



REPORT from the CAPITAL

NEWSMAKERS

Justice Sandra Day O'Connor may have tipped her hand on how she will vote in a case that has church-state implications. During April 26 oral arguments, O'Connor called unrealistic the state of Ohio's argument that the Ku Klux Klan's cross could be misconstrued as government-sponsored speech in a traditional public forum. Ohio officials previously permitted a holiday display with a Christmas tree and menorah in front of the Ohio statehouse but barred a cross the KKK wanted to erect. The Klan's display had a disclaimer that it was not endorsed by the state. "I think your argument is so far-fetched it is hard to bring it to the real world," she told the state's attorney.

Pat Robertson's legal organization is challenging the Internal Revenue Service's enforcement of a law barring churches and other tax-exempt organizations from endorsing or opposing political candidates. The American Center for Law and Justice filed the suit April 17 challenging IRS' decision to strip a New York church of its tax-exempt status. The IRS took the action against The Church at Pierce Creek in Vestal, N.Y., after the church placed advertisements in *USA Today* and *The Washington Times* urging Christians to vote against then-presidential candidate Bill Clinton because of his purported views on abortion, homosexuality and teen pregnancy.

Tony Campolo, an American Baptist evangelist and author, recently said the term "family values" has become a buzz word used more for political reasons than for moral causes. Campolo, a sociology professor at Eastern College in St. Davids, Pa., said Americans' selfishness is greater cause for concern than their tendency to commit sexual immorality. Δ

True religion diminished by government's hand

For those of us who take seriously our religious beliefs and practices, religious liberty is no extinct dream or mythical abstract. We champion religious liberty because it is biblically grounded. It is a much desired and needed prerequisite for genuine voluntary worship, spiritual witness and the other widespread ramifications that result from the centrality of our faith commitment. We also promote religious liberty on constitutional grounds, holding it to be the primary and essential first freedom. For the benefit of our faith and the well-



Government support trivializes faith.

— DWIGHT JESSUP

being of society, religious liberty should be as unfettered as possible from both government regulations and state sponsorship. The intrusion of the state into religious affairs, as Colonial Baptist preacher John Leland proclaimed, diminishes true religion's chances to flourish and dramatically undermines the government's role as protector of our fundamental freedom.

Scriptural accounts relating to the exercise of religious liberty in both the Old and New Testaments are not direct, broadside appeals for religious liberty per se. Instead, these references show an assumption of freedom even in the face of countervailing government policies or private threats. These references are scattered and brief. They say more about the exercise of religious freedom in an applied sense than they do in a direct way, but they are occasions in which God's chosen leaders are

responding to His call to proclaim a God-given message. In the Old Testament, Amos, Jeremiah, Isaiah and other prophets carried on with words and demonstrations in the face of prohibitions against such expressions. As recorded in the New Testament, Peter and John defied the authorities who forbade them public witness of Jesus Christ. Obeying God rather than men

was their standard (Acts 5:29). In Acts we are told of other early Christians whose assumption of religious liberty manifested itself in spiritual witness despite oppo-

sition and oppression.

Moving beyond this assumption of religious liberty, a careful reading of biblical teachings also suggests a theoretical underpinning for religious liberty. Walfred H. Peterson, a former Baptist Joint Committee staff member and a recently retired professor of political science at Washington State University, identified four elements in such a theory inherent throughout the Scriptures. In *Thy Liberty in Law* (Broadman: 1978), Peterson emphasized that God's sovereignty is above any human authority. "God may use human authority, but ... human authority is not necessarily and finally valid." Even the ordained powers of government are subject to God's order and limited to a specific sphere.

Secondly, argues Peterson, God

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orders persons and groups to act. These orders may be mediated through the church or other human institutions or be directly revealed to individuals, but they are mandates to action represented most significantly by the Great Commission: "Go ye into all the world and preach the gospel to every creature" (Mark 16:15). The mandate to evangelize is closely related to a third element in a biblically grounded theory of religious liberty; that is, persuasive communication as the central component in the proclamation of the Gospel. Allowing for the possibly strong impact of a "silent witness," pantomimes or the visual arts, Peterson nevertheless asserts that "whatever the Spirit of God does to bring conversion, words of people are vital to the process."

Yet the necessity for communication in carrying out God's call to preach the Good News does not absolutely require freedom of religious expression or religious choice. There is no direct, straightforward biblical mandate that society and government must be structured in such a way as to promote religious liberty in and of itself. But Peterson recognizes a crucial fourth element that, when added to the other three, leads us logically to advocate such freedom. The fourth component is the individual dignity and worth of each person, created in God's image, and in the words of Thomas Jefferson, "endowed by their Creator with certain inalienable rights." Each person is enormously valuable in God's sight, even as she or he should be in ours. The value, says Peterson:

... is reflected in the biblical thrust, repeated from Genesis to Revelation, that each has the power of choice. Each can voluntarily respond to God's love and call. Even at the level of rejecting God's purposes, each person may choose for or against his own good. None is to be or can be tricked or bribed or compelled into choosing the good. ... Thus,

coercion respecting belief is improper.

For too long a time, many Christians and some of their churches did not recognize or have not yet recognized that faith and freedom are aligned; that religious liberty has a biblical basis. Some dramatic changes have occurred in

Church. The act of faith is of its very nature a free act. Man, redeemed by Christ the Savior and through Christ Jesus called to be God's adopted son, cannot give his adherence to God revealing Himself unless, under the drawing of the Father, he offers to

God the reasonable and free submission of faith. It is therefore completely in accord with the nature of faith that in matters religious every manner of coercion on the part of men should be excluded. In the consequence, the principle of religious freedom makes no small contribution to the creation of an environment in which men can without hindrance be invited to the Christian faith, embrace it of their own free will, and profess it effectively in their whole manner of life.

Unfortunately, there are still those today who want to use the apparatus of the state or some form of human force or law to ensure that what they perceive as God's work and witness gets done. The motive may be right, but the means are wrong. Government-sponsored prayers and religious exercises in public schools, the use of public aid (tax money) in the form of vouchers to subsidize religious schools and the distribution of public

university funds to finance the promotion of religious beliefs are just three of the current threats to religious liberty and to true, voluntary religion. It still can be said that the doctrine of separation of church and state best promotes the liberty of the soul and the free exercise of religion guaranteed by the Constitution.

As William Lee Miller points out in *The First Liberty* (Kropf: 1986), the state should be impartial about religious and ultimate beliefs, not because such matters are beneath or opposed to its concerns, but because they are above it in the superior realm of individual conscience. The ultimate result of government articulation, support, promotion and/or regulation of such matters is the trivialization of religion, and the politi-

***There's a good reason
not to ask government
to promote religion.***

*"The fondness of
magistrates to foster
Christianity has done
it more harm than
all the persecutions
ever did."*

— JOHN LELAND



Observe Religious Liberty Day

1995

Baptist Joint Committee • Washington, D.C.

recent years and given us hope to believe that the base of religious liberty is expanding. The Second Vatican Council in 1965, for example, moved the Roman Catholic position much closer to that of Roger Williams some three centuries before. In its Declaration on Religious Freedom, the council set forth its new position by an appeal to human dignity rooted in divine revelation as seen in the Scriptures:

It is one of the major tenets of Catholic doctrine that man's response to God in faith must be free: no one therefore is to be forced to embrace the Christian faith against his own will. *This doctrine is contained in the Word of God and it was constantly proclaimed by the Fathers of 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. • National Missionary Baptist Convention
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cization of our faith, that which we hold most dear. The private exercise of religion is always to be preferred over its sponsorship by the state. Reliance on the varied techniques of government support to ensure true belief by human means, as Peterson has asserted, is a fatal admission that those who use them do not believe that God is sovereign and that His work can be done by the means set out in Scripture — that is, by enlightened persuasion guided by His Spirit. As persons who believe wholeheartedly in biblical truth, we stand guard in defense of religious liberty for the sake of the Gospel, for the protection of freedom in Jesus Christ and for the well-being of our society. Δ

— Dwight Jessup

Vice President for Academic Affairs/Dean
Taylor University, Upland, Indiana
Secretary, Baptist Joint Committee

Observing Religious Liberty Day is a time-honored way Baptists in America celebrate a basic aspect of their heritage. Traditionally many churches and Baptist bodies designate the first day of worship in June for this purpose.

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and to their donors. This legislation would provide new tax incentives for charitable giving. It is sponsored by Philip Crane, R-Ill., (the second-ranking majority member on the House Ways and Means Committee); Charles Rangel, D-N.Y., (second-ranking minority member); and Christopher Cox, R-Calif., (chairman of the House Republican Policy Committee).

The bill has two parts. The first measure will benefit many middle- to low-income people. Seven out of 10 taxpayers, usually because they have no mortgage interest deduction, find it beneficial to take the standard deduction — even when they give a substantial amount to churches and other charitable organizations. The bill would allow these taxpayers to deduct a part of their charitable gifts in addition to taking the standard deduction.

This is a good deal for all concerned. During 1985-86, when this was last tried, charitable giving among non-itemizers rose dramatically. This would benefit churches and other charities, as well as provide a break to taxpayers who give a substantial part of their income for charitable causes.

Some object to this proposal, arguing that the standard deduction already includes an amount for charitable donations and giving non-itemizers a deduction for their charitable gifts would allow double dipping. To address this argument, the sponsors have agreed that the bill would permit non-itemizers to deduct charitable contributions only to the extent they

Some good news from the tax front. Three powerful members of Congress recently introduced the "Charitable Contributions Legislation" (H.R.1493), a bill that will be of great interest to churches and other charities

exceed \$1,000 annually, \$2,000 for married taxpayers.

The second part of the bill would benefit many middle- to upper-income taxpayers. In 1990, Congress imposed a 3 percent floor on itemized deductions, including charitable deductions, for taxpayers with adjusted gross incomes exceeding \$100,000. For example, taxpayers making \$110,000 would not be able to deduct an amount equal to 3 percent of their income over \$100,000. Thus, they could not claim the first \$300 of their deductions. Allowing for inflation, the threshold is now \$111,800. The new legislation simply would remove the charitable deduction from the 3 percent floor.

There are a number of reasons why this floor on itemized deductions is bad policy: (1) It sets a terrible precedent. Once a floor is established, Congress almost always is inclined to increase it. (2) The floor is unfair. If a taxpayer has no mortgage and does not live in a state with a high income tax, the 3 percent floor will be subtracted entirely from charitable contributions. Persons should not be taxed on money they voluntarily give away to benefit others. (3) The floor on itemized deductions is complicated and requires a 10-step analysis to determine whether the floor applies. So much for tax simplification. (4) Since 1990, more than half the states have followed suit and have passed a 3 percent floor on deductions from state taxes. (5) The revenue it raises is relatively small compared with the potential giving it discourages.

As the federal government continues to call on charities to provide more of the services formerly supplied by government, it's important that tax policy encourage rather than discourage charitable giving. This provision, along with the one on non-itemizers, would do just that.

These two measures have been on the Hill before and have been met with little success. But, with three critical "players" in Congress spearheading this bipartisan bill, we hope it will stand a much greater chance of passing in the 104th Congress. Δ

NEWS & COMMENT

Mississippi school prayer practice halted by court

OXFORD, Miss. — A federal judge has ordered a Mississippi school district to stop allowing a student organization to broadcast morning devotionals and prayers over the intercom system.

Judge Neal B. Biggers Jr. ordered the Pontotoc County School District to halt the practice in response to a complaint filed by Lisa Herdahl on behalf of herself and five children.

Biggers granted Herdahl's request for an injunction after concluding that she likely would prevail on the merits.

Biggers said the school district's practice violates the First Amendment's prohibition against government established religion because it does not clearly have a secular purpose, its primary effect advances religion and it creates entanglement between government and religion.

The school district's policy is neither non-sectarian nor non-proselytizing,

the court said.

"Invoking the name of Jesus Christ and broadcasting it throughout the school at times when attendance is mandatory necessarily chooses religion over non religion and, moreover, Christian beliefs over other religious beliefs," Biggers wrote.

The district's practice of turning over its public address system to the Aletheia Club "places the District's seal of approval" on the practice, Biggers wrote.

Through its practice, Biggers wrote, the district is "pressuring, if not mandating, students to participate in the prayer."

Biggers rejected arguments that the policy's Establishment Clause problems can be resolved by allowing Herdahl's children or other students to be excused from the religious exercises.

"The plaintiff's children are likely to feel ostracized and stigmatized if their beliefs do not coincide with those of the majority," Biggers wrote. The judge said a "method of accommodation that

is inclusive of those students who wish to participate is far better than a practice that excludes those that do not."

The court order permits secondary school students to meet in the gymnasium for religious devotionals before the school day begins.

Biggers' handling of the controversy drew praise from a Baptist church-state specialist.

"I applaud Judge Biggers for affirming the free exercise of religion by public school students and for recognizing that coercion of a captive audience of children has no place in public education," said James M. Dunn, executive director of the Baptist Joint Committee.

BJC Associate General Counsel Melissa Rogers commended the Herdahls for taking a stand clearly unpopular in their community.

"Through the Herdahl children, we have learned a great deal about courage, character and the price of liberty," Rogers said. "Americans should be grateful for their contribution to religious freedom." Δ

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