



REPORT from the CAPITAL

Volume 50, Number 22

November 14, 1995

NEWSMAKERS

Elliot Minberg, executive vice president and legal director of People For the American Way, was scheduled to participate in Nov. 9 oral arguments in a lawsuit challenging the constitutionality of Mississippi's school prayer law. Mississippi filed an appeal in September 1994 after a federal court granted a preliminary injunction prohibiting the law from taking effect in the Jackson Public School District. The law would require the public schools to permit invocations, benedictions and "nonsectarian, nonproselytizing student-initiated voluntary prayer" at all school events. People For the American Way and others filed suit because they said the law represents a threat to religious freedom.

Representatives from U.S. religious groups are opposing proposals in Japan that would give the Japanese government greater power to regulate religion. The proposed regulations would give the government authority over religious groups when they engage in activities in more than one prefecture, similar to a U.S. state. The regulations also would permit the Japanese government to define — and, the U.S. groups fear, perhaps limit — what constitutes religious activity. The Baptist Joint Committee was among the groups signing the statement of concern.

Singapore citizens arrested earlier this year for attending meetings of the banned Jehovah's Witnesses sect went on trial in the Asian republic. Defense attorneys maintained the trials are a violation of religious freedom. Singapore prosecutors said the issue is attendance at illegal meetings. Singapore declared the Jehovah's Witnesses sect illegal in 1972 because male sect members refused to fulfill mandated service in Singapore's armed forces. Δ

Separating church, state good for both: Dunn

Separating church and state has been good for both institutions, but America's lively experiment is far from over, according to James M. Dunn.

Dunn, executive director of the Baptist Joint Committee, talked with European leaders about the American tradition of tolerance at a Nov. 6 program sponsored by the American Jewish Committee and the Friedrich-Naumann-Stiftung.

Rhode Island founder and Baptist Roger Williams introduced church-state separation to the colonies, Dunn said, adding that a "high and impregnable wall" between the two is the best way to ensure religious liberty for all citizens.

"When it comes to religion, it ought to be voluntary, free, not coerced," he said.

Williams' experiment is working, Dunn said, noting that on any given weekend more than 50 percent of Americans are attending worship services. In raw numbers, voluntarism has led to a healthy religious life, he said.

But even though this system has worked, Dunn said, it is under attack today by those who want government to favor one religion over another. An experiment is an ongoing process, he added.

One participant from Poland recounted his country's effort to re-

establish Catholicism as the dominant religion, asking whether or not government's refusal to inject Catholic values in the school system actually impedes religious freedom.

Other participants also said their countries were grappling with religion in the public school.

Dunn said that the United States is struggling with the issue of values education.

"We believe that values that are imposed by government are quite often not genuinely accepted," Dunn said. "That one of our key values is voluntarism and freedom of the individual."

Public schools, he added, should teach moral values, such as honesty and respect, that are religion neutral.

Religion and values not only are an issue in public schools but will have a tremendous impact on the 1996

election, he said.

America has a "mixed history" and its implementation of the church-state separation has not been "pure" or absolute, he said. This nation has allowed small levels of ceremonial religion, he said, pointing to the Pledge of the Allegiance as an example.

But for the most part, keeping the two institutions apart has engendered a robust religious life that is not equalled in the world, Dunn added. Δ



Voluntarism has led to a healthy religious life.

— James M. Dunn

House approves voucher plan in appropriations bill

The U.S. House of Representatives approved, 241 to 177, a program that would provide scholarships for low-income children to attend public or private schools in the District of Columbia area.

The scholarship program was part of an overall school reform package that was added to the D.C. budget bill (H.R. 2546). Scholarships of up to \$3,000 would be doled out by an independent board to students attending public, private or religious schools.

Supporters of the measure say because public schools have failed children, low-income families should have the opportunity to send their children to the school of their choice.

Opponents say that such provisions are unconstitutional and the scholarship program is no different from voucher schemes.

Rep. Steven Gunderson, R-Wis., said that his proposal does not take money from public schools and give it to private institutions.

"A voucher by any other name is still a voucher," countered Rep. William Clay, D-Mo., who added that the Gunderson amendment would not bring school reform and may be unconstitutional.

J. Brent Walker, general counsel of the Baptist Joint Committee, called the program misguided.

"You don't improve the public schools by taking resources away and paying students to go to a religious school," Walker said. "Plus it's clearly unconstitutional. Calling it a 'scholarship' rather than a 'voucher' or 'grant' doesn't cure the constitutional problem."

Barry Lynn, executive director of Americans United for Separation of Church and State, noted that nearly half of the \$100 million set aside for school reform would finance the voucher program.

"The Constitution flatly bars Congress from taxing Americans to support religious instruction," Lynn said. "If this program becomes law, a legal challenge is certain" because government must not be allowed to "pass the collection plate to taxpayers."

The Senate previously approved a

spending bill for the district without the scholarship provision, and a conference committee must work out the differences in the two versions.

Nation's medical schools beginning to get religion

When faced with critical illness or death, Americans tend to turn to the transcendent. In a recent Gallup Poll, 50 percent of elderly people surveyed said they wanted their doctors to pray with them as they faced their final days. And more than 75 percent of the general population said physicians should address spiritual issues as part of their medical care.

Yet only a handful of the nation's 126 medical schools teach would-be physicians anything about the spiritual dimension of healing.

To bridge a perceived gap between faith and medicine, financier John Marks Templeton has joined forces with the National Institute for Healthcare Research, bestowing \$10,000 grants to five medical schools with pioneering programs exploring the connection between faith and medicine.

"Religion without science is lame and science without religion is blind. Doctors are with people at some of the most significant moments in their lives. They need to look at a patient as more than just a body in need of a procedure."

Thomas A. Corson

Assistant Professor
of Medicine and Pediatrics
Johns Hopkins University, Baltimore

Baptist sociologist cites behavioral science lessons

More reliance on behavioral science advice may have helped avert the 1993 tragedy in Waco, Texas, that claimed the lives of 87 Branch Davidians and four federal agents, a Baptist sociologist told a Senate panel Oct. 31 (See *Guest Reflections* on Page 3).

Nancy T. Ammerman, professor of sociology of religion at the Center for Social and Religious Research at Hartford Seminary, Hartford, Conn., told the Senate Judiciary Committee that too little attention was paid to the "human dimension" in the conflict

between Branch Davidian leader David Koresh and federal law enforcement officials.

"I am convinced that at the heart of the disaster in Waco was the decision — first by the BATF (Bureau of Alcohol, Tobacco and Firearms) and then by FBI tactical units — to treat this as primarily a military-style operation," Ammerman told the panel, chaired by Utah Republican Orrin G. Hatch.

"Once that decision was made, everyone's energy went into assessing firepower and angles of attack, leaving the human dimension of the situation too easily forgotten."

Ammerman, who served on a panel of experts assembled to help the Justice and Treasury departments evaluate the Waco tragedy, said the BATF consulted no behavioral science experts and that while the FBI sought such input, it failed to heed it.

She said the FBI's behavioral science team offered "on-target" advice but was outranked and outnumbered in the agency's decision making.

"If the human dimension of law enforcement tasks are to be taken fully into account, those who have human science expertise must have equal rank with those whose expertise is firepower," she said.

Behavioral scientists "would probably have advised the BATF that the estimation of danger posed by the Davidians, in spite of the armaments that they had, was probably overblown," Ammerman told the Senate panel.

The overestimation of the danger occurred, she said, because the BATF relied primarily on information from a "deprogrammed" former Branch Davidian.

Behavioral scientists also would have advised law enforcement that "any group under siege is likely to turn inward, to bond to each other, not to break apart, to follow their leader even more strongly," she said.

People who study religious groups have learned to "take seriously the religious beliefs and rhetoric of the group," she said.

While what the group says may sound like "Bible babble," as it did to the Waco negotiators, Ammerman said, no real negotiation is possible unless the group's religious views are taken seriously. Δ

Shifting boundaries of religious tolerance



NANCY T.
AMMERMAN

The Branch Davidians were not just any group; they were and are a religious group, and that raises special issues for law enforcement. One of our most precious freedoms is the freedom to put our religious convictions into practices

without fear of interference from our government. I am a Baptist, and it is deep in my bones to stand up for the rights of dissident religious groups. My religious forebears went to jail to defend their own rights to preach and baptize and teach as they saw fit. To their great credit, Baptists like Roger Williams also saw that their own rights meant nothing if they were not also extended to even the most unusual minority religions around.

Throughout our history as a nation the limits of religious tolerance have constantly been tested. Whether Baptists who did not want to baptize infants or Mormons who practiced plural marriage or Native Americans who use peyote in religious rituals, the boundaries are always being tested — sometimes expanding, sometimes contracting. As a society we certainly have an obligation to determine what behavior cannot be protected under the First Amendment. But our means for making that determination must be a reasoned argument through public and legal means, not over-reaction fueled by public fears of strange beliefs and practices.

Our problem in dealing with the shifting boundaries of religious tolerance is often our failure to understand the basic characteristics of dissident religious groups. Among the many things that sociologists and other students of American religion have learned are:

- Religious experimentation has been extremely pervasive in American

history. From Puritans to Shakers to Mormons to Unificationists, America has proven rich soil for people with a new religious message and the desire to establish a new religious community.

- New or dissident religious groups are often "millennialist" or "apocalyptic." That is, they foresee the imminent end of the world as we know it and the emergence of a new world, usually with themselves in leadership roles. This often leads to extremely militant and vivid rhetoric about this imminent transformation of the world. As the end of this decade approaches, we can only expect such rhetoric to increase.

- That rhetoric creates for those in the group an alternative symbolic world. Ideas about "logic" as we know it simply do not hold, but that does not mean that the group has no logic. The first dictum of sociology is "Situations perceived to be real are real in their consequences." Religious symbols have the power to define the way people see the world.

- Many new religious movements do indeed ask for commitments that seem abnormal to most of us, and those commitments do mean the disruption of "normal" family and work lives. They are high-commitment groups, not casual associations; but the right of individuals to make such total religious commitments must be honored.

- Indeed, the vast majority of those who join high-commitment religious groups do so voluntarily. The notion of "cult brainwashing" has been thoroughly discredited by reputable scholars. After years of direct research with dozens of groups that are often labeled "dangerous cults," social scientists have found little evidence of anything other than sincere religious seeking among those who join.

- The usual fate of most new religious movements is quiet extinction through natural causes, and many people who join them do not stay on a long-term basis.

- But while they exist, they almost always provoke their neighbors. They argue, after all, that the rest of us are

wrong.

Religious groups are, then, in their own way, a form of protest. They may sometimes break the law. When they do, law enforcement agencies must respond. In the future, perhaps, that response will be better informed by knowledge that comes from fully assessing the social, religious, and behavioral dynamics of the situation, leaving aside the temptation to define these dissidents as enemies to be conquered through military-style tactics. Δ

Nancy T. Ammerman is professor of sociology of religion at the Center for Social and Religious Research, Hartford (Conn.) Seminary. Above are excerpts of her testimony Oct. 31 before the Senate Judiciary Committee hearing on the 1993 tragedy in Waco, Texas, that claimed the lives of 87 Branch Davidians and four federal law enforcement agents. James Dunn's "Reflections" column will resume on a regular basis when he returns from a study leave early next year.

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Baptist Joint Committee

200 Maryland Ave., N.E.

Washington, D.C. 20002

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BOOK REVIEW

Religious Liberty in the Supreme Court: The Cases that Define the Debate over Church and State

Edited by Terry Eastland, published jointly by Ethics and Public Policy Center, Washington, D.C., and William B. Eerdmans Publishing Co., Grand Rapids, Mich./Cambridge, U.K., 1993, 508 pp.



In *Religious Liberty in the Supreme Court*, Terry Eastland has compiled Supreme Court cases that trace the history of church-state jurisprudence since the 1940s. While Eastland does a fine job in choosing the cases to include in this handy reference manual, the editing job and commentaries leave a little to be desired.

During the analysis of *Engel v. Vitale*, Eastland refers to polls that "showed that *Engel* and the related decision in 1963 in *Abington School District v. Schempp*, striking down Bible readings in public schools, were opposed by large majorities of the American peo-

ple."

This was precisely the reason that our Founders set up a governmental scheme in which constitutional consistency, instead of political whims, would be the basis for court decisions. The court should not be swayed by public sentiment, and it seems that Eastland has forgotten this important aspect of the Constitution.

In addition, the commentaries by Mary Ann Glendon, Michael J. Sandel and Michael W. McConnell are critical of the "wall of separation" between church and state. Mary Ann Glendon goes so far as to assert that the court is using the "wall of separation" analysis as a "substitute for reasoned analysis." It is clear from reading the text of the First Amendment that there is an institutional separation between the two. This separation is necessary not only to ensure that government doesn't become an arm of the church, but also to ensure that religion may be free from governmental regulation. Glendon's attack on the "wall of separation" is without merit and lacks constitutional

support.

Sandel asserts that the separation of church and state depreciates the value of religion because it downplays the importance of religion in our society. In essence, Sandel argues that the separation of institutions *naturally* leads to the separation of religion from the public square. The modern distinction between public (non-faith-based) and private (faith-based) values is not the result of the separation of institutions, as Sandel asserts, but the churches' inability to relate biblical truth to the world in a relevant manner. Therefore, as Christians, we must place the responsibility on the church and not blame a constitutional scheme that has, in fact, freed the church to speak out on vital issues of public concern.

This text is useful for reference to important religious cases. For substantive analysis of separation of church and state issues, the concerned reader ought look elsewhere.

— Michael K. Spence
BJC Intern and Student
Taylor University, Upland, Ind.

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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.

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