

Historical Commission, SBC

Nashville, Tennessee



REPORT FROM THE CAPITAL

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NewsMakers

◆ **Edward F. Meier**, a former Baptist Joint Committee intern, has been awarded a Truman Scholarship. Meier was the only Texas scholar selected out of seven Texas finalists. He is studying in Egypt before returning to finish a degree in international affairs at George Washington University.

◆ **Federal Judge Michael R. Hogan** has ordered an Oregon public school district to allow an after-hours Bible club for elementary students to meet at school. The Bible club is initiated and taught by parents and requires parental consent.

◆ **Superintendent James Hawkins** has dropped his opposition to a Gary, Ind., school board decision to sell air time on a high school radio station to a group of ministers who want to broadcast religious programs. He had opposed the plan, but changed his mind after the school board made its decision following the same guidelines used to rent facilities to community groups.

◆ **Ralph Reed**, executive director of the Christian Coalition, said the organization has budgeted more than \$1 million to pay for advertisements, telephone banks and mailings to drum up support for U.S. Rep. Ernest Istook's "Religious Freedom Amendment." Reed said a vote on the measure would appear in the group's voter guides. Δ

School prayer amendment to be introduced by Istook

Despite a split among religious conservatives over the proper text to amend the Constitution, Rep. Ernest Istook, R-Okla., announced plans to introduce a Constitutional amendment concerning religious practices.

Istook is expected to introduce the amendment after Congress' Easter recess. Like an earlier Istook proposal, it would allow government-sponsored prayer in schools. But it also would bar government from denying a "benefit" on account of religion. Opponents say that addition would open the door to vouchers for religious schools and tax money for churches.

Istook was joined at a March 24 press conference by groups such as the Christian Coalition, Focus on the Family, Family Research Council and Concerned Women for America. He said, "Courts have gone far beyond outlawing prayer in many public school settings. They have aided a systematic campaign to strip religious symbols, references and heritage from public view, as part of the attack on the underlying values which mean so much to most Americans."

Religious expression is being singled out for censorship, Istook added. "All other types of language, conduct, nudity and even sex acts are being given special protection, while religion and our values are being censored."

The Coalition to Preserve Religious Liberty, an alliance of over 50 national

religious, educational and civil liberties groups, criticized the Istook proposal.

Baptist Joint Committee General Counsel Brent Walker said the First Amendment has worked well and that any misapplication should be corrected through

education, not more legislation.

Mark Pelavin, associate director of the Religious Action Center of Reform Judaism, responded to Istook's suggestion that religious expression is being singled out and

treated differently. "That's the scheme of the Constitution. It's the First Amendment which sets out a different set of treatments for religion. Not because religion is less important. ... But precisely because of the high value we do place on religion, we've given it an elevated place in our constitutional hierarchy," he said.

Dan Ivins, pastor of First Baptist Church, Silver Spring, Md., said the Istook amendment would make hypocrites out of children for the sake of conformity.

"Prayer is a personal matter. It is both conceived and delivered from the human heart, which is impervious to these folks who would set themselves up to direct the flow of traffic," he said. "What we don't need is people crafting legislation that boils down to mob rule over the human conscience."

Ivins added that it was a "silly" belief that "some little government-sponsored, rote prayer is going to enable our young people to prevail against the gates of hell. This is beyond me." Δ



"Prayer is a personal matter."

— Dan Ivins

First Baptist Church
Silver Spring, Md.

The Religious Freedom Amendment

To secure the people's right to acknowledge God: The right to pray or acknowledge religious belief, heritage or tradition on public property, including public schools, shall not be infringed. The government shall not compel joining in prayer, initiate or compose school prayers, discriminate against or deny a benefit on account of religion.

U.S. Rep. Ernest Istook, R-Okla., announced March 24 he plans to introduce this constitutional amendment after Congress' Easter recess.

High court turns away church-state disputes

The U.S. Supreme Court sidestepped three First Amendment disputes March 31, including one involving student distribution of fliers at a Wisconsin elementary school.

In 1995, the parents of Andrew Muller filed suit against officials of Jefferson Light House Elementary School in Racine after their son was denied permission to distribute invitations to a church youth program during non-instructional time.

A federal district court upheld the school's policy but said Principal Steven Miley violated Andrew Muller's First Amendment rights either by not following the school's own policy or by refusing Andrew's request solely because the fliers were religious. The court ordered school officials not to prevent Andrew from distributing the fliers on those grounds.

Upholding most of that ruling, a federal appeals court said that "Andrew's right not to have his expression suppressed solely because it is religious was vindicated in the district court" and that he is "free to express himself on religious matters, in both written and spoken form, subject only to restrictions" reasonably related to legitimate educational concerns.

But the appeals court rejected the Mullers' challenge to the school's policy, saying that public elementary schools are not public forums and that the school's screening of material for offensive or disruptive content is permissible.

In other actions, the high court:

◆ rejected a challenge to a New Jersey law that protects gays from discrimination. The legal challenge was filed by the Rev. David B. Cummings, Calvary Orthodox Presbyterian Church of Wildwood and the New Jersey Presbytery of the Orthodox Presbyterian Church.

The law, which made it illegal to discriminate on the basis of sexual orientation in employment, public accommodations and business dealings, generally exempts religious organizations from its hiring provisions. In addition, New Jersey officials stipulated that houses of worship are not considered "public accommodations" covered under the act and that Cummings would not be subject to liability under the law for actions taken in his capacity as a pastor.

But Cummings argued that he could be subject to a lawsuit as a private citizen. Two lower federal courts upheld the con-

stitutionality of the law as it is written. The courts declined to rule on whether the law is unconstitutional "as applied" to Cummings and others because New Jersey courts have yet to interpret the act.

◆ refused to hear a challenge to the use of mandatory student fees to subsidize abortion services by a university's health insurance program. Lower courts had rejected a claim by University of California-Davis students that the policy violated their First Amendment rights.

A federal appeals court said the students failed to show that the subsidized health insurance system imposed a substantial burden on their religion. Even if the students were able to show a substantial burden, the appeals court said, the policy still would be constitutional because the university is using the least restrictive means of advancing a compelling governmental interest. Δ

RUDIN, Continued from Page 4

National Guard and state troopers to forcibly block the removal of the display.

The judge also has Protestant ministers offer prayers in his courtroom. We don't know where he stands on prayers offered by Roman Catholic priests and rabbis.

When Moore was asked whether he would allow members of non-Judeo-Christian religions — such as Muslims or Buddhists — to offer prayers also, he angrily rejected the idea saying only those clergy "who acknowledge the God upon which this nation was founded" are permitted to pray in his courtroom.

Moore's disdain for other religions made me wince, and I especially grimaced to see the term Judeo-Christian tradition cunningly used by his supporters to justify a mean-spirited and narrowly sectarian purpose.

While fully respecting Moore's right to be a believing Protestant, something that is guaranteed by the Constitution's First Amendment, there are many of his fellow Alabamians who do not share his religious views. Moore is neither a "Protestant judge" nor a "Judeo-Christian" judge, but a judge of Alabamians, regardless of religion. Δ

Rabbi A. James Rudin is National Interreligious Affairs Director of the American Jewish Committee.

Religious liberty threats prompt RLC expansion

Growing threats to religious liberty and the separation of church and state call for an expansion in the mission and membership of the Religious Liberty Council.

Religious liberty is threatened when Congress gives serious consideration to constitutional amendments to reintroduce school-sponsored prayer and sanction government-funded religion. It is also jeopardized when 13 states ask the U.S. Supreme Court to invalidate the Religious Freedom Restoration Act — a 1993 law that makes it harder to impose burdens on the free exercise of religion.

Ignoring such threats poses a great risk. The RLC represents one effective way to check this trend.

The Religious Liberty Council of the Baptist Joint Committee is an organization of individuals committed to an active role in advancing religious liberty and church-state separation. Founded in 1989, the RLC's first mission was to ensure the sur-



vival of the Baptist Joint Committee at a time when its future was clouded by denominational unrest.

The first mission is essentially completed. The BJC has survived and thrived despite some shifts in denominational support. Now con-

tinuing threats to religious liberty call the RLC to further action.

By joining forces, the RLC and the Baptist Joint Committee staff can reach people across the country to promote widespread action to secure religious freedom.

The RLC needs you.

The RLC is seeking members for teams to accomplish specific tasks. The first such teams will be charged with planning at least two workshops designed to involve younger Americans in the fight for church-state separation and religious liberty. These workshops will be in Washington, D.C. (fall 1997) and Kansas City, Kan., (spring 1998).

See RLC, Page 4



The expansion of the Religious Liberty Council is an important step toward rallying a younger generation around a commitment to religious liberty. This organization represents a unique opportunity to make a discernable difference in American society. Our voice is needed now as never before, and I am excited about being part of such a relevant group.

— Bill Wilson
Pastor, First Baptist Church
Waynesboro, Virginia

First Freedom is the quarterly newsletter of the Religious Liberty Council of the Baptist Joint Committee. The RLC is an organization of individuals committed to advancing religious liberty — the First Freedom protected in the Bill of Rights.

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An in-depth look at RFRA and the Supreme Court

Capitol Watch



Upcoming Events:

Date: June 27, 1997

Annual Religious Liberty Council meeting. Galt House Hotel, Louisville, Ky. For tickets to this luncheon meeting, contact Karen McGuire at the BJC.

Date: November 1997

Religious Liberty Conference sponsored by the RLC, BJC and American Jewish Committee, Washington, D.C.

Date: March 1998

Religious Liberty Conference for pastors and seminarians sponsored by the RLC, BJC and Central Baptist Seminary, Kansas City, Kan.

Proposed Constitutional Amendments on Religion

On March 24, Rep. Ernest Istook, R-Okla., unveiled his proposed amendment to the Constitution to reintroduce school-sponsored prayer and otherwise allow the government to endorse religious messages and fund religious entities, including pervasively sectarian groups such as churches and parochial schools. Istook's amendment is supported by the Christian Coalition and others. Another group of lawmakers supports a different constitutional amendment that focuses primarily on allowing the government to fund pervasively sectarian institutions. However, this group is expected to wait to introduce an amendment until after the Istook proposal is considered.

American Community Renewal Act

This act (H.R. 1031 and S. 432) would establish "renewal communities" that would receive certain benefits for businesses and others in an effort to help the poor. The act also has a mandatory voucher scheme, and it allows pervasively sectarian groups to receive tax dollars to administer alcohol and substance abuse programs. Further, the bill would permit these religious organizations to require program beneficiaries "to actively participate in religious practice, worship, and instruction," and "to follow rules of behavior devised by organizations that are religious in content or origin."

Voucher Proposals

Expect a flurry of voucher proposals from the 105th Congress. One voucher bill that has already been filed in the Senate is the so-called "Safe and Affordable Schools Act of 1997" (S.1). It authorizes a five-year demonstration program, funded at \$50 million the first year and provides certificates to low-income parents whose children attend "unsafe schools." These certificates may be used to attend private non-religious and religious schools.

Workplace Religious Freedom Act

This needed act would counter two Supreme Court decisions that pared back the level of protection for religious exercise that employees of private employers enjoy under Title VII of the Civil Rights Act of 1964. Sponsors in 105th Congress include Rep. Jerrold Nadler, D-N.Y., and Sen. John Kerry, D-Mass. ■

Issues of religious liberty within a free state are not simple. This very fact is the proof, not denial, of freedom. States with a single church have fewer complex issues of religious liberty. In an age "without borders" the chance to speak through the Religious Liberty Council is the opportunity to find a grounded voice, speaking for the freedom of each soul in a complex world. Our nation needs a strong voice to continue a treasured legacy of a free church in a free state. Who will represent your contribution for so important a tenant of the free world?



— Susan Youngblood Paynter
Educational Development Consultant, Austin, Texas

SOLUTIONS

Religious liberty disputes are not always easily resolved, but community involvement by local leaders can contribute to solutions.

ISSUE: Citing only the Christian Coalition as a source, a Fishers, N.Y., newspaper recently published a "religion" voting-record for local lawmakers, including a rating of 0 percent for U.S. Rep. Louise Slaughter, D-N.Y. The Messenger-Wolfe Newspapers stated that the ratings on various issues were compiled by special interest groups and did not reflect the opinion of the newspaper.

ACTION: Ken Williams, executive director of the American Baptist Churches of the Rochester/Genesee Region, and several other religious leaders responded with a letter to the editor, asking for a retraction of all ratings on religion.

The leaders also participated in a press conference sponsored by the Interfaith Alliance asking how a democratic society can "sanction percentage ratings of religious commitments and integrity."

"Is this telling the public that one legislator is a total sinner, one is a glowing saint, and those in between are morally blighted in varying degrees?" they asked.

The group also said that the Christian Coalition does not speak for a wide variety of Christians. "If religious reporting and

political grading is going to be done by the media, we can expect no less than inclusion of Hindu, Buddhist, Islamic, Jewish, Native American and other religious traditions."

ISSUE: The Haywood County, N.C., School Board recently approved a request to allow Gideons to distribute Bibles in the schools there. The board approved a 30-day period for local leaders and citizens to comment on the plan.

ACTION: Ken Sehested, executive director of the Baptist Peace Fellowship of North America, sent a letter to school board members and the county newspaper where it was published.

He said there is a spiritual crisis in the country, but doubted that distributing Bibles in public schools would have "any mediating effect" on that crisis. He said his spiritual ancestors were persecuted at the hands of "Bible-believing church authorities who had the ear of state authorities."

He said that after becoming the majority, "it seems that many of my fellow Baptists have sold their inheritance for a 'mess of pottage.' We have forgotten our blood-stained history as a minority people. Now suddenly, we want the ear of government authorities and their sanctioning power."

The Gideon group has withdrawn its request to distribute the Bibles. ■

Say what?

"I say to my fellow Alabamians at this moment, the only way those Ten Commandments and that prayer will be stripped from that court is with the force of arms. Make no mistake about that statement."

— Gov. Fob James of Alabama

responding to an Alabama court order instructing Judge Roy S. Moore to remove a wooden replica of the Ten Commandments from the Etowah County courtroom where he presides and to cease the practice of having a minister open court sessions with prayer. Moore has appealed the ruling to the Alabama Supreme Court.

The protection of religious liberty reflects a diversity of interests in the faith community. For over sixty years, the Baptist Joint Committee has skillfully advocated for religious liberty on behalf of these diverse interests. The expansion of the Religious Liberty Council provides an excellent opportunity for more people to become directly involved with religious liberty issues. I am excited by this development, and I look forward to the by-product of this expansion.

— Cheryl Mitchell Gaines, Esq.
Associate Minister, Zion Hill Missionary Baptist Church
Rochester, N.Y.



Quoting

"If majority religions don't speak out, what happens when they come for us?"

— Forest Montgomery
Counsel, National
Association of
Evangelicals,
explaining his
opposition to the Istook
prayer amendment to
the Wall Street Journal
in an article published
Feb. 24, 1997

Patricia Ayres



Hardy Clemons



Gardner Taylor



April 8, 1997

Dear Friend of Religious Liberty

Welcome to the Religious Liberty Council! We are excited about your participation in this effort to spread the message of religious liberty and church-state separation. We hope you will share your ideas with us and become actively involved in the RLC. Together, we can secure religious liberty for the next generation.

Sincerely,

Patricia
Ayres

Hardy
Clemons

Gardner
Taylor

Chairs of the Religious Liberty Council

RLC, Continued from Page 1

What are the benefits of joining the RLC?

RLC members will receive a variety of educational resources and invitations to workshops. Among resources they will receive:

- future issues of *First Freedom*, the new quarterly newsletter for RLC members;

- a subscription to *Report from the Capital*, the biweekly newsletter of the Baptist Joint Committee; and

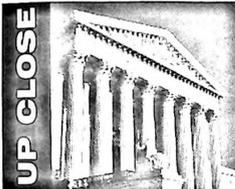
- *RLC Action Alerts* when issues arise that warrant grass-roots action.

In addition to a variety of workshops,

members will be invited to annual RLC meetings.

Most importantly, RLC members will have the opportunity to take an active and coordinated role in advancing religious liberty and church-state separation. Whether it is through participation on an RLC team, contributing to RLC publications or responding to an *RLC Action Alert*, RLC members will work to secure our First Freedom — religious liberty.

Membership to the RLC are available for \$35 (\$20 for seniors and students). See Page 8 for details. ■



City of Boerne v. Flores

How this case affects you

MELISSA ROGERS

Associate General Counsel, Baptist Joint Committee

What is the case about?

The case involves the fundamental right of houses of worship to be free from intrusive governmental control. More specifically, the case involves the right to attend the Roman Catholic Mass in St. Peter Church in Boerne, Texas. Built in 1923, the church is now far too small to house all of its parishioners. Worshipers have been repeatedly turned away from masses on Sunday morning, and the church has rented additional space in another building.

In 1991, the city of Boerne created an historic landmark district whose boundaries ran through parts of the church. When the church requested permission to expand its building, the city denied the request. The city said that the church could not modify the building due to its existence in the landmark district. The city's position effectively requires the Archbishop to abandon St. Peter and build a new church elsewhere, or to continue turning worshipers away from Mass. Accordingly, the church sued the city under the Religious Freedom Restoration Act (RFRA). The city responded by claiming that RFRA is unconstitutional, and thus it was not bound by the act.

What is RFRA?

RFRA is a law that provides a high level of protection for religion. It ensures that government may not substantially burden the religious exercise of persons or institutions unless the government has a compelling interest in doing so (see diagram Page 7 for a more specific explanation of the test used under RFRA). Congress passed RFRA by a near unanimous margin, and President Clinton signed the act into law in 1993. See 42 U.S.C. §§ 2000bb to 2000bb-4 (Supp. V 1993). The act was passed in response to a U.S. Supreme Court decision which abruptly and dramatically reduced the protection given to religious practice. *Employment Division v. Smith*, 494 U.S. 872 (1990).

What issue will the Supreme Court decide?

The only issue presented to the Supreme Court for review is whether RFRA is constitutional. After it rules on this issue, the Court will send the case back to the Texas

trial court. The trial court will then decide whether the church can expand its building.

What's at stake in this case?

This case is not just about one church's free exercise or one aspect of the right to religious freedom. It is about all Americans' rights to practice their religion in countless ways.

If the Supreme Court finds RFRA constitutional, then Americans will continue to enjoy a robust right to resist governmental interference with their religious practice. As one pastor has noted, RFRA helps religious people to avoid choosing between "breaking the law or keeping our faith." Under RFRA, the government cannot substantially burden religious practice, intentionally or unintentionally, unless it is acting to advance a compelling interest in the most limited way possible.

If the Court finds RFRA unconstitutional, then Americans generally will have little protection for their everyday expressions of faith. Without RFRA, only blatant attempts by the government to discriminate against religion will be illegal under federal law. Such instances are rare. This approach ignores the fact that persons lose their rights just as surely by unintentional discrimination as they do by intentional discrimination. For example, a Jewish schoolboy's right to wear a yarmulke is impaired as much by a rule banning all hats in school as it is by a rule that specifically prohibits yarmulkes.

What is the procedure by which the Court decides a case?

First, the parties submit their briefs to the Court. Other persons interested in the case, known as "friends of the court" or *amici curiae*, may also submit briefs to the Court advocating their position in the case. Second, the Court hears oral argument by the lawyers. The Court then makes its decision and issues a written opinion.

When will the Supreme Court decide the case?

The case was argued before the Supreme Court February 19, 1997. The Court is likely to decide the case before July 4th.

Quoting

"This is the most important church-state case to come before the Supreme Court in our lifetimes."

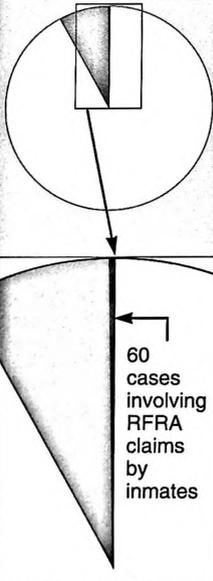
— Oliver S. Thomas,
Special Counsel for
Religious and Civil
Liberties,

National Council of the
Churches of Christ in
the U.S.A., addressing
the importance of City
of Boerne v. Flores

Is RFRA being used by prisoners to overwhelm the nation's courts with frivolous lawsuits? Not according to the Texas attorney general's office, which reports that only about 60 of 26,000 active cases (0.23 percent) involve RFRA claims filed by inmates.

Texas Attorney General's Office Caseload

■ Inmate Cases ■ Inmate RFRA Cases



Who are the justices on the Supreme Court?

Chief Justice William Rehnquist and Associate Justices John Paul Stevens, Sandra Day O'Connor, Anthony Kennedy, Antonin Scalia, David Souter, Clarence Thomas, Ruth Bader Ginsburg and Stephen Breyer.

How has the Baptist Joint Committee participated in the case?

The BJC, as part of the Coalition for the Free Exercise of Religion, filed an *amicus curiae* brief with the Supreme Court. It also worked to coordinate other *amicus* briefs in the case and participated in a moot court for Douglas Laycock, attorney for the Archbishop.

What is the Coalition for the Free Exercise of Religion?

The Coalition for the Free Exercise of Religion is an organization of over seventy religious and civil liberties organizations dedicated to advancing religious liberty for all Americans. The Coalition was instrumental in RFRA's passage. It has been called one of the broadest coalitions in recent political history, including Baptists, Buddhists, Episcopalians, Evangelicals, Jews, Lutherans, Mennonites, Mormons, Muslims, Native Americans, Presbyterians, Quakers, Seventh-day Adventists, Sikhs and civil liberties organizations.

What are the arguments against RFRA's constitutionality?

RFRA's opponents argue that the Act violates the separation of powers, federalism and the Establishment Clause.

Separation of Powers

CLAIM: Some argue that RFRA violates the separation of powers doctrine, the constitutional principle requiring the three branches of government to refrain from trespassing on each others' functions. By enacting RFRA, they say, the legislative branch of government, Congress, usurped the power of the judicial branch, the Supreme Court. In other words, they argue that only the Supreme Court can alter the level of protection for free exercise rights as RFRA does.

RESPONSE: The Constitution gives Congress as well as the Supreme Court power to protect our liberties. And while Congress cannot weaken constitutional rights, it can strengthen them through leg-

islation. Congress's passage of the act did not "overrule" the Supreme Court or otherwise displace the Court from its rightful station as ultimate interpreter of the Constitution. RFRA simply creates a right by law where the Supreme Court declined to recognize a right under the Constitution. RFRA is not the first time Congress has exercised this power. For example, when Congress passed the Voting Rights Act of 1965, it raised the level of protection for certain voting rights despite the fact that the Supreme Court had previously declined to do so. The Supreme Court subsequently upheld this exercise of congressional power.

Federalism

CLAIM: Some RFRA opponents claim that the Act contradicts federalism, the constitutional principle requiring the federal government to respect the sovereignty of state governments. Because RFRA may sometimes require states to exempt religious adherents from their laws, they argue that Congress has improperly interfered with state affairs.

RESPONSE: The Constitution gives Congress broad latitude under the 14th Amendment to prevent states from restricting certain individual liberties, including the right to religious liberty. RFRA is well within this power.

Establishment Clause

CLAIM: Others have claimed that RFRA violates the Establishment Clause. In other words, they argue that RFRA improperly enlists the government in advancing religion.

RESPONSE: The Supreme Court has recognized that legislatures may shield religious exercise from governmental interference. When the legislature does this, it is not itself advancing religion; it is accommodating religion by lifting burdens on religious people and institutions so that they can advance their religion. Moreover, RFRA specifically states that it has no effect whatever on the Establishment Clause.

Has RFRA helped people to practice their religion free from government interference?

Yes, this young law has already done much to advance religious liberty. For example:

- When a city tried to use its zoning power to shut down a Presbyterian church's

homeless feeding program, a court ruled for the church under RFRA — the city had no compelling interest in halting the church's mission program.

- When the government threatened to force Jehovah's Witnesses to take loyalty oaths that violated their religious tenets, the employees successfully used RFRA to turn back the government's demands.
- When a bankruptcy trustee ordered a church to turn over a tithe contributed by one of its members in good faith, RFRA stopped this governmental attempt to raid the collection plate.
- When a prison denied Christian inmates permission to wear religious jewelry such as crucifixes, RFRA restored their right to wear these items in ways that did not threaten prison security.
- When a former teacher in a Catholic school's theology department asked a court to order his reinstatement, the court declined, finding that RFRA supported the school's fundamental right to select teachers of its ecclesiastical doctrine.

Moreover, it is impossible to track all the ways in which RFRA has made a difference. Numerous people have recounted how RFRA has helped them to reach agreement with government officials and achieve a greater measure of religious freedom without going to court.

Does RFRA threaten prison security and force correction officials to accept a broad range of practices with dubious religious connections?

No. Although RFRA applies to prisoners' claims, prison officials need not (and should not) grant religious requests that would undermine prison discipline, order and security. The legislative history of RFRA and the court cases under the law make clear that prison discipline, order and security are compelling governmental interests justifying restriction of religious liberty. Moreover, frivolous claims — ones not based on sincerely held religious beliefs — can be similarly rejected under RFRA's framework.

How can I learn more about *City of Boerne v. Flores* and RFRA generally?

Call or write the Baptist Joint Committee at the following address and phone number:

200 Maryland Ave., N.E.
Washington, D.C. 20002
(202) 544-4226

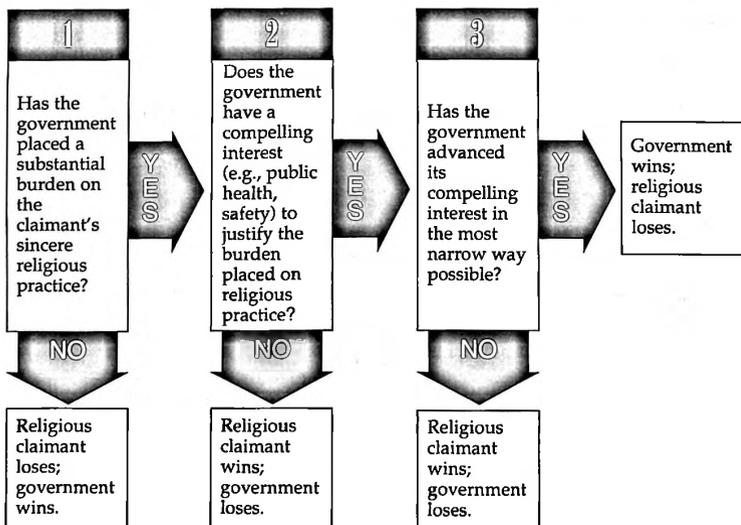
Or, e-mail us at BJCPA@erols.com ■

Quoting

"Liberty is most secure when all three branches have independent power to protect it; this is why Congress can expand but not contract the scope of Fourteenth Amendment liberties."

— Douglas Laycock
in brief for Archbishop
P.F. Flores supporting
the constitutionality of
the Religious Freedom
Restoration Act in *City
of Boerne v. Flores*

HOW RFRA WORKS



www.notes

The RLC and the World Wide Web go hand in hand. A new section of the BJC's web site will be devoted to the musings of RLC members.

If we build it, you should come!

You can access publications, talking points, staff bios and a complete list of other church-state organizations.

Look for the RLC/BJC at:
www.erols.com/bjcpa
 or e-mail us at:
bjcpc@erols.com

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 200 Maryland Ave. N.E.
 Washington, D.C.
 20002

Religious freedom
 doesn't just happen.

Join  RLC



Yes! I would like to join the Religious Liberty Council of the Baptist Joint Committee (check one):

- Senior/Student Membership (\$20)
- Basic Annual Membership (\$35)

(Make check payable to Religious Liberty Council)

Name _____

Address _____

City _____ State _____ ZIP _____

Telephone(s) _____ E-Mail _____



I can assist the Religious Liberty Council in the following way(s):

- Recruit new members (i.e., writing or calling friends and inviting them to join the RLC)
- Help plan/organize an upcoming workshop in Washington, D.C., on church-state issues
- Help plan/organize an upcoming workshop in Kansas City, Kan., on church-state issues
- Contribute articles or other input for BJC publications
- Send in clippings of church-state articles from local newspapers and magazines
- Other:

Reflections

James M. Dunn

Executive Director



"But, what can one church do?" With a sense of helplessness the question is asked. With good reason, too, it's tough.

Facing the puzzle of politics and the rightful role of religion, individuals and local churches struggle for answers. Bloomsbury Central Baptist Church in London has made a serious stab at it.

This fine historic church, though neither big nor rich, has produced a 69 page booklet, *Baptist Perspectives*, which could well be the model for hundreds of such products if there were so many thoughtful, serious, prophetic Baptist churches.

Facing a general election in Britain, three well-briefed lecturers confront the current political debate. Keith Jones, a Baptist Union leader, asks "What Value Democracy?" He plugs for the maintenance of a prophetic distinction for radical dissenting Baptists and warns "against too close an alliance between Christians and any one political party."

With bright-edged phrases that tickle the intellect Jones argues that "Baptists must take to the prophetic task with a will, as many who preceded us have done." But he knows that the person who can speak for Baptists is not yet born and both parents are dead.

Michael I. Bochenski, Minister, Dagnall Street Baptist Church, St. Albans, offers a thought-provoking "Personal Faith and Collective Responsibility." It both informs the mind and inspires the will. His lecture alone is worth the book.

Any Baptist who gets hands on this short collection owes thanks to Stephen Heap, Baptist Chaplain to London University, who put together this project. There might be copies yet at Bloomsbury Central Baptist Church, 235 Shaftesbury Avenue, London WC2 H 8EL, U.K.

The essay that captured me was Faith Bowers' "A Growing Church — A Political Church?" It illustrates what one lone church can do.

Faith, in enviable economy of words, shows how Baptists can and have held both separation of church and state and engagement in the political process. Wow! She affirms the baptistic church as "the

gathered community of believers ... Rather than the more inclusive understanding of an established church." Mrs. Bowers reminds readers that Baptists have "argued for liberty of conscience — as a matter of conscience, not to be determined by the King or the State." Yet, she knows the difficulty. "Christians who get involved in politics need to keep their sights on Christ, who is the Truth, yet also accept that they have to deal in the art of the possible, which often involves a balancing act."

This British Baptist treasure goes beyond rote recital of Baptist givens and suggests that: "Looking back over Baptist history, it appears that periods of growth have usually also been periods of political engagement." She cites Barrie White's insight that "Civil War and revolution were the background against which Baptists began to develop."

Then, historian Bowers points out that when the state offered to finance godly ministers in Cromwellian years, Baptists had to forgo such tempting assistance. English dissenters (aren't all Baptist dissenters?) were sympathetic to the American War of Independence. Of course!

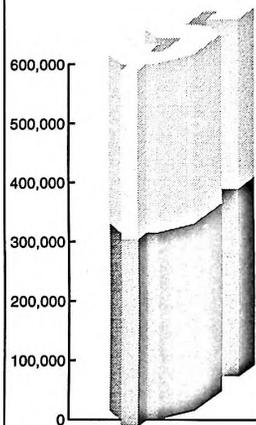
With marvelously mined anecdotes from the history of Bloomsbury Central Bowers teaches how one single church has handled the tension between a prophetic witness and faithful separation from the state. In 1851 the Church refused to "admit to the fellowship of the Lord's table any person whatever, who either sympathises with or supports" American slavery.

We learn that Ernest Payne, General Secretary of the Baptist Union with strong Bloomsbury ties, was a founder of Amnesty International. We hear Tom Phillips (minister 1905-1928) say, "If any cause were part of the Kingdom of God, even if every pulpit in London were closed against it, the pulpit of Bloomsbury would, by God's grace, be open."

William Brock, a patriotic Victorian pastor of Bloomsbury, helped set the tone for this vital church when he exhorted "go to the poll as to a prayer meeting."

Baptist Perspectives shows that there is much that one little church can do. Δ

Ending the Baptist Joint Committee



A family affair —

Three generations of an Arkansas family recently pledged \$6,000 to the Baptist Joint Committee's endowment campaign.

Their generosity boosted total gifts and pledges past the \$315,000 mark. It also put some faces on the idea of passing on to future generations one of Baptists' key traditions — religious liberty.

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Guest Views



A. James Rudin

It's time to retire one of our most popular verbal icons: "Judeo-Christian tradition." I say that with sadness, because until recently I viewed the term as a convenient, albeit superficial, way to affirm religious pluralism. Frankly the term helped make the Jewish community — a minority in America — feel at home.

For decades politicians of both parties have regularly invoked the Judeo-Christian tradition mantra to indicate their support of unspecified moral virtues. And I have heard Christian leaders employ the term especially when speaking in synagogues.

Judeo-Christian sounds so inclusive, so warm and fuzzy. But I have regretfully reached the conclusion that its usefulness, if only a limited one, has come to an end.

Whenever I press my Christian colleagues to explain precisely what Judeo-Christian means, they frequently retreat into theological mushiness, at best, or Christian triumphalism, at worst. In many cases, Judeo-Christian is used as a cover for the concept of a "Christian America" or the supremacy of Christianity.

Usually, after proclaiming the glories of the Judeo-Christian tradition, some Christian clergy solemnly inform me, "After all Jim, the Old Testament is part of our Bible, too." As if I didn't know.

In such cases, I politely reply: "How could it be otherwise since the Hebrew Bible (a far better term than Old Testament) was the only sacred scripture that Jesus, a Jew from Nazareth, ever knew."

In time, the unpleasant truth became

clear to me: the Judeo contribution to the well-worn phrase often ends with the Hebrew Bible. The term

doesn't include the uniquely Jewish tradition that emerged after the rise of Christianity, including rabbinic commentaries, the Talmud, the Midrash, and a host of other writings and teachings.

No wonder Judeo has a Latin origin. The Jewish contribution to the Judeo-Christian tradition seemingly ended with the Roman occupation of Palestine and the death of Jesus. Think about it. While there are certainly many Christians in the world, how many Judeos are there?

My recommendation is that we start using the more accurate phrase "Jewish and Christian traditions."

My entire screed against the use of the term Judeo-Christian would simply be material for a scholarly debate were it not for the lamentable fact that the term is now used in an unseemly, even dangerous way in American political life.

Just as Samuel Johnson observed that patriotism often becomes the last refuge of scoundrels, so, too, the expression Judeo-Christian is now the last refuge of some public officials who seem deeply troubled by recent demographic changes in the religious make-up of the American population.

Take Circuit Court Judge Roy S. Moore as an example. He insists on hanging a wooden replica of the Hebrew Bible's Ten Commandments in his Alabama courtroom. If the judge's action is declared unconstitutional by the Alabama Supreme Court, Gov. Fob James has threatened to call out the

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