" in light of the Supreme Court's 1990 decision in *Westside Community Schools v. Mergens*.

He also co-authored the nation's first major curriculum project for teaching about religious liberty in public schools. He also has been chairman of the ad hoc committee of attorneys representing the nation's major denominations that meets with the Internal Revenue Service to resolve problems pertaining to churches and tax policy.

Both an ordained minister and member of the Supreme Court bar, Thomas, 38, plans "to preach, teach, practice law and write country music — not necessarily in that order."

At a 90-minute appreciation luncheon held during the annual BJC meeting, colleagues said goodbye in the fashion with which they had related to Thomas — with humor and heartfelt respect.

James M. Dunn, BJC executive director, started the "roasting" of Thomas by assuring the crowd everyone would get an opportunity to "turn the spit."

"Can you imagine someone of his stature, his scholarship, his demeanor, his sophistication writing C and W music?" Dunn asked.

C and W music reflects the "underbelly of American life,"

he said, ticking off several song titles, such as "When the Phone Don't Ring, You Know It's Me" or "When I'm All By Myself I'm in Bad Company."

"Buzz is going to write this stuff. He's going to Tennessee to produce this stuff — for money."

Others punctuated the tribute with light-hearted jabs, including representatives of the Coalition for the Free Exercise of Religion. Thomas has chaired the broad-based coalition for three years.

Forest Montgomery, counsel for the National Association of Evangelicals, said he's glad to see Buzz go so that "someone else will finally get a chance to cover himself in glory."

Noting that the nickname Buzz has no connection to the name Oliver, Montgomery revealed that it was derived from the word Buzzard, which "fits his leadership on the RFRA coalition. Buzzards, of course, go 'round and 'round and get nowhere."

Not to be outdone, Rabbi David Saperstein questioned Thomas' credentials for writing country music because "he's never lost his dog, wife and truck in the same week in his entire life."

Saperstein, general counsel for the Union of American Hebrew Congregations who is co-teaching a class with Thomas at Georgetown Law School, broke the roasting motif and said, "Buzz is amazing. Everyone likes and respects him. Liberals and conservatives. Republicans and Democrats. Jews and Christians and Muslims. When RFRA came up ... thank God, we had Buzz Thomas.

"I'm not sure there was anyone else who could have forged such a broad-based coalition of groups," Saperstein said, adding, the coalition is "broader than the theological differences in the World Parliament of Religions."

"Buzz made it happen. ... Some day, God willing, the religious freedom of 250 million Americans will remain far more secure and far more permanent. And they won't know

See THOMAS, Page 14

VIEWS OF THE WALL

Oliver S. Thomas
General Counsel



The fat lady is about to sing. After serving eight years as the Baptist Joint Committee's chief counsel, I'm movin' on. My wife has accepted a teaching position in our native Tennessee, and I'm going home — at least for a while.

I am leaving with a smile. The Religious Freedom Restoration Act — the most important bill affecting religion in the history of the Republic — soon should become law. It took three years of blood, sweat and tears, but the nation's first liberty will be restored. Once again, government will be required to justify all restrictions on religious practices by demonstrating that the restrictions are necessary to further a compelling governmental interest, such as health and safety. Hats off to President Bill Clinton, Attorney General Janet Reno, Sens. Edward Kennedy and Orrin Hatch for their leadership on this issue.

There is another reason to smile. Thomas Jefferson's wall separating church and state appears to have survived. The replacement of Justice Byron White with Justice Ruth Bader Ginsburg likely gives us a solid majority of justices who still believe government should be neutral in matters of religion — neither promoting nor inhibiting religious faith.

What follows are observations after eight years as a Baptist church-state attorney in Washington. There is no better place to "people watch" than the intersection of church and state.

1. Labels are deceiving — "pro-family" can be anti-family if you are single, black or homosexual. "Pro life" can be anti-life if you are no longer a fetus. A "conservative" is liberal when he is looking for a bone. A "liberal" is conservative when he's burying one.

2. Representing Baptists is difficult — Jesse Helms is a Baptist. So is Jesse Jackson. Think about it.

3. Politics is illogical — Connie Morella is a Republican. David Boren is a Democrat. Jesse Helms blocked the Religious Freedom Restoration Act because it would restore religious liberty for prisoners. Three years ago, Helms was the major proponent of a bill restoring religious liberty for pris-

"The American Civil Liberties Union has done more for religious liberty than many denominations. Their Washington office invested untold hours and resources on the Religious Freedom Restoration Act. The largest single beneficiary of this legislation is evangelical churches. Ironically, many evangelical leaders — James Dobson included — sat this one out. Sort of like sitting out the World Series."

oners.

4. Beware of theocrats — people who speak about the "Christian position" on complex political issues give me the willies. What they really mean is, "This would be God's position if God only had the information I have." As James Dunn puts it, the problem with theocrats is each wants to be Theo.

5. People don't read history — what else can account for Baptists attributing the concept of church-state separation to secular humanists?

6. Present trends never continue.

7. The ACLU is not anti-religious — The American Civil Liberties Union has done more for religious liberty than many denominations. Their Washington office invested untold hours and resources on the Religious Freedom Restoration Act. The largest single beneficiary of this legislation is evangelical churches. Ironically, many evangelical leaders — James Dobson included — sat this one out. Sort of like sitting out the World Series.

8. God isn't on television — the Christian religion is incarnational. If it doesn't feed you when you're hungry, clothe you when you're naked, visit you when you're sick and hug you when you're lonely, God's not in it. Beware of any preacher who begs for money, uses hair spray and prays in front of a camera.

9. Courage is in short supply — A Democratic Congress votes itself a pay raise in the dead of night. A Republican president blames his own illegal policies on an underling named Ollie North. Republicans and Democrats consult their pollsters instead of their consciences. There is a word for it. Cowardice.

10. Most of the work gets done by unelected staff — the big news is the government is being run by people you didn't elect. Unfortunately, there's little you and I can do about it. Life and lawmaking have grown too complicated for even the brightest congressman to accomplish the task by himself. Congresswoman? Maybe ...

11. Saul Alinsky was right; the situation usually determines the ethics — When asked about amnesty for draft protestors, comedian Jerry Clower got to the heart of the matter: "Are we talking about your boy, or mine?"

Though I generally think abortion is wrong, I wonder if there would be a pro-life movement if men got pregnant? ...

12. Too many preachers are shading the truth — Pro-choice does not mean pro-abortion, and anti-discrimination does not mean pro-homosexual. If we can't count on preachers to tell the truth, who can we count on? Lawyers?

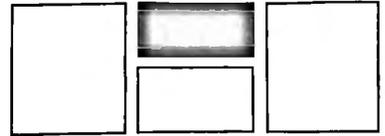
13. Spiritual bigotry is dangerous — Several years ago I attended a meeting of the SBC Executive Committee. The president of the Executive Committee, Harold Bennett, was reporting on his recent visit with the pope. A committee member's hand shot up. "Did you share the gospel with him?" That's scary.

14. Spiritual bigotry is still dangerous — Several days ago Southern Baptist leaders met with the president. They asked Mr. Clinton to appoint a "born-again" (i.e., bonafide) Christian to a high political office.

How about the president and vice president of the United States?

15. Anything can happen and frequently does — As Martin Marty says, "we don't know enough about the future to be totally pessimistic!"

The fat lady has sung. Δ



Rochester pastor serves as scholar-in-residence

W. Kenneth Williams, a long-time American Baptist leader, is serving as scholar-in-residence at the Baptist Joint Committee.

Williams, pastor of Baptist Temple in Rochester, N.Y., for the past nine years, is working with the BJC as part of a three-month sabbatical leave. Joining the staff at the end of September, Williams is helping the religious liberty agency in the area of denominational relations, as well as other research and writing responsibilities.

A native of North Carolina, Williams is president of the American Baptist Churches of the Rochester/Genesee Region. He also is adviser to the board of directors at Fairport Baptist Homes in Fairport, N.Y. In addition to his pastorate, Williams serves as chaplain for the Brighton, N.Y., Fire Department and the Monroe County Critical Incident Stress Management Team.

Previously, he was on staff of First Baptist Church in Waukesha, Wis., and Hyde Park Union Church in Chicago. He has served on numerous committees related to the Wisconsin Baptist State Convention, the Chicago Baptist Association and the ABC of the Rochester/Genesee Region. He also has been on the advisory board of the Religion in American Public Life Project at the University of Chicago Divinity School.

He is a graduate of Campbell University, Buies Creek, N.C.; Colgate Rochester Divinity School, Rochester; and McCormick Theological Seminary, with additional graduate study at Emory University in Atlanta.

Named twice to the Outstanding Young Men in America volume, Williams has a clinical pastoral education certificate from the University of Rochester Medical Center.

He and his wife, Brenda, have two children, Erin and Adam.

James M. Dunn, BJC executive



director, said that Williams is adding "a distinctive dimension" to the long-standing BJC scholars-in-resident program.

"He will observe, learn, comment, write and participate in our activities from the perspective of a local church pastor, a loyal leader in the American Baptist Churches and a student of the Baptist heritage of religious liberty."

"I am here because I have a deep concern for the heritage, history and formation of Baptist identity," Williams said. "The BJC is on the cutting edge of the application of distinctive Baptist principles to the public policy issues of our day." Δ

Court agrees to hear First Amendment case

Returning to the bench Oct. 4 to open its 1993-94 term, the U.S. Supreme Court agreed to review one

First Amendment case but rejected several others.

The high court will decide the constitutionality of a Missouri city's ordinance that banned most, but not all, signs. Lower federal courts agreed with a free speech challenge to the ordinance brought by Margaret P. Gilleo, who was asked to remove signs from her residence protesting the Persian Gulf War.

Ladue, Mo., officials contend that the ordinance serves the city's interest in achieving aesthetic, safety and property value maintenance goals. Exempted from the ban were signs that contribute to public safety and welfare, as well as signs that because of limited number and size were not viewed as a threat to the city's stated goals in enacting the ordinance. Signs for churches announcing names, services and activities were among those exempted.

While the ordinance permits commercial signs in commercial and industrial districts, it bars most non-commercial signs in those districts.

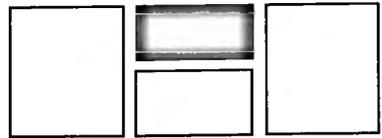
The appeals court said the ordinance favors commercial speech over non-commercial speech. While acknowledging that the city had substantial reasons to enact its ordinance, those reasons were not sufficiently compelling to justify a content-based restriction, the appeals court said.

The court also noted that the city failed to use the least restrictive means of achieving its aesthetic, safety and property value maintenance goals. The case is *Ladue, Mo., v. Gilleo*.

Among the hundreds of cases rejected by the court were several involving First Amendment issues or churches. The Supreme Court:

- Declined to review a federal appeals court's decision that a federal law protecting the rights of public school students to meet for religious purposes pre-empts the Washington state constitution. The dispute began in 1984 when a group of Lindberg High School students were denied permission to meet before school for prayer, Bible study and discussion.

Lower federal courts sided with the school district, but the Supreme Court vacated those decisions and returned the case for reconsideration. After a



federal district court again sided with the school district, the appeals court reversed. State constitutions may be more protective of individual rights than the federal Constitution, the appeals court said, but states may not restrict rights granted by federal law.

In this case, the appeals court said, the Equal Access Act of 1984 pre-empts state law and protects the students' right to meet. The court held that the state's more stringent constitutional provision did not fall within the Equal Access Act's "unless otherwise unlawful" provision.

The case is *Renton School District No. 403 v. Garrett*.

- Refused to disturb a California Supreme Court ruling that the use of a university's mandatory student activity fee to support student groups devoted to political and ideological causes and to subsidize university lobbying of government violates the free speech and free association rights protected by the First Amendment. At stake in this case, the top California court said, "is the freedom of students not to be compelled and coerced to subsidize political and ideological causes."

While most of the student groups supported by the activity fee were related to academic, cultural or recreational pursuits, 14 of the groups had ideological or political goals.

Officials and the student association at the University of California at Berkeley had asked the high court to reverse the lower ruling. The case is *Regents of University of California v. Smith*.

- Rejected a request by Church of Spiritual Technology, an organization of the Scientology religion founded by L. Ron Hubbard in 1950, to reverse lower court rulings that it failed to show that it is both organized and operated exclusively for tax-exempt purposes.

Church of Spiritual Technology officials say it was founded to preserve and protect the words of writings, recordings and film that make up the "Scriptures of Scientology." CST was to receive the bulk of L. Ron Hubbard's estate provided it obtained tax-exempt status from IRS.

In 1988, IRS denied CST tax-exempt

status, concluding that the plaintiff failed to show that it operates exclusively for tax-exempt purposes and that its net earnings did not inure to the benefit of private individuals. The case is *Church of Spiritual Technology v. U.S.*

- Declined to intervene in a dispute involving Texas Attorney General Dan Morales and television preacher Robert Tilton. The dispute arose after ABC's "Prime Time Live" aired a number of accusations against Tilton and his church.

Tilton's organization had asked the Supreme Court to review a ruling by the 5th U.S. Circuit Court of Appeals that a federal district court should have abstained from ruling in the case when unsettled questions of state law remain, including the applicability of Texas Deceptive Trade Practices-Consumer Protection Act to the church. The case is *Word of Faith World Outreach Center Church Inc. v. Morales*.

The high court's trend of accepting fewer cases for review is showing up in the church-state field, according to J. Brent Walker, recently elected general counsel at the Baptist Joint Committee.

"For the first time since I can remember, there are no religious liberty cases on the docket," Walker said. "Several petitions for review are pending, but as yet the court hasn't agreed to hear them." ▴

Senators eye protection for Native American faith

Legislation protecting the religious rights of Native Americans — including access to sacred sites and the religious use of peyote — would not violate the First Amendment, three constitutional scholars recently told a Senate panel Sept. 10.

Rather than unconstitutionally advancing religion, the bill (S. 1021) simply would help remove governmental interference with religious practice, according to law professors Milner S. Ball of the University of Georgia School of Law, Michael McConnell of the University of Chicago School of Law and Robert Clinton of the University of Iowa School of Law.

Native Americans, Alaskan Natives and Native Hawaiians would be protected by the bill. In addition to its sacred site and peyote provisions, the bill would protect the religious rights of Native American prisoners and the religious use of eagles and other animals and plants.

In a Senate Committee on Indian Affairs hearing, the law professors dismissed complaints that the proposed legislation would unconstitutionally favor Native American religions over other religions.

McConnell emphasized that this is not a case in which Congress is giving benefits to one religious group while withholding similar benefits from other groups. He predicted the courts would uphold the bill if enacted.

"Congress is in extremely strong position to enact this legislation," he said.

Clinton agreed, arguing that if Congress has the power to interfere with the religious practice of Native Americans, it also has the power to remediate the harm caused by its interference.

"I think the constitutionality of this act is hard to question," he said.

Ball, also a Presbyterian minister, cited that government's long history of interference with Native American religious practice.

"The United States long sought to 'Christianize' Native Americans," he said. "It promoted Christianity in apparent violation of the Establishment Clause and suppressed Native American religion in apparent violation of the Free Exercise Clause."

All three cited the unique nature of the government's relationship with Native American religions, including its ownership of many outdoor sacred sites and the criminalization in some states of the sacramental use of peyote — a central element of worship in the Native American Church.

Government typically has carved out exemptions to accommodate religious practice, McConnell noted.

"When Congress enacted Prohibition, it incorporated an exception for sacramental wine," he said.

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INTERNATIONAL DATELINE

Middle East peace pact ushers in hope

In what President Clinton described as a "brave gamble that the future can be better than the past," leaders of Israel and the Palestine Liberation Organization embarked Sept. 13 on what they hope will be a new era of peace in the Middle East.

Representatives of Israel and the PLO signed an agreement calling for interim Palestinian self-government in Gaza and the West Bank town of Jericho. The interim agreements are intended to give way to more permanent solution to Israeli-Palestinian conflict in the region.

PLO Chairman Yasser Arafat and Israeli Prime Minister Yitzhak Rabin, longtime and bitter enemies, shook hands to climax the dramatic and emotional ceremony on the White House South Lawn.

"We wish to open a new chapter in the sad book of our lives together, a chapter of mutual recognition, of good neighborliness, or mutual respect, of understanding," Rabin said.

Addressing Palestinians, Rabin declared, "We are destined to live together on the same soil in the same land. ... we who have fought against you, the Palestinians, we say to you today in a loud and a clear voice: Enough of blood and tears. Enough!"

For those victimized by the bloody history of Middle East conflict, Rabin said, "this ceremony has come too late."

After citing the Old Testament Book of Ecclesiastes' statement that there is a time of war and a time of peace, Rabin declared, "Ladies and gentlemen, the time for peace has come."

Arafat also expressed hope that the agreement will lead to peace but warned that it will require courage and determination.

"My people are hoping that this agreement which we are signing today marks the beginning of the end of a chapter of pain and suffering which has lasted throughout this century," he said.

"My people are hoping that this

agreement which we are signing today will usher in an age of peace, coexistence and equal rights."

Arafat said putting an end to Palestinian feelings of being wronged "is the strongest guarantee to achieve coexistence and openness between our two peoples and future generations.

"Our two peoples are awaiting today this historic hope, and they want to give peace a real chance."

The agreement, signed by Israeli Foreign Minister Shimon Peres and PLO official Mahmoud Abbas, provides a framework for resolving the century-long dispute between Jews and Arabs over Palestine.

"That hallowed piece of earth, that land of life and revelation is home to the memories and dreams of Jews, Muslims and Christians throughout the world," Clinton said.

"As we all know, devotion to that land has also been the source of conflict and bloodshed for too long."

Clinton pledged U.S. support to "the difficult work that lies ahead," and pointing to the Israeli and Arab children among the 3,000 people present at the ceremony, he urged leaders to dedicate themselves to the region's next generation.

"We must not betray their future," he said. "For too long, the young of the Middle East have been caught in a web of hatred not of their own making.

"For too long, they have been taught from the chronicles of war. Now we can give them the chance to know the season of peace."

In closing remarks, Clinton referred to the toppling of the walls of Jericho, comments reportedly added to his speech after waking at 3 a.m. and reading the Old Testament Book of Joshua.

"The sound we heard today," he said, "once again as in ancient Jericho, was of trumpets toppling walls, the walls of anger and suspicion between Israeli and Palestinian, between Arab and Jew. This time, praise God, the trumpets herald not the destruction of that city but its new beginning."

Many who have labored long for Middle East peace attended the ceremony, including former presidents Jimmy Carter and George Bush.

Less than 24 hours after the Israeli-PLO agreement was signed, the cause of Middle East peace again was advanced when Israel and Jordan signed an agreement framed to resolve differences between the neighboring countries. Δ

Baptists offer views of historic peace pact

Representatives of the Palestine Liberation Organization and Israel gave birth to hope Sept. 13 as they signed the historic framework for peace, according to Baptist experts on the Mideast and past peace efforts.

Former president Jimmy Carter, a Southern Baptist layman, was among 3,000 guests at the White House ceremony in which the pact was signed. Fourteen years ago, then-President Carter helped to mediate the Camp David peace accords between Israel and Egypt.

"This is the opening of a door that cannot be closed," Carter said.

"When we left Camp David, I thought this day would come a lot earlier. It's long overdue. For the entire world, this is an extremely historic achievement and a symbolic event."

Denton Lotz, general secretary of the Baptist World Alliance and former missionary in Eastern Europe, likened the event to the toppling of the Berlin Wall.

"I had the same feeling when the Berlin Wall fell down," Lotz said, adding that Baptist leaders in Israel and Arab Baptists have been praying for this day for many years and they are rejoicing.

"The whole world was relieved when (Israeli Prime Minister Yitzhak) Rabin and (PLO Chairman Yasser) Arafat shook hands," Lotz said.

Lotz said the BWA recently held a



— NEWS SCAN

meeting in Cyprus with Middle Eastern Baptist leaders. At that time, they prayed for peace. Lotz said he was sure they were surprised at how quickly those prayers were answered.

He said the White House ceremony had a "biblical thrust to it" and said President Bill Clinton's use of Joshua and the fall of Jericho "was very symbolic of the whole nature of the problem."

Bill O'Brien of Birmingham, Ala., who serves on the steering committee of Evangelicals for Middle East Understanding, struggled to verbalize the feeling that swept over him as he watched the events unfold, but he said, "I was literally moved to tears."

After decades of bloodshed and hatred, the world witnessed the "birthing of hope," said O'Brien, director of the Global Center at Beeson Divinity School of Samford University and a 26-year veteran of Baptist foreign missions.

"First of all, to me, it means a lot of people will experience the birth of hope for the first time. ... Even if the whole thing fell apart tomorrow, some things are worth doing for the moment."

However, O'Brien was quick to note that he is more optimistic than to believe the whole peace process can be derailed. As long as there are extremists on both sides who are whipping up hatred, O'Brien said, there will be setbacks, but he said he doubts the whole process is reversible.

Ken Sehested, executive director of the Baptist Peace Fellowship of North America, agreed.

"The process is going to be a long one," Sehested said. "There is plenty of room for lots of things to go wrong but for hopeful people, as Christians are called to be, a profound opening for a new future (has taken place).

"It's still going to take a lot of courage, visionary people willing to take risks to produce something concrete out of this, but for the first time in half a century, we have the prospects, the opening, for some new forms of relationship among the Semitic peoples of the Middle East."

Charles Kimball, associate professor of religion at Furman University in

Greenville, S.C., said the handshake between the two leaders was "the pivotal symbol that both sides had come over an enormous threshold. That is the key.

"At this point what has been agreed to is not a great deal," said Kimball, a Middle East expert and author. "But that the two sides have in fact come to this point and crossed this enormous barrier is quite important. It does signal that both sides are very serious now about negotiating a settlement. That degree of seriousness has not been there before."

Samford's O'Brien said that the event is a wonderful opportunity for Christians in the West to become acquainted with how they can learn from their brothers and sisters in the Middle East. He reminded Christians in the West that there are three times as many Christians in the Middle East as there are Jews in Israel.

"We have a large body of brothers and sisters in the Middle East who could benefit from an open heart and hand," he said, noting Westerners should project themselves into the situation as learners, not teachers.

O'Brien credited several factors for bringing about the historic agreement. One factor, said O'Brien, is the demise of the Marxist ideology and the Soviet Union. That removed the constant tension between the two superpowers, a tension that added to Mideast polarization.

The work of former Secretary of State James Baker also was a contributing factor, O'Brien said. Baker was persistent and consistent in his negotiations, he said.

O'Brien said he hoped Western Christians would want to stand with their brothers and sisters in the Middle East during this time of healing and potential peace.

Sehested added: "There is an enormous hopefulness. Isaiah predicts one day the desert will bloom. One of the first things that would have to happen (for the desert to bloom) is a dramatic climatic change.

"And what we are seeing is not yet the desert blooming but the climate changing in dramatic ways." Δ

Baptist Congressman Steny Hoyer, D-Md., said he is gratified that "Russian government officials have recognized the importance of the Baptist church in the spiritual rebirth of Russia." Hoyer was responding to Foreign Mission Board reports that officials loyal to President Boris Yeltsin said Russia Baptists will play a key role in creating a new society. "It was only a few months ago," Hoyer continued, "when the Parliament passed restrictive amendments to the law on religion, that I called (Yeltsin's) attention to the many shortcomings in the legislation. I was pleased that President Yeltsin rejected the law and hope that the upcoming parliamentary elections will bring into the new Parliament legislators who are committed to religious freedom." ... **Food alone won't solve the hunger problems** around the globe, according to the fourth annual report on world hunger released Oct. 14 by Bread for the World Institute. Worldwide 1.3 billion people live in poverty. Civil conflict and a host of other factors aggravated the vulnerability of millions of Africans, the report says. The collapse of communism and the breakup of the multi-ethnic states constricts food supplies, creating hardships for people in the former Soviet Union and Central and Eastern Europe. Much of the Middle East is still suffering the affects of the Gulf War, with 5 million displaced people. ... **Opponents of women priests in the Church of England** will attempt to convince England's High Court in London to declare unconstitutional the action of the church's General Synod approving ordination of women. The Anglican Church Society, the leading evangelical conservative group within the church, was scheduled to make its plea Oct. 20-21, arguing the synod had no authority to change the nature of ministry. Δ

Compiled by staff and news service reports.

THOMAS

Continued from Page 8

it, but they will all owe the Baptist Joint Committee and Buzz Thomas an enormous debt of gratitude."

Dunn said he felt a "profound sense of loss ... for me it's like losing my right arm. He has been more than a work associate.

"He has stood tall with character, fortitude and commitment.

"Buzz, we're gonna miss you."

In rebuttal, Thomas said the real pleasure, privilege and growth over the last eight years have been his, not the BJC's.

"I wouldn't have been any other place. ... I don't just give you a thank you. I pledge something to you: to be friends from now on, to be there to support you as you have supported me. And I hope our paths will continue to cross." Δ

NEWS

Continued from Page 11

"When it enacted military conscription, it included an exception for religious conscientious objectors."

For Establishment Clause purposes, McConnell said, there is no difference between the use of peyote and sacramental wine.

The bill's chief sponsor is Sen. Daniel K. Inouye, D-Hawaii, chairman of the Indian Affairs panel. Δ

Proposal would threaten non-profit group advocacy

A proposal circulating on Capitol Hill could undermine the public policy advocacy of non-profit groups, including Baptists.

The Baptist Joint Committee joined with several non-profit organizations to oppose the provision that would impose a 30 percent tax on lobbying expenditures of tax-exempt organizations; it also expands the definition of lobbying to include contacts with regulatory agencies.

The BJC and other groups joined in an Independent Sector letter opposing the proposal. "Most exempt organizations will reduce or forego lobbying rather than pay a 30 percent tax. ... Lobbying by non-profit organizations is an important element of the vital

political discourse on which participatory democracy depends. It should not be discouraged, further limited, or taxed." Δ

REVIEWS

Continued from Page 16

the linkage of church-state separation to the problems of drugs, violence and sexual promiscuity that plagues the nation. Twice, the author suggests we could learn something from the church-state arrangements of Western Europe.

Say it ain't so.

What professor Monsma fails to take into account is the debilitating affect governmental promotion of religion has had on the churches of Western Europe. Yes, there is prayer in the schools and the government promotes and subsidizes religion, but the church pews are empty. Less than 5 percent of Western Europeans even claim membership in a church or synagogue compared with two-thirds in the United States. Yes, Western Europe has less violent crime, but I suspect it has more to do with gun control than state-sponsored religion.

By calling on government to endorse and promote all religion, professor Monsma resurrects a concept as old as the Commonwealth of Virginia. Patrick Henry's infamous assessment bill would have provided tax support to all religious teachers of his day. Madison called it "an establishment," despite the fact that the aid was distributed to all religious groups in a non-discriminatory fashion. Jefferson, in his statute for religious freedom, called it "sinful and tyrannical."

It still is. Δ

BJC

Continued from Page 5

ation is scheduled to be converted to a biweekly newsletter in January. The change will increase from 10 to 24 the number of issues published each year. A new bulk distribution plan for churches and institutions also will be implemented. Δ

- Pam Parry

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"The state should not be used to coerce religious belief."

REFLECTIONS

James M. Dunn
Executive Director



At last, someone has got it right. Stephen L. Carter in *The Culture of Disbelief* corrects some muddle-headedness about the separation of church and state.

"Separation" should never have meant separation of God from government or religion from politics or believers from the ballot box. Both those who fear religion and those who would allow the righteous to rule have fogged the atmosphere. Carter clears the air.

It's about time.

He understands that "talk about freedom to worship is not the same as freedom of religion." Mere toleration is rejected by Carter as the standard for relating to religions. He calls instead for respect, religious pluralism and equality. *The Culture of Disbelief* rightly rehabilitates "separation of church and state," a favorite bogey man for the Religious Right.

In issue after issue he sides with separationists: school prayer, civil religion, creationism, the "Christian Nation" and other horrors. He says, for instance, "The state should not be used to coerce religious belief, and it is impossible to design a non-coercive approach to school prayer." He may be a tad too friendly to the idea of vouchers for private and parochial schools, but he honestly confesses his own conflict of interests.

He contradicts Chief Justice William H. Rehnquist by saying there's "nothing wrong with the metaphor of a wall of separation." Carter, however, is too willing to perforate that wall.

In endless variation on a theme, Carter's main point is that religion is, should be, must be and will continue to be heard in society's debates. Faith is a factor in shaping public policy.

I wish Professor Carter, a Yale Law School teacher, could spend a little more time in Texas and barber shops and Lions Clubs and commuter airlines. He might not be so sure that "one does not talk of one's faith." In much of America, where "one" does not talk like that, religion and sports are about all "one" does talk about.

He is right, however, in arguing that a certain stripe of misshapen media mind and polluted political perspective tend to trivialize religion. The law is often an ass. Yet, he rejects the whiny silliness that sees the public square as hostile to religion. He sounds the battle cry for more robust religious expression.

Carter supports the Religious Freedom Restoration Restriction Act. He understands the counter-majoritarian nature of the Bill of Rights. He scores Justice Antonin Scalia for his faulty reasonings in decision and dissent, *Oregon v. Smith* and *Lee v. Weisman*.

"Religion is an independent moral force" as he says and "not a hobby." Carter hammers home the notion that "religions should not be forced to disguise themselves before they can be legitimately involved in secular political argument." He laments that "American liberals have made a grievous error in the flight from religious dialogue." President Bill Clinton has not fallen into that timidity trap.

Carter, an Episcopalian, seems to be of two minds regarding "the loud fears about the influence of the weak and divided fundamentalist Christian right." He does admit though that we "must always be on guard against the likelihood that some religions use societal position as an instrument of oppression." Thankfully though he takes seriously Religious Right challenges and contends that "if the Christian Coalition is wrong for America it must be because its message is wrong on the issues." In poignant critique of the political fundamentalists, he "despair(s) for the future of a faith that struggles so hard to merge itself with the state."

That last sentence is a sample of the aphorisms that punctuate the book. The almost bumper stickerish wisdom alone is worth the price of the book. Carter writes well, neither preacherly nor lawyerly. He does offer almost incidentally an update on church-state law.

The book also explores religious and legal philosophy on abortion, euthanasia, capital punishment in a reasonably reader-friendly fashion. This book is more. It is a timely tocsin against the dangers of fuzzy thinking left and right regarding the proper role of religion in public life.

For anyone concerned with law, politics, religion or life and death, *The Culture of Disbelief* is worth reading. Δ



POSITIVE NEUTRALITY: Letting Religious Freedom Ring

Stephen V. Monsma, Greenwood Press, 1993.

Stephen Monsma has joined the chorus of naysayers who complain that the public square is naked — stripped of all references to religion. Complaining of a “secularized public square that is not neutral on matters of religion and non-religion,” professor Monsma argues that “religion — and especially religion of a deeply felt, more literal nature — is disadvantaged.”

Monsma’s proposed solution is a sacred public square. To his credit, professor Monsma would not establish a single national church or a “Christian nation.” What he proposes, however, smacks of the multiple establishments of religion that existed at the time the First Amendment was drafted. Under such an arrangement, all religions can be promoted and funded by the state so long as non-religious philosophies and perspectives are not disadvantaged. For example, tax support to parochial schools would be permissible as long as alternative non-religious education also was available. Monsma also would reverse many of the Supreme Court’s decisions regarding school prayer, creation science, the permanent posting of the Ten Commandments in school classrooms and on-campus religious instruction by clergy.

Professor Monsma does stake out a strong position for protecting the rights of all religious groups to exercise freely their faith without governmental interference. He properly criticizes the Supreme Court’s infamous *Employment Division v. Smith* in which the traditional protections for religion were

scrapped. Monsma agrees with those who support the Religious Freedom Restoration Act that religious practices should *not* be subject to government restrictions absent a “compelling governmental interest.”

Unfortunately, he sees the “underlying values that unite the people of the United States” as one such interest. Such an assertion ought to send a chill down the spine of any lover of liberty. In fact, Monsma would invoke such community values to uphold laws prohibiting animal sacrifice, such as the ones recently struck down by the court.

The public square is well-clothed in the garb of religion. For example, the 1988 presidential campaign found two of the final four candidates to be Baptist ministers, and the winner of that election, himself an active Episcopal layman, made his first presidential act a prayer. His successors, President Bill Clinton and Vice-President Al Gore, are both “born again” Christians. If you are tempted to think that religion truly is disadvantaged in the public arena, imagine for a moment the chances of a professed atheist being elected president.

Since the Clinton inauguration, literally hundreds of religious leaders have paraded in and out of the White House both to offer prayers for the president and to provide substantive advice, counsel and, at times, criticism. Recently, the president and vice-president spent an hour and a half with the president and chief executive officer of the Southern Baptist Convention. The nation’s chief executives don’t have a thing on the Congress. More than once I have listened to members wax eloquent on the floor about the beauty of scripture or the importance of religious faith. More than a dozen members of Congress are clergy.

Instead of increased privatization, there has been an enormous proliferation of religion in public life in the past

30 years. Allen Hertzke points out that in 1950 only 16 religious organizations had public affairs offices in the nation’s capital. Today there are more than 80, and the list is growing. Catholics, Jews, mainline Protestants and Evangelicals maintain offices with professional staff whose sole job is to influence public policy from a distinctly religious perspective.

Thus, a more accurate assessment would seem to be that the public square is, if anything, a bit overdressed. For example, our churches and synagogues are tax-exempt; gifts to our ministries are tax deductible; our ministers don’t pay tax on their housing allowances; churches don’t have to file financial disclosure forms as do other non-profits; we are protected from routine audits and investigations by the IRS; we are exempt from key provisions of civil rights legislation; we have special exemptions in both the National Labor Relations Act and selective service laws, from portions of the Social Security tax and from countless state and local regulations. On top of that, our social service agencies, hospitals, universities and other institutions obtain millions of dollars in federal grants.

What is lacking — and what should be lacking — is government sponsorship, endorsement and promotion of religion.

At bottom, professor Monsma appears to confuse “public” and “government.” Not all that is “public” is “government” — thank heavens. And, there is a vast difference between publicly uttered private speech endorsing religion, which the Free Speech and Free Exercise clauses protect, and government speech endorsing religion, which that the Establishment Clause forbids.

The book’s most grievous error is

See **REVIEWS**, Page 14

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