



REPORT from the CAPITAL

Volume 50, Number 6

March 21, 1995

NEWSMAKERS

Stan Hastey, executive director of the Alliance of Baptists, reaffirmed religious liberty as a distinguishing mark of Baptists during a March 4 address at the Alliance's ninth annual convocation. Hastey, former director of information services at the Baptist Joint Committee, said the principle of a free church in a free state is under unprecedented assault by politicians and preachers.

Pat Robertson, a religious broadcaster, has denied charges that a book he wrote four years ago contains anti-Semitic language. Robertson says passages referring to a conspiracy by "European bankers" — which the Anti-Defamation League said is a historical code phrase used by Jewish conspiracy theorists — were misinterpreted. The wording was contained in Robertson's best-seller, *The New World Order*.

Rabbi Leon Klenicki, director of interfaith affairs for the Anti-Defamation League, has become a regular commentator for the United Press International Radio Network religion service, which is aimed at the Christian market. He will provide a weekly commentary on a variety of issues. While he is not the first Jew to broadcast on Christian radio, Jewish groups contend most of the other Jewish broadcasters are tied to the Messianic Jewish movement.

The American Bar Association's House of Delegates recently approved a series of policy statements, including one against state-sponsored prayer in public schools. The ABA policy opposes measures that "would allow for officially sanctioned prayer in public schools" and "any action by Congress to remove from any federal court the jurisdiction to consider the validity of governmental actions under the religion clauses of the First Amendment of the U.S. Constitution." Δ

BJC panel affirms stance on politics, school prayer

Americans who promote their politics as "Christian" should ensure their "political methods measure up to that lofty label," the executive committee of the Baptist Joint Committee declared March 6.

The BJC panel encouraged "all Americans of faith to play active and responsible roles in the political process."

The statement was one that unanimously adopted by the BJC panel. The second statement reaffirmed the agency's opposition to proposals to restore government-sponsored prayer in public schools.

The BJC's religion and politics statement said the constitutionally required "separation of church and state does not mean the separation of God and government nor the separation of religion and politics." It reaffirmed the constitutional right and biblical mandate for Christians to be involved in the political process, but emphasized that such involvement must be responsible.

The statement urged Christians "to bring to the public square a full measure of integrity that reflects the high standards of our faith, shunning the hypocritical and immoral politics of personal destruction and deception."

The BJC statement decried such tactics as selling videos that level unfounded charges against public officials, distributing deceptive voter guides and exaggerating the effects of policy proposals in ways that unduly alarms citizens.

"Such actions betray the high principles of our faith and diminish our

nation's political process," the statement declared.

In its statement on school prayer, the BJC panel said it shared the longing of many Americans for spiritual and moral revival, adding that society's spiritual rootlessness "must be addressed by a rededication of families and churches to prayer, religious education and evangelism."

Public schools should do their part to inculcate civic values such as honesty, courage, charity and humility, the statement declared, but should not be empowered to lead or encourage religious exercises.

"Our opposition stems from the conviction that prayer is a holy act that government should not control," the statement said. "We reject the notion that government bureaucrats and public school teachers, who may not share our faith or any faith, should be entrusted or saddled with our children's spiritual formation."

Legislative proposals to restore "voluntary" prayer are unnecessary, the statement said, because the U.S. Supreme Court has ruled out only school-sponsored prayer.

"Students continue to enjoy the right of true religious expression in numerous ways in the public schools," the statement declared.

The BJC statement concluded that because of belief in prayer and respect for the Constitution, "we do not want government telling our children when, where and what to pray. Prayer should be left to churches, families and students themselves." Δ

Christians should bring to the public square a full measure of integrity.

Federal courts disagree on religious freedom law

Two federal courts have issued conflicting rulings on the constitutionality of the Religious Freedom Restoration Act — a 1993 law that bolstered legal protection for religious practice.

One federal court ruled against RFRA's constitutionality, while another ruled in its favor.

U.S. District Judge Lucius Bunton of San Antonio ruled March 13 that Congress' enactment of RFRA intruded on the power and duty of the judiciary. His ruling conflicts with a Feb. 3 decision by District Judge Helen Gillmor of Hawaii upholding the statute.

The religious freedom law, which enjoyed broad support from U.S. religious bodies, was overwhelmingly approved by Congress and signed by President Clinton in November 1993.

RFRA restored a long-standing legal test that required government to show a compelling reason to restrict religious practice. Religious groups asked Congress to reinstate the test by statute after the U.S. Supreme Court ruled in 1990 that government no longer needed a compelling reason to justify laws that

were neutral and applied across the board.

Boerne, Texas, officials challenged RFRA's constitutionality in a dispute over a Roman Catholic parish's plans to raze part of a 72-year-old church building the city wanted preserved. Church officials contended that the city's landmark preservation law violated the parish's rights under RFRA.

Bunton sided with the city of Boerne, holding that Congress unconstitutionally changed the "burden of proof" the Supreme Court set for religious claimants in its 1990 ruling.

Citing insufficient case law to date interpreting RFRA, Bunton acknowledged that the Texas federal court is "cautious in its opinion" of the statute's constitutionality and ordered an expedited appeal of the ruling by 5th U.S. Circuit Court of Appeals.

U.S. Solicitor General Drew Days and the Coalition for the Free Exercise of Religion, a 68-member alliance of religious and civil liberties groups that backed RFRA, had filed briefs asking the Texas court to uphold the law.

J. Brent Walker, general counsel at the Baptist Joint Committee, said the coalition will file a brief in support of

RFRA's constitutionality when the case is appealed to the 5th Circuit.

Walker said the Texas court was "flat wrong" in its interpretation of Congress' action.

"Congress did not override a decision of the Supreme Court," Walker said. "It simply created a statutory protection for religious liberty when the Supreme Court declined to enforce constitutional protection."

In the Hawaii case, state prison officials challenged RFRA after a federal judge ruled that the statute requires a compelling reason to infringe on a prisoner's religious practice.

Gerald Belgard, an American Indian, charged that prison officials violated his right to practice Native American religious traditions by depriving him of the use of religious items such as a medicine bag and eagle feathers, by forcing him to cut his hair and by denying him access to a religious counselor.

Hawaii charged that Congress took over functions reserved for courts in passing RFRA, but Gillmor disagreed, holding that Congress acted "within the bounds of its enforcement powers under the Fourteenth Amendment when it enacted the RFRA." Δ

McGuire rejoins BJC as Debley sets retirement



MCGUIRE

Karen McGuire has rejoined the Baptist Joint Committee staff as the agency's new administrator. She succeeds Saralee Debley, who announced her retirement after a four-year ten-

ure as administrative assistant.

McGuire first joined the BJC in 1981, serving as Executive Director James M. Dunn's first administrative assistant. She also has held administrative positions at the Woman's Missionary Union, SBC; Palm Beach Atlantic College; and several government agencies, including the departments of Housing and Urban Devel-

opment, Energy and Defense.

Most recently, she served as minister of discipleship for an Alabama Baptist congregation.

McGuire holds a bachelor of science degree in behavioral science and business administration from Palm Beach Atlantic College and a master of education degree from Florida Atlantic University.

"Karen comes home and we at the BJC celebrate her homecoming," Dunn said. "She is a talented minister of the gospel with the personal history, dedication and preparation for us at this special time."

Debley, a former missionary with Wycliffe Bible Translators, was honored March 6 for her service to the



Debley enjoys retirement fete.

BJC by members of the agency's executive committee and staff.

"Saralee Debley has been God's gift to the BJC," Dunn said. "She came to us providentially just when we needed most her considerable skills."

"Saralee's tough minded missionary money management made the difference during difficult days.

She will continue to work for us on a part-time basis, and we will all visit her Florida home." Δ

Pew, Pulpit & the Law

Q: Are religious institutions immune from zoning laws?

A: Zoning laws have two components: One is procedural, requiring that potential users of land file an application with the appropriate authorities (i.e., a planning board or a zoning board); the other is substantive, that is, that only certain uses of particular parcels of land are acceptable. This last class of rules is not always absolute; sometimes the rules can be waived or their requirements varied (these are called variances).

Claims for exemption from the procedural requirements of the zoning laws are rarely made by churches and almost never accepted; substantive decisions are frequently challenged successfully. Δ

Excerpted from
*The Right to Religious Liberty:
The Basic ACLU Guide
to Religious Rights*
See Book Review, Page 4

REFLECTIONS

Freedom's biblical roots



JAMES M. DUNN
Executive Director

The concept of separation of church and state takes a beating. Criticisms come from all corners: academic nitpickers, secular over-reachers, political correctness nuts and evangelical extremists.

Yet, the principle serves our nation well. This constitutional safeguard is good for the church and good for the state.

Now, Jim Spivey, a church history professor at Southwestern Baptist Theological Seminary, has provided a valuable resource for friends of freedom. In a summer 1994 article in that institution's *Southwestern Journal of Theology*, he supplies the strong biblical arguments that some hanker for.

One senses Dr. Spivey's outrage that anyone called "Baptist" would be "spellbound by the spiritualized rhetoric of revisionist historians" and turn away from the hedge that has helped maintain our heritage. He correctly lauds Baptist forebears who led the struggle to secure religious liberty and to guarantee it with the separation of church and state.

The historian Spivey is on solid ground saying that "for four hundred years advocacy of church-state separation has devolved upon Baptists as a spiritual birthright and an essential seal of their identity." He sees those who would turn away from this distinctive doctrine as resisting "rational argument and historical evidence." Worse, those who would abandon their heritage appear to be dupes for "a dangerous, thinly veiled form of civil religion energized by power politics, emoluments, and misplaced patriotic emotion."

The theologian Spivey, however, like Roger Williams, Isaac Backus and John Leland, does not appeal merely to political theory. He, like historic

heroes, proclaims a message "empowered by biblical truth." The journal article's title is "Separation No Myth: Religious Liberty's Biblical and Theological Bases." In it he cites 119 scripture references.

The case Jim Spivey makes is not strange to Baptists, but he does it with clear, cogent pedagogy. As a biblical doctrine "religious liberty begins with the will of God as the creator of humanity." The universal message is that "each person ... is a rational, moral agent with a conscience capable of responding" to God by faith.

Baptists have been freedom fighters on our good days because at the heart of a biblical religion is the recognition of the "universal freedom of religious conscience." Three logical caveats follow that lofty ideal:

1. Religious conscience is not merely internal. "True religion produces actions."
2. "Toleration is not genuine freedom. It is an inalienable right, not a social contract."
3. "The voluntaristic nature of true religion militates against established religion."

Dr. Spivey is a bona fide expert on Baptists and the Bible. He sets out the necessity of separation: Because church and state differ radically in nature — "the church with spiritual authority, the state with political power."

Oxford scholar Spivey points out the perils of established religion and the positive results of separation. He borrows Paul Weber's categories of church-state separation and looks at the current scene. He concludes: "Baptists must not abandon their defense of strict separation ... both scripturally and politically prudent."

All so-called, pseudo- and semi-Baptists need to heed Spivey's call to faithfulness. "Baptists must have enough confidence in the power of God's truth to transform a pluralistic society that they continue to fight for genuine voluntarism." Δ

For a copy of Dr. Spivey's essay, please send a stamped, self-addressed envelope to the Baptist Joint Committee.

REPORT from the CAPITAL

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BOOK REVIEW

The Right to Religious Liberty: The Basic ACLU Guide to Religious Rights

Barry Lynn, Marc D. Stern and Oliver S. Thomas; Southern Illinois University Press, Carbondale, Ill., 1995, 128 pp.



In modern America religious liberty and church-state separation are hot topics. Issues such as prayer in public schools are constantly ricocheting from Congress to the U.S. Supreme Court and back again. Who knows exactly what the law is in this much-contested and murky area? Barry Lynn (Americans United for Separation of Church and State), Marc Stern (American Jewish Congress) and Oliver S. Thomas (National Council of Churches, formerly BJC general counsel) do. They share their expertise with us in a handy new guide titled *The Right to Religious Liberty: The Basic ACLU Guide to Religious Rights*.

The trio's work covers every religious liberty issue from Aid to

Religious Organizations to Zoning and Religious Institutions. The handbook is a statement on current law that is useful to scholar and layperson alike. The first 66 pages cover the Establishment Clause and related issues; the second half deals with the Free Exercise Clause and areas of law linked to it.

An important feature of the publication is its question-and-answer format. The authors pose almost every conceivable question cutting across numerous religious liberty issues, and they answer them completely but succinctly. This format allows the reader either to read the entire work to gain extensive knowledge about church-state issues or simply to use the guide as a reference work on specific issues.

Each chapter is followed by a thorough list of endnotes that are helpful sources for further research. Of course, such thoroughness is to be expected since all three authors are attorneys and two are ministers. However, this detail is neither laborious nor forced on us. It is written so that the layperson can pick it up and quickly come up to speed on

religious liberty issues. The scholar, too, can use it as a necessary tool that contains all the detailed information required.

In a touching gesture, the authors acknowledge their collective prayer that their children — all nine of them named — "will take advantage of their constitutional liberties to pursue their respective religious traditions and will share the responsibility to preserve the gift of those freedoms for their children."

The Right to Religious Liberty handbook is a comprehensive, accurate and user-friendly guide that will aid defenders of religious liberty into the 21st century.

Copies of the book may be obtained by calling (618) 453-6619. The paperback edition sells for \$7.95 Δ

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REPORT from the CAPITAL

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REPORT (ISSN-0346-0661) is published 24 times each year by the Baptist Joint Committee.

Established in 1936

Baptist Joint Committee on Public Affairs
200 Maryland Avenue, N.E., Washington, D.C. 20002
202-544-4226

Supporting bodies: 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 • Southern Baptist state conventions and churches.

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