NEWSLETTER OF THE BAPTIST JOINT COMMITTEE

PROCLAIM LIBERTY

REPORT from the CAPITAL

Volume 50, Number 16 August 15, 1995

NEWSMAKERS

W. Kenneth Williams, pastor of Baptist Temple in Rochester, N.Y., and former scholar-in-residence at the Baptist Joint Committee, was elected executive minister of the American Baptist Churches of the Rochester/Genesee Region, effective Oct. 1. The region, one of 34 within the American Baptist Churches U.S.A., comprises 34 congregations.

Earl W. Trent, house counsel for American Baptist National Ministries and a member of the Baptist Joint Committee board, received the William Robert Ming Advocacy Award in recognition of his "dedication and commitment to the goals of the NAACP, as well as the relentless and skillful advocacy with which he has championed civil rights cases." Trent received the award July 10 during the 86th annual convention of the NAACP in Minneapolis.

Sen. Harry Reid, D-Nev., has introduced legislation (S. 1093) that would deny prisoners the legal protections for religious practice provided by the Religious Freedom Restoration Act. The 1993 act restored a strict legal test that requires government to show a compelling reason to restrict religious practice. Reid unsuccessfully attempted to exempt prisoners from RFRA at the time it gained Senate approval.

Peter Koneazny, legal director of the American Civil Liberties Union of Wisconsin, and others have filed suit challenging a new Wisconsin law that would provide public funding of parochial schools. Δ

Religious Liberty Council elects two new leaders

Texas laywoman Patricia Ayres and South Carolina pastor Hardy Clemons were elected co-chairpersons of the Religious Liberty Council at the organization's annual meeting July 21.

Ayres and Clemons were elected to positions vacated by two RLC founders — Abner McCall, who died recently, and Grady Cothen, who resigned as co-chair because of health reasons. Gardner Taylor, pastor emeritus of Concord Baptist Church in Brooklyn, N.Y., is the group's third co-chairperson.

A Baptist Joint Committee auxiliary, the RLC provides representation on the BJC for Baptists who support the BJC individually, through churches and through the Cooperative Baptist Fellowship.

Ayres is a member of the BJC board, and Clemons is pastor of First Baptist Church, Greenville, S.C.

The RLC also elected three new BJC board members and re-elected two others. Elected to three-year terms were Carole Shields of Florida, Bart Tichenor of Missouri and Lynn Bergfalk of Washington, D.C. Re-elected to three-year terms were Marian Grant of North Carolina and Jean Woodward of Virginia.

The RLC session featured a tribute to McCall and a written challenge from Cothen, who was unable to attend.

Foy Valentine, RLC vice chairman and trustee of the Center for Christian Ethics in Dallas, saluted McCall's faith, brilliance, courage and integrity.

"His mind was the gift of God, but his honing of his mind on behalf of causes" such as the RLC is something for which McCall deserves credit, Valentine said. "Not only was he smart, he had smarts."

Valentine said McCall demonstrated courage in opposing "fundamentalist" efforts to gain control of the Southern Baptist Convention.

"When most Baptist bishops were tongue-tied and hamstrung and straddling the fence from underneath, Abner was courageous in the extreme," he said.

BJC Executive Director James Dunn highlighted McCall's role founding the RLC. Before the BJC was "banished" by the SBC, Dunn said, "Abner saw the day coming ... and said we've got to have a support group of some kind. In fact, the term he used that first time was a 'booster band.'"

Bill Wilson, pastor of First Baptist Church, Waynesboro, Va., read a message from Cothen that described the free exercise of religion and the separation of church and state as an overriding concern for Baptists today.

"The Lord will work with some group to propagate the gospel," he wrote. "If, however, the fundamentalists — religious and political — manage to shackle religion with governmental 'aid' or partnership, or government with religious control, we will enter another millennium of the Dark Ages.

"This is one battle that must be won, whatever the cost." Δ

EXPANDED EDITION

Page 2 Justice David Souter's dissent in *Rosenberger*
Page 6 President Clinton's remarks on religious liberty
Page 11 Reflections: Read it. Save it.

SUPREME COURT OF THE UNITED STATES

No. 94–329

RONALD W. ROSENBERGER, ET AL., PETITIONERS
v. RECTOR AND VISITORS OF THE UNIVERSITY
OF VIRGINIA ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT
OF APPEALS FOR THE FOURTH CIRCUIT

[June 29, 1995]

Excerpts of dissenting opinion written by Justice David Souter and joined by Justices John Paul Stevens, Ruth Bader Ginsburg and Stephen Breyer:

The Court today, for the first time, approves direct funding of core religious activities by an arm of the State. It does so, however, only after erroneous treatment of some familiar principles of law implementing the First Amendment's Establishment and Speech Clauses, and by viewing the very funds in question as beyond the reach of the Establishment Clause's funding restrictions as such. Because there is no warrant for distinguishing among public funding sources for purposes of applying the First Amendment's prohibition of religious establishment, I would hold that the University's refusal to support petitioners' religious activities is compelled by the Establishment Clause. I would therefore affirm.

The central question in this case is whether a grant from the Student Activities Fund to pay Wide Awake's printing expenses would violate the Establishment Clause. Although the Court does not dwell on the details of Wide Awake's message, it recognizes something sufficiently religious in the publication to demand Establishment Clause scrutiny. Although the Court places great stress on the eligibility of secular as well as religious activities for grants from the Student Activities Fund, it recognizes that such evenhanded availability is not by itself enough to satisfy constitutional requirements for any aid scheme that results in a benefit to religion. Something more is necessary to justify any religious aid. Some members of the Court, at least, may think the funding permissible on a view that it is indirect, since the money goes to Wide Awake's printer, not through Wide Awake's own checking account. The Court's principal reliance, however, is on an argument that providing religion with economically valuable services is permissible on the theory that the services are economically indistinguishable from religious access to governmental speech forums, which sometimes is permissible. But this reasoning would commit the Court to approving direct religious aid beyond anything justifiable for the sake of access to speaking forums. The Court implicitly recognizes this in its further attempt to circumvent the clear bar to direct governmental aid to religion. Different members of the Court seek to avoid this bar in different ways. The opinion of the court makes the novel assumption that only direct aid financed with tax revenue is barred, and draws the erroneous conclusion that the involuntary Student Activities Fee is not a tax. I do not read JUSTICE O'CONNOR's opinion as sharing that assumption; she places this Student Activities Fund in a category of student funding enterprises from which religious activities in public universities may benefit, so long as there is no consequent endorsement of religion. The resulting decision is in unmistakable tension with the accepted law that the Court continues to avow.

The Court's difficulties will be all the more clear after a closer look at Wide Awake than the majority opinion affords. The character of the magazine is candidly disclosed on the opening page of the first issue, where the editor-in-chief announces Wide Awake's mission in a letter to the readership signed, "Love in Christ": it is "to challenge Christians to live, in word and deed, according to the faith they proclaim and to encourage students to consider what a personal relationship with Jesus Christ means." The masthead of every issue bears St. Paul's exhortation, that "[t]he hour has come for you to awake from your slumber, because our salvation is nearer now than when we first believed. Romans 13:11."

Each issue of Wide Awake contained in the record makes good on the editor's promise and echoes the Apostle's call to accept salvation.

Even featured essays on facially secular topics become platforms from which to call readers to fulfill the tenets of Christianity in their lives. Although a piece on racism has some general discussion on the subject, it proceeds beyond even the analysis and interpretation of biblical texts to conclude with the counsel to take action because that is the Christian thing to do.

This writing is no merely, descriptive examination of religious doctrine or even of ideal Christian practice in confronting life's social and personal problems. Nor is it merely the expression of editorial opinion that incidentally coincides with Christian ethics and reflects a Christian view of human obligation. It is straightforward exhortation to enter into a relationship with God as revealed in Jesus Christ, and to satisfy a series of moral obligations derived from the teachings of Jesus Christ. ... The subject is not the discourse of the scholar's study or the seminar room, but of the evangelist's mission station and the pulpit. It is nothing other than the preaching of the word, which (along with the sacraments) is what most branches of Christianity offer those called to the religious life.

Using public funds for the direct subsidization of preaching the word is categorically forbidden under the Establishment Clause, and if the Clause was meant to accomplish nothing else, it was meant to bar this use of public money. Evidence on the subject antedates even the Bill of Rights itself, as may be seen in the writings of Madison, whose authority on questions about the meaning of the Establishment Clause is well settled. Four years before the First Congress proposed the First Amendment, Madison gave his opinion on the legitimacy of using public funds for religious purposes, in the Memorial and Remonstrance Against Religious Assessments, which played the central role in ensuring the defeat of the Virginia tax assessment bill in 1786 and framed the debate upon which the Religion Clauses stand:

> "Who does not see that ... the same authority which can force a citizen to contribute three pence only of his property for the support of any one establish-

ment, may force him to conform to any other establishment in all cases whatsoever?" James Madison, Memorial and Remonstrance Against Religious Assessments.

Madison wrote against a background in which nearly every Colony had exacted a tax for church support, the practice having become "so commonplace as to shock the freedom-loving colonials into a feeling of abhorrence." Madison's Remonstrance captured the colonists' "conviction that individual religious liberty could be achieved best under a government which was stripped of all power to tax, to support, or otherwise to assist any or all religions, or to interfere with the beliefs of any religious individual or group." Their sentiment as expressed by Madison in Virginia, led not only to the defeat of Virginia's tax assessment bill, but also directly to passage of the Virginia Bill for Establishing Religious Freedom, written by Thomas Jefferson. That bill's preamble declared that "to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves, is sinful and tyrannical," and its text provided "[t]hat no man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever ... ." We have "previously recognized that the provisions of the First Amendment, in the drafting and adoption of which Madison and Jefferson played such leading roles, had the same objective and were intended to provide the same protection against governmental intrusion on religious liberty as the Virginia statute."

JUSTICE DAVID SOUTER

The principle against direct funding with public money is patently violated by the contested use of today's student activity fee. Like today's taxes generally, the fee is Madison's threepence. The University exercises the power of the State to compel a student to pay it, and the use of any part of it for direct support of religious activity thus strikes at what we have repeatedly held to be the heart of the prohibition on establishment. The Court, accordingly, has never before upheld direct state funding of the sort of proselytizing published in Wide Awake and, in fact, has categorically condemned state programs directly aiding religious activity.

Even when the court has upheld aid to an institution performing both secular and sectarian functions, it has always made a searching enquiry to ensure that the institution kept the secular activities separate from its sectarian ones, with any direct aid flowing only to the former and never the latter.

Reasonable minds may differ over whether the Court reached the correct result in each of these cases, but their common principle has never been questioned or repudiated. "Although Establishment Clause jurisprudence is characterized by few absolutes, the Clause does absolutely prohibit government-financed ... indoctrination into the beliefs of a particular religious faith."

Why does the Court not apply this clear law to these clear facts and conclude, as I do, that the funding scheme here is a clear constitutional violation? The answer must be in part that the Court fails to confront the evidence set out in the preceding section. Throughout its opinion, the Court refers uninformatively to Wide Awake's "Christian viewpoint," or its "religious perspective," and in distinguishing funding of Wide Awake from the funding of a church the Court maintains that "[Wide Awake] is not a religious institution, at least in the usual sense." The Court does not quote the magazine's adoption of Saint Paul's exhortation to awaken to the nearness of salvation, or any of its articles enjoining readers to accept Jesus Christ, or the religious verses, or the religious textual analyses, or the suggested prayers. And so it is easy for the Court to lose sight of what the University students and the Court of Appeals found so obvious, and to blanch the patently and frankly evangelistic character of the magazine by unrevealing allusions to religious points of view.

Nevertheless, even without the encumbrance of detail from Wide Awake's actual pages, the Court finds something sufficiently religious about the magazine to require examination under the Establishment Clause, and one may therefore ask why the unequivocal prohibition on direct funding does not lead the Court to conclude that funding would be unconstitutional. The answer is that the Court focuses on a subsidiary body of law, which it correctly states but ultimately misapplies. That subsidiary body of law accounts for the Court's substantial attention to the fact that the University's funding scheme is "neutral," in the formal sense that it makes funds available on an evenhanded basis to secular and sectarian applicants alike. While this is indeed true and relevant under our cases, it does not alone satisfy the requirements of the Establishment Clause, as the Court recognizes when it says that evenhandedness is only a "significant factor" in certain Establishment Clause analysis, not a dispositive one.

In order to understand how the Court thus begins with sound rules but ends with an unsound result, it is necessary to explore those rules in greater detail than the Court does. As the foregoing quotations from the Court's opinion indicate, the relationship between the prohibition on direct aid and the requirement of evenhandedness when affirmative government aid does result in some benefit to religion reflects the relationship between basic rule and marginal criterion. At the heart of the Establishment Clause stands the prohibition against direct public funding, but that prohibition does not answer the questions that occur at the margins of the Clause's application. Is any government activity that provides any incidental benefit to religion likewise unconstitutional? Would it be wrong to put out fires in burning churches, wrong to pay the bus fares of students on the way to parochial schools, wrong to allow a grantee of special education funds to spend them at a religious college? These are the questions that call for drawing lines, and it is in drawing them that evenhandedness becomes important. However the Court may in the past have phrased its line-drawing test, the question whether such benefits are provided on an evenhanded basis has been relevant, for the question addresses one aspect of the issue whether a law is truly neutral with respect to religion (that is, whether the law either

"advance[s] [or] inhibit[s] religion." For example, we noted that "[t]he provision of benefits to [a] broad ... spectrum of [religious and nonreligious] groups is an important index of secular effect." In the doubtful cases (those not involving direct public funding), where there is initially room for argument about a law's effect, evenhandedness serves to weed out those laws that impermissibly advance religion by channeling aid to it exclusively. Evenhandedness is therefore a prerequisite to further enquiry into the constitutionality of a doubtful law, but evenhandedness goes no further. It does not guarantee success under Establishment Clause scrutiny.

Three cases permitting indirect aid to religion, *Mueller v. Allen* (1983), *Witters v. Washington Dept. of Services for Blind* (1986), and *Zobrest v. Catalina Foothills School Dist.* (1993), are among the latest of those to illustrate this relevance of evenhandedness when advancement is not so obvious as to be patently unconstitutional. Each case involved a program in which benefits given to individuals on a religion-neutral basis ultimately were used by the individuals, in one way or another, to support religious institutions. In each, the fact that aid was distributed generally and on neutral basis was a necessary condition for upholding the program at issue. But the significance of evenhandedness stopped there. We did not, in any of these cases, hold that satisfying the condition was sufficient, or dispositive. Even more importantly, we never held that evenhandedness might be sufficient to render direct aid to religion constitutional. Quite the contrary. Critical to our decisions in these cases was the fact that the aid was indirect; it reached religious institutions "only as a result of the genuinely independent and private choices of aid recipients." In noting and relying on this particular feature of each of the programs at issue, we in fact reaffirmed the core prohibition on direct funding of religious activities. Thus, our holdings in these cases were little more than extensions of the unremarkable proposition that "a State may issue a paycheck to one of its employees, who may then donate all or part of that paycheck to a religious institution, all without constitutional barrier ... ." Such "attenuated financial benefit[s], ultimately controlled by the private choices of individual[s]," we have found, are simply not within the contemplation of the Establishment Clause's broad prohibition.

Evenhandedness as one element of a permissibly attenuated benefit is, of course, a far cry from evenhandedness as a sufficient condition of constitutionality for direct financial support of religious proselytization, and our cases have unsurprisingly repudiated any such attempt to cut the Establishment Clause down to a mere prohibition against unequal direct aid. And nowhere has the Court's adherence to the preeminence of the no-direct-funding principle over the principle of evenhandedness been as clear as in *Bowen v. Kendrick*.

Bowen was no sport; its pedigree was the line of *Everson v. Board of Ed., Board of Ed. v. Allen, Tilton v. Richardson, Hunt v. McNair*, and *Roemer v. Board of Pub. Works of Md.* Each of these cases involved a general aid program that provided benefits to a broad array of secular and sectarian institutions on an evenhanded basis, but in none of them was that fact dispositive. Instead, the central enquiry in each of these general aid cases, as in *Bowen*, was whether secular activities could be separated from the sectarian ones sufficiently to ensure that aid would flow to the secular alone.

Witters, Mueller, and *Zobrest* expressly preserve the standard thus exhibited so often. Each of these cases explicitly distinguished the indirect aid in issue from contrasting examples in the line of cases striking down direct aid, and each thereby expressly preserved the core constitutional principle that direct aid to religion is impermissible. It appears that the University perfectly understood the primacy of the no-direct-funding rule over the evenhandedness principle when it drew the line short of funding "any activity which primarily promotes or manifests a particular belief(s) in or about a deity or an ultimate reality."

Since conformity with the marginal or limiting principle of evenhandedness is insufficient of itself to demonstrate the constitutionality of providing a government benefit that reaches religion, the Court must identify some further element in the funding scheme that does demonstrate its permissibility. For one reason or another, the Court's chosen element appears to be the fact that under the University's Guidelines, funds are sent to the printer chosen by Wide Awake, rather than to Wide Awake itself.

If the Court's suggestion is that this feature of the funding program brings this case into line with *Witters, Mueller*, and *Zobrest*, the Court has misread those cases, which turned on the fact that the choice to benefit religion was made by a non-religious third party standing between the government and a religious institution. Here there is no third party standing between the government and the ultimate religious beneficiary to break the circuit by its independent discretion to put state money to religious use. The printer, of course, has no option to take the money and use it to print a secular journal instead of Wide Awake. It only gets the money because of its contract to print a message of religious evangelism at the direction of Wide Awake, and it will receive payment only for doing precisely that. The formalism of distinguishing between payment to Wide Awake so it can pay an approved bill and payment of the approved bill itself cannot be the basis of a decision of Constitutional law. If this indeed were a critical distinction, the Constitution would permit a State to pay all the bills of any religious institution; in fact, despite the Court's purported adherence to the no-direct-funding principle, the State could simply hand out credit cards to religious institutions and honor the monthly statements (so long as someone could devise an evenhanded umbrella to cover the whole scheme). *Witters* and the other cases cannot be distinguished out of existence this way.

It is more probable, however, that the Court's reference to the printer goes to a different attempt to justify the payment. On this purported justification, the payment to the printer is significant only as the last step in an argument resting on the assumption that a public university may give a religious group the use of any of its equipment or facilities so long as secular groups are likewise eligible. The Court reasons that the availability of a forum has economic value (the government built and maintained the building, while the speakers saved the rent for a hall); and that economically there is no difference between the University's provision of the value of the room and the value, say, of the University's printing equipment; and

that therefore the University must be able to provide the use of the latter. Since it may do that, the argument goes, it would be unduly formalistic to draw the line at paying for an outside printer, who simply does what the magazine's publishers could have done with the University's own printing equipment.

The argument is as unsound as it is simple, and the first of its troubles emerges from an examination of the cases relied upon to support it. The common factual thread running through *Widmar*, *Mergens*, and *Lamb's Chapel*, is that a governmental institution created a limited forum for the use of students in a school or college, or for the public at large, but sought to exclude speakers with religious messages. In each case, the restriction was struck down either as an impermissible attempt to regulate the content of speech in an open forum (as in *Widmar* and *Mergens*) or to suppress a particular religious viewpoint (as in *Lamb's Chapel*). In each case, to be sure, the religious speaker's use of the room passed muster as an incident of a plan to facilitate speech generally for a secular purpose, entailing neither secular entanglement with religion nor risk that the religious speech would be taken to be the speech of the government or that the government's endorsement of a religious message would be inferred. But each case drew ultimately on unexceptionable Speech Clause doctrine treating the evangelist, the Salvation Army, the millennialist or the Hare Krishna like any other speaker in a public forum. It was the preservation of free speech on the model of the street corner that supplied the justification going beyond the requirement of evenhandedness.

"Using public funds for the direct subsidization of preaching the word is categorically forbidden under the Establishment Clause."

The Court's claim of support from these forum-access cases is ruled out by the very scope of their holdings. While they do indeed allow a limited benefit to religious speakers, they rest on the recognition that all speakers are entitled to use the street corner (even though the State paves the roads and provides police protection to everyone on the street) and on the analogy between the public street corner and open classroom space. Thus, the Court found it significant that the classroom speakers would engage in traditional speech activities in these forums, too, even though the rooms (like street corners) require some incidental state spending to maintain them. The analogy breaks down entirely, however, if the cases are read more broadly than the Court wrote them, to cover more than forums for literal speaking. There is no traditional street corner printing provided by the government on equal terms to all comers, and the forum cases cannot be lifted to a higher plane of generalization without admitting that new economic benefits are being extended directly to religion in clear violation of the principle barring direct aid. The argument from economic equivalence thus breaks down on recognizing that the direct state aid it would support is not mitigated by the street corner analogy in the service of free speech. Absent that, the rule against direct aid stands as a bar to printing services as well as printers.

It must, indeed, be a recognition of just this point that leads the Court to take a third tack, not in coming up with yet a third attempt at justification within the rules of existing case law, but in recasting the scope of the Establishment Clause in ways that make further affirmative justification unnecessary. JUSTICE O'CONNOR makes a comprehensive analysis of the manner in which the activity fee is assessed and distributed. She concludes that the funding differs so sharply from religious funding out of governmental treasuries generally that it falls outside Establishment Clause's purview in the absence of a message of religious endorsement (which she finds not to be present). The opinion of the Court concludes more expansively that the activity fee is not a tax, and then proceeds to find the aid permissible on the legal assumption that the bar against direct aid applies only to aid derived from tax revenue. I have already indicated why it is fanciful to treat the fee as anything but a tax, and will not repeat the point again. The novelty of the assumption that the direct aid bar only extends to aid derived from taxation, however, requires some response.

Although it was a taxation scheme that moved Madison to write in the first instance, the Court has never held that government resources obtained without taxation could be used for direct religious support, and our cases on direct government aid have frequently spoken in terms in no way limited to tax revenues.

Allowing non-tax funds to be spent on religion would, in fact, fly in the face of clear principle. Leaving entirely aside the question whether public non-tax revenues could ever be used to finance religion without violating the endorsement test, any such use of them would ignore one of the dual objectives of the Establishment Clause, which was meant not only to protect individuals and their republics from the destructive consequences of mixing government and religion, but to protect religion from corrupting dependence on support from the Government. Since the corrupting effect of government support does not turn on whether the Government's own money comes from taxation or gift or the sale of public lands, the Establishment Clause could hardly relax its vigilance simply because tax revenue was not implicated. Accordingly, in the absence of a forthright disavowal, one can only assume that the Court does not mean to eliminate one half of the Establishment Clause's justification.

Nothing in the Court's opinion would lead me to end this enquiry into the application of the Establishment Clause any differently from the way I began it. The Court is ordering an instrumentality of the State to support religious evangelism with direct funding. This is a flat violation of the Establishment Clause.

Since I cannot see the future I cannot tell whether today's decision portends much more than making a shambles out of student activity fees in public colleges. Still, my apprehension is whetted by Chief Justice Burger's warning in *Lemon v. Kurtzman*: "in constitutional adjudication some steps, which when taken were thought to approach 'the verge,' have become the platform for yet further steps. A certain momentum develops in constitutional theory and it can be a 'downhill thrust' easily set in motion but difficult to retard or stop." Δ

Remarks by President Clinton on Religious Liberty in America James Madison High School Vienna, Virginia July 12, 1995

Last week at my alma mater, Georgetown, I had a chance to do something that I hope to do more often as President, to have a genuine conversation with the American people about the best way for us to move forward as a nation and to resolve some of the great questions that are nagging at us today. I believe, as I have said repeatedly, that our nation faces two great challenges: first of all, to restore the American dream of opportunity, and the American tradition of responsibility; and second, to bring our country together amidst all of our diversity in a stronger community so that we can find common ground and move forward together.

In my first two years as president I worked harder on the first question, how to get the economy going, how to deal with the specific problems of our country, how to inspire more responsibility through things like welfare reform and child support enforcement. But I have come to believe that unless we can solve the second problem we'll never really solve the first one. Unless we can find a way to honestly and openly debate our differences and find common ground, to celebrate all the diversity of America and still give people a chance to live in the way they think is right, so that we are stronger for our differences, not weaker, we won't be able to meet the economic and other challenges before us. And therefore, I have decided that I should spend some more time in some conversations about things Americans care a lot about and that they're deeply divided over.

Today I want to talk about a conversation — about a subject that can provoke a fight in nearly and country town or on any city street corner in America — religion. It's a subject that should not drive us apart. And we have a mechanism as old as our Constitution for bringing us together.

This country, after all, was founded by people of profound faith who mentioned divine providence and the guidance of God twice in the Declaration of Independence. They were searching for a place to express their faith freely without persecution. We take it for granted today that that's so in this country, but it was not always so. And it certainly has not always been so across the world. Many of the people who were our first settlers came here primarily because they were looking for a place where they could practice their faith without being persecuted by the government.

Here on Virginia's soil, as the secretary of education has said, the oldest and deepest roots of religious liberty can be found. The First Amendment was modeled on Thomas Jefferson's Statute of Religious Liberty for Virginia. He thought so much of it that he asked that on his gravestone it be said not that he was president, not that he had been vice president or secretary of state, but that he was the founder of the University of Virginia, the author of the Declaration of Independence and the author of the Statute of Religious Liberty for the state of Virginia.

And of course, no one did more than James Madison to put the entire Bill of Rights in our Constitution, and especially, the First Amendment.

Religious freedom is literally our first freedom. It is the first thing mentioned in the Bill of Rights. And as it opens, it says Congress cannot make a law that either establishes a religion or restricts the free exercise of religion. Now, as with every provision of our Constitution, that law has had to be interpreted over the years, and it has in various ways that some of us agree with and some of us disagree with. But one thing is indisputable: the First Amendment has protected our freedom to be religious or not religious as we choose, with the consequence that in this highly secular age the United States is clearly the most conventionally religious country in the entire world, at least the entire industrialized world.

We have more than 250,000 places of worship. More people go to church here every week, or to synagogue, or to a mosque or other place of worship than in any other country in the world. More people believe religion is directly important to their lives than in any other advanced, industrialized country in the world. And it is not an accident. It is something that has always been a part of our life.

I grew up in Arkansas which is, except for West Virginia, probably the state that's most heavily Southern Baptist, Protestant in the country. But we had two synagogues and a Greek Orthodox church in my hometown. Not so long ago in the heart of our agricultural country in Eastern Arkansas one of our universities did a big outreach to students in the Middle East, and before you know it, out there on this flat land where there was no building more than two stories high, there rose a great mosque. And all the farmers from miles around drove in to see what the mosque was like and try to figure out what was going on there.

This is a remarkable country. And I have tried to be faithful to that tradition that we have of the First Amendment. It's something that's very important to me.

Secretary Riley mentioned when I was at Georgetown. Georgetown is a Jesuit school, a Catholic school. All the Catholics were required to take theology, and those of us who weren't Catholic took a course in world's religion, which we called "Buddhism for Baptists." And I began a sort of love affair with the religions that I did not know anything about before that time.

It's a personal thing to me because of my own religious faith and the faith of my family. And I've always felt that in order for me to be free to practice my faith in this country, I had to let other people be as free as possible to practice theirs, and that the government had an extraordinary obligation to bend over backward not to do anything to impose any set of views on any group of people or to allow others to do it under the cover of law.

That's why I was very proud — one of the proudest things I've been able to do as president was to sign into law the Religious Freedom Restoration Act in 1993. And it was designed to reverse the decision of the Supreme Court that essentially made it pretty easy for government, in the pursuit of its legitimate objectives, to restrict the exercise of

people's religious liberties. This law basically said — I won't use the legalese — the bottom line was that if the government is going to restrict anybody's legitimate exercise of religion it has to have an extraordinarily good reason and no other way to achieve its compelling objective other than to do this. You have to bend over backward to avoid getting in the way of people's legitimate exercise of their religious convictions. That's what that law said.

This is something I've tried to do throughout my career. When I was governor of Arkansas in the '80s — you may remember this — there were religious leaders going to jail in America because they ran child-care centers that they refused to have certified by the state because they said it undermined their ministry. We solved that problem in our state. There were people who were prepared to go to jail over the home schooling issue in the '80s because they said it was part of their religious ministry. We solved that problem in our state.

"One of the proudest things I've been able to do as president was to sign into law the Religious Freedom Restoration Act in 1993."

With the Religious Freedom Restoration Act we made it possible, clearly, in areas that were previously ambiguous for Native Americans, for American Jews, for Muslims to practice the full range of their religious practices when they might have otherwise come in contact with some governmental regulation.

And in a case that was quite important to the Evangelicals in our country, I instructed the Justice Department to change our position after the law passed on a tithing case where a family had been tithing to their church and the man declared bankruptcy, and the government took the position they could go get the money away from the church because he knew he was bankrupt at the time he gave it. And I realized in some ways that was a close question, but I thought we had to stand up for the proposition that people should be able to practice their religious convictions.

Secretary Riley and I, in another context, have also learned as we have gone along in this work that all the religions obviously share a certain devotion to a certain set of values which make a big difference in the schools. I want to commend Secretary Riley for his relentless support of the so-called character education movement in our schools, which is clearly led in many schools that had great troubles to reduce drop-out rates, increased performance in schools, better citizenship in ways that didn't promote any particular religious views but at least unapologetically advocated values shared by all major religions.

In this school, one of the reasons I wanted to come here is because I recognize that this work has been done here. There's a course in this school called "Combatting Intolerance," which deals not only with racial issues, but also with religious differences, and studies times in the past when people have been killed in mass numbers and persecuted because of their religious convictions.

You can make a compelling argument that the tragic war in Bosnia today is more of a religious war than an ethnic war. The truth is, biologically, there is no difference in the Serbs, the Croats and the Muslims. They are Catholics, Orthodox Christians and Muslims, and they are so for historic reasons. But it's really more of a religious war than an ethnic war when properly viewed. And I think it's very important that the people in this school are learning that and, in the process, will come back to that every great religion teaches honesty and trustworthiness and responsibility and devotion to family, and charity and compassion toward others.

Our sense of our own religion and our respect for others has really helped us to work together for two centuries. It's made a big difference in the way we live and the way we function and our ability to overcome adversity. The Constitution wouldn't be what it is without James Madison's religious values. But it's also, frankly, given us a lot of elbow room. I remember, for example, that Abraham Lincoln was derided by his opponents because he belonged to no organized church. But if you read his writings and you study what happened to him, especially after he came to the White House, he might have had more spiritual depth than any person ever to hold the office that I now have the privilege to occupy.

So we have followed this balance, and it has served us well. Now what I want to talk to you about for a minute is that our Founders understood that religious freedom basically was a coin with two sides. The Constitution protected the free exercise of religion, but prohibited the establishment of religion. It's a careful balance that's uniquely American. It is the genius of the First Amendment. It does not, as some people have implied, make us a religion-free country. It has made us the most religious country in the world.

It does not convert — let's just take the areas of greatest controversy now — all the fights have come over 200 years over what those two things mean: What does it mean for the government to establish a religion, and what does it mean for a government to interfere with the free exercise of religion? The Religious Freedom Restoration Act was designed to clarify the second provision — government interfering with the free exercise of religion and to say you can do that almost never. You can do that almost never.

We have had a lot more fights in the last 30 years over what the government establishment of religion means. And that's what the whole debate is now over the issue of school prayer, religious practices in the schools and things of that kind. And I want to talk about it because our schools are the places where so much of our hearts are in America and all of our futures are. And I'd like to begin by just sort of pointing out what's going on today and then discussing it if I could. And, again, this is always kind of inflammatory; I want to have a non-inflammatory talk about it.

First of all, let me tell you a little about my personal history. Before the Supreme Court's decision in Engel against Vitale, which said that the state of New York could not write a prayer that had to be said in every school in New

York every day, school prayer was as common as apple pie in my hometown. And when I was in junior high school, it was my responsibility either to start every day by reading the Bible or get somebody else to do it. Needless to say, I exerted a lot of energy in finding someone else to do it from time to time, being a normal 13-year-old boy.

Now, you could say, well, it certainly didn't do any harm; it might have done a little good. But remember what I told you. We had two synagogues in my hometown. We also had pretended to be deeply religious and there were no blacks in my school, they were in a segregated school. And I can tell you that all of us who were in there doing it never gave a second thought most of the time to the fact that we didn't have blacks in our schools and that there were Jews in the classroom who were probably deeply offended by half the stuff we were saying or doing — or maybe made to feel inferior.

I say that to make the point that we have not become less religious over the last 30 years by saying that schools cannot impose a particular religion, even if it's a Christian religion and 98 percent of the kids in the schools are Christian and Protestant. I'm not sure the Catholics were always comfortable with what we did either. We had a big Catholic population in my school and in my hometown. But I did that — I have been a part of this debate we are talking about. This is a part of my personal life experience. So I have seen a lot of progress made and I agreed with the Supreme Court's original decision in *Engel v. Vitale.*

Now, since then, I've not always agreed with every decision the Supreme Court made in the area of the First Amendment. I said the other day I didn't think the decision on the prayer at the commencement, where the rabbi was asked to give the non-sectarian prayer at the commencement — I didn't agree with that because I didn't think it any coercion at all. And I thought that people were not interfered with. And I didn't think it amounted to the establishment of a religious practice by the government. So I have not always agreed.

But I do believe that on balance, the direction of the First Amendment has been very good for America and has made us the most religious country in the world by keeping the government out of creating religion, supporting particular religions, and interfering with other people's religious practices.

What is giving rise to so much of this debate today I think is two things. One is the feeling that the schools are special and a lot of kids are in trouble, and a lot of kids are in trouble for non-academic reasons, and we want our kids to have good values and have a good future.

Let me give you just one example. There is today, being released, a new study of drug use among young people by the group that Joe Califano was associated with — Council for a Drug-Free America — massive poll of young people themselves. It's a fascinating study and I urge all of you to get it. Joe came in a couple of days ago and briefed me on it. It shows disturbingly that even though serious drug use is down overall in groups in America, casual drug use is coming back up among some of our young people who no longer believe that it's dangerous and have forgotten that it's wrong and are basically living in a world that I think is very destructive.

And I see it all the time. It's coming back up. Even though we're investing money and trying to combat it in education and treatment programs, and supporting things like the DARE program. And we're breaking more drug rings than ever before around the world. It's very disturbing because it's fundamentally something that is kind of creeping back in.

But the study shows that there are three major causes for young people not using drugs. One is they believe that their future depends upon their not doing it; they're optimistic about the future. The more optimistic kids are about the future, the less likely they are to use drugs.

Second is having a strong, positive relationship with their parents. The closer kids are to their parents and the more tuned in to them they are, and the more their parents are good role models, the less likely kids are to use drugs.

You know what the third is? How religious the children are. The more religious the children are, the less likely they are to use drugs.

So what's the big fight over religion in the schools, and what does it mean to us, and why are people so upset about it? I think there are basically three reasons. One is, people believe that — most Americans believe that if you're religious, personally religious, you ought to be able to manifest that anywhere at any time, in a public or private place. Second, I think that most Americans are disturbed if they think that our government is becoming anti-religious, instead of adhering to the firm spirit of the First Amendment — don't establish, don't interfere with, but respect. And the third thing is people worry about our national character as manifest in the lives of our children. The crime rate is going down in almost every major area in America today, but the rate of violent random crime among very young people is still going up.

So these questions take on a certain urgency today for personal reasons and for larger social reasons. And this old debate that Madison and Jefferson started over 200 years ago is still being spun out today basically as it relates to what can and cannot be done in our schools, and the whole question, specific question, of school prayer, although I would argue it goes way beyond that.

So let me tell you what I think the law is and what we're trying to do about it, since I like the First Amendment, and I think we're better off because of it, and I think that if you have two great pillars — the government can't establish and the government can't interfere with — obviously there are going to be a thousand *different factual cases that will* arise at any given time, and the courts from time to time will make decisions that we don't all agree with, but the question is, are the pillars the right pillars, and do we more or less come out in the right place over the long run?

The Supreme Court is like everybody else, it's imperfect — and so are we. Maybe they're right and we're wrong. But we are going to have these differences. The fundamental balance that has been struck it seems to me has been very good for America, but what is not good today is that people assume that there is a positive anti-religious bias in the cumulative impact of these court decisions with which our administration — the Justice Department and the secretary of education and the president — strongly disagree. So let me tell you what I think the law is today and what I have instructed the Department of Education and the Department of Justice to do about it.

The First Amendment does not — I will say again — does not convert our schools into religion-free zones. If a student is told he can't wear a yarmulke, for example, we have an obligation to tell the school the law says the student can, most definitely, wear a yarmulke to school. If a student is told she cannot bring a Bible to school, we have to tell the school, no, the law guarantees her the right to bring the Bible to school.

There are those who do believe our schools should be value neutral and that religion has no place inside the schools. But I think that wrongly interprets the idea of the wall between church and state. They are not the walls of the school.

There are those who say that values and morals and religions have no place in public education; I think that is wrong. First of all, the consequences of having no values are not neutral. The violence in our streets — not value neutral. The movies we see aren't value neutral. Television is not value neutral. Too often we see expressions of human degradation, immorality, violence and debasement of the human soul that have more influence and take more time and occupy more space in the minds of our young people than any of the influences that are felt at school anyway. Our schools, therefore, must be a barricade against this kind of degradation. And we can do it without violating the First Amendment.

I am deeply troubled that so many Americans feel that their faith is threatened by the mechanisms that are designed to protect their faith. Over the past decade we have seen a real rise in these kind of cultural tensions in America. Some people even say we have a culture war. There have been books written about culture war, the culture of disbelief, all these sort of trends arguing that many Americans genuinely feel that a lot of our social problems today have arisen in large measure because the country led by the government has made an assault on religious convictions. That is fueling a lot of this debate today over what can and cannot be done in the schools.

Much of the tension stems from the idea that religion is simply not welcome at all in what Professor Carter at Yale has called the public square. Americans feel that instead of celebrating their love for God in public, they're being forced to hide their faith behind closed doors. That's wrong. Americans should never have to hide their faith. But some Americans have been denied the right to express their religion and that has to stop. That has happened and it has to stop. It is crucial that government does not dictate or demand specific religious views, but equally crucial that government doesn't prevent the expression of specific religious views.

When the First Amendment is invoked as an obstacle to private expression of religion it is being misused. Religion has a proper place in private and a proper place in public because the public square belongs to all Americans. It's especially important that parents feel confident that their children can practice religion. That's why some families have been frustrated to see their children denied even the most private forms of religious expression in public schools. It is rare, but these things have actually happened.

I know that most schools do a very good job of protecting students' religious rights, but some students in America have been prohibited from reading the Bible silently in study hall. Some student religious groups haven't been allowed to publicize their meetings in the same way that non-religious groups can. Some students have been prevented even from saying grace before lunch. That is rare, but it has happened, and it is wrong. Wherever and whenever the religious rights of children are threatened or suppressed, we must move quickly to correct it. We want to make it easier and more acceptable for people to express and to celebrate their faith.

Now, just because the First Amendment sometimes gets the balance a little bit wrong in specific decisions by specific people doesn't mean there's anything wrong with the First Amendment. I still believe the First Amendment as it is presently written permits the American people to do what they need to do. That's what I believe. Let me give you some examples and you see if you agree.

First of all, the First Amendment does not require students to leave their religion at the schoolhouse door. We wouldn't want students to leave the values they learn from religion, like honesty and sharing and kindness, behind at the schoolhouse door, and reinforcing those values is an important part of every school's mission.

Some school officials and teachers and parents believe that the Constitution forbids any religious expression at all in public schools. That is wrong. Our courts have made it clear that that is wrong. It is also not a good idea. Religion is too important to our history and our heritage for us to keep it out of our schools. Once again, it shouldn't be demanded, but as long as it is not sponsored by school officials and doesn't interfere with other children's rights, it mustn't be denied.

For example, students can pray privately and individually whenever they want. They can say grace themselves before lunch. There are times when they can pray out loud together. Student religious clubs in high schools can and should be treated just like any other extracurricular club. They can advertise their meetings, meet on school grounds, use school facilities just as other clubs can. When students can choose to read a book to themselves, they have every right to read the Bible or any other religious text they want.

Teachers can and certainly should teach about religion and the contributions it has made to our history, our values, our knowledge, to our music and our art in our country and around the world, and to the development of the kind of people we are. Students can also pray to themselves — preferably before tests, as I used to do.

Students should feel free to express their religion and their beliefs in homework, through art work, during class presentations, as long as it's relevant to the assignment. If students can distribute flyers or pamphlets that have nothing to do with the school, they can distribute religious flyers and pamphlets on the same basis. If students can wear T-shirts advertising sports teams, rock groups or politicians, they can also wear T-shirts that promote religion. If certain subjects or activities are objectionable to their students or their parents because of their religious beliefs, then schools may, and sometimes they must, excuse the students from those activities.

Finally, even though the schools can't advocate religious beliefs, as I said earlier, they should teach mainstream values and virtues. The fact that some of these val-

ues happen to be religious values does not mean that they cannot be taught in our schools.

All these forms of religious expression and worship are permitted and protected by the First Amendment. That doesn't change the fact that some students haven't been allowed to express their beliefs in these ways. What we have to do is to work together to help all Americans understand exactly what the First Amendment does. It protects freedom of religion by allowing students to pray, and it protects freedom of religion by preventing schools from telling them how and when and what to pray. The First Amendment keeps us all on common ground. We are allowed to believe and worship as we choose without the government telling any of us what we can and cannot do.

It is in that spirit that I am today directing the secretary of education and the attorney general to provide every school district in America before school starts this fall with a detailed explanation of the religious expression permitted in schools, including all the things that I've talked about today. I hope parents, students, educators and religious leaders can use this directive as a starting point. I hope it helps them to understand their differences, to protect students' religious rights and to find common ground. I believe we can find that common ground.

This past April a broad coalition of religious and legal groups — Christian and Jewish, conservative and liberal, Supreme Court advocates and Supreme Court critics — put themselves on the solution side of this debate. They produced a remarkable document called "Religion in Public Schools: A Joint Statement of Current Law." They put aside their deep differences and said, 'we all agree on what kind of religious expression the law permits in our schools.' My directive borrows heavily and gratefully from their wise and thoughtful statement. This is a subject that could have easily divided the men and women that came together to discuss it. But they moved beyond their differences and that may be as important as the specific document they produced.

I also want to mention over 200 religious and civic leaders who signed the Williamsburg Charter in Virginia in 1988. That charter reaffirms the core principles of the First Amendment. We can live together with our deepest differences and all be stronger for it.

The charter signers are impressive in their own right and all the more impressive for their differences of opinion, including Presidents Ford and Carter; Chief Justice Rehnquist and the late Chief Justice Burger; Senator Dole and former Governor Dukakis; Bill Bennett and Lane Kirkland, the president of the AFL-CIO; Norman Lear and Phyllis Schlafly signed it together; Coretta Scott King and Reverend James Dobson.

These people were able to stand up publicly because religion is a personal and private thing for Americans which has to have some public expression. That's how it is for me. I'm pretty old-fashioned about these things. I really do believe in the constancy of sin and the constant possibility of forgiveness, the reality of redemption and the promise of a future life. But I'm also a Baptist who believes that salvation is primarily personal and private, that my relationship is directly with God and not through any intermediary.

People — other people can have different views. And I've spent a good part of my life trying to understand different religious views, celebrate them and figure out what brings us together.

I will say it again, the First Amendment is a gift to us. And the Founding Fathers wrote the Constitution in broad ways so that it could grow and change, but hold fast to certain principles. They knew — they knew that all people were fallible and would make mistakes from time to time. As I said, there are times when the Supreme Court makes a decision, if I disagree with it, one of us is wrong. There's another possibility: Both of us could be wrong. That's the way it is in human affairs.

But what I want to say to the American people and what I want to say to you is that James Madison and Thomas Jefferson did not intend to drive a stake in the heart of religion and to drive it out of our public life. What they intended to do was to set up a system so that we could bring religion into our public life and into our private life without any of us telling the other what to do.

This is a big deal today. One county in America, Los Angeles County, has over 150 different racial and ethnic groups in it — over 150 different. How many religious views do you suppose are in those groups? How many? Every significant religion in the world is represented in significant numbers in one American county, and many smaller religious groups — in one American county.

We have got to get this right. We have got to get this right. And we have to keep this balance. This country needs to be a place where religion grows and flourishes.

Don't you believe that if every kid in every difficult neighborhood in America were in a religious institution on the weekends, the synagogue on Saturday, a church on Sunday, a mosque on Friday, don't you really believe that the drug rate, the crime rate, the violence rate, the sense of self-destruction would go way down and the quality of the character of this country would go way up?

But don't you also believe that if for the last 200 years we had had a state governed religion, people would be bored with it. They would think it had been compromised by politicians, shaved around the edges, imposed on people who didn't really consent to it, and we wouldn't have 250,000 houses of worship in America.

It may be imperfect, the First Amendment, but it is the nearest thing ever created in any human society for the promotion of religion and religious values because it left us free to do it. And I strongly believe that the government has made a lot of mistakes which we have tried to roll back in interfering with that around the edges. That's what the Religious Freedom Restoration Act is all about. That's what this directive that Secretary Riley and the Justice Department and I have worked so hard on is all about. That's what our efforts to bring in people of different religious views are all about. And I strongly believe that we have erred when we have rolled it back too much. And I hope that we can have a partnership with our churches in many ways to reach out to the young people who need the values, the hope, the belief, the convictions that comes with faith, and the sense of security in a very uncertain and rapidly changing world.

But keep in mind we have a chance to do it because of the heritage of America and the protection of the First Amendment. We have to get it right. Δ

Pew, Pulpit & the Law

Q: *Can government impose "user fees" on churches?*

A: It depends. True user fees are often legal and promote sound public policy. These typically involve fees for such things as solid waste disposal, filing of legal documents, fuel consumption and the like. However, attempts by government to levy *taxes* in the face of state law exempting religious organizations from taxation may not be legal. The difference between a fee and a tax is not always clear. Payment of a fee is usually:

- for a special privilege or service;
- made only by those who enjoy the privilege or receive the service;
- a result of a voluntary act of use or consumption; and
- a relatively small amount of money that roughly equals government's cost of providing the privileges or service.

If government tries to impose a user fee that smells like a tax, contact a local attorney for advice as to whether it amounts to an impermissible attempt to tax a tax-exempt organization. **(JBW)**

REFLECTIONS

Read it. Save it.

JAMES M. DUNN
Executive Director

Save this issue. It's worth keeping.

Two documents, one by a Democratic president another by a Republican-appointed justice, make it a keeper.

Last month we promised you the eloquent exposition of the "no establishment" clause by Supreme Court Justice Souter. Here also is the unique July 12, 1995, speech of President Clinton on religion and public schools.

David Souter of New Hampshire was the Supreme Court choice touted by former White House chief of staff John Sununu. His tenure on the Supreme Court may well be one of President George Bush's best contributions to civilization. Don't fear a legal opinion. It's eminently readable.

Some wag tagged graduate students with "learning more and more about less and less." He was correct.

For 30 years I've been working at the intersection of church and state. Before that, I crowded six years of graduate school into 13, learning more about less. I can testify that there has not been another presidential speech like this one.

I've been blessed with the best of professors, T.B. Maston and William R. Estep; advised by peerless friends like Edwin Gaustad and Richard Pierard; and kept legal by counselors Phil Strickland, John W. Baker, Buzz Thomas and Brent Walker. So, yes, I can spot a one-of-a-kind religious liberty speech.

Only President Kennedy's manifesto for church-state separation of 35 years ago might survive in the same league.

The *Los Angeles Times* sang editorially that President Clinton set out "a necessary and welcome reiteration of the line that has existed and must continue to exist between church and state."

Some pundits see President Clinton's historic statement as being somehow "political." So? Can any president say anything that is not?

The *Los Angeles Times* is on target saying "Clinton has performed a tremendous service for school officials, parents and teachers anxious to do the right thing." The president spun a masterful mix of personal experience, history, law, philosophy, educational principle and his characteristic passion for civil discourse.

He affirmed the balanced view that "the right to engage in voluntary prayer or religious discussion . . . does not include the right to have a captive audience listen or to compel other students to participate." Mr. Clinton made it clear that we do not need to tinker with the First Amendment.

Those of us who serve Baptists in this religious liberty agency have ample reason to rejoice. In 1984, in partnership with the Christian Legal Society and following Senator Mark Hatfield and Representatives Don Bonker and Carl Perkins, this office led the fight for Equal Access legislation.

In 1990-1993 it was our offices, phones, faxes, staff and shoe leather that led the coalition that kept up the heat until the Religious Freedom Restoration Act was passed. Along with many others, diplomatically held together by Marc Stern of the American Jewish Congress, we participated in producing the Joint Statement of Current Law praised by President Clinton (see Page 10). The speech of William Jefferson Clinton is not only a substantive statement, a common ground for warring camps, a useful and practical manual, but a rare historic appeal you'll want to return to.

File it somewhere you can find it. You'll be glad you did. Δ

For a free copy of "Joint Statement of Current Law," send a stamped, self-addressed #10 envelope to the BJC. Multiple copies available at 25 cents each, postage paid.

GUEST VIEW

HOWARD ROBERTS

Sometimes we have to say "No" before we can say "Yes." Roger Williams did. He challenged the 1,300-year-old assumption that church and state must reinforce each other. Williams said "No" to the assumption church and government must reinforce the work of each other so he could say "Yes" to God and freedom. What a revolutionary idea! Roger Williams said "Yes" to freedom of believing or not believing ... responding to God or not responding ... worshiping or not worshiping. Imagine the freedom to be Protestant, Catholic, atheist, Muslim or Jew; free to support the church financially and personally or free to withhold support. (A lot of people have chosen this last option!) Roger Williams wrote in bold letters across the pages of our nation's history: **NO COERCION IN MATTERS OF FAITH, HOPE, AND LOVE!**

The kingdom of God is made up of people who will respond in faith to God: people in England, Nicaragua, Vietnam, Iraq, Iran, Bosnia, Cuba and the United States. It is wrong to identify the kingdom of God with any nation or government. Such attitude and action harness God to the service of that nation. The Bible is very clear that God is partial to no person or nation.

Much has been said in recent years about prayer in public school, tuition tax credits and other suggestions that would subvert the First Amendment guarantee of religious liberty. Government is frequently tempted and eager to use religion for its own end. Too often organized religion is willing to utilize the power of the state to coerce belief and practice. We must resist both approaches as our Baptist foreparents resisted. Roger Williams was the pioneer resister on this soil with all of his "Nos" enabling him to say "Yes" to God and to religious liberty. Δ

Howard W. Roberts is senior minister at Auburn First Baptist Church, Auburn, Ala.

REPORT from the CAPITAL

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

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.

Baptist Joint Committee
200 Maryland Avenue, N.E.
Washington, D.C. 20002