

REPORT from the CAPITAL

Bill of Rights

Congress OF THE United States
began and held at the City of New York, on
Wednesday the fourth of March, one thousand seven hundred and eighty nine.

THE *Constitution of the United States* has been adopted by the States and the People of the United States, and it is the duty of the Congress to execute the same. *RESOLVED* That the Congress of the United States do pass the following Bill, which shall have the force and effect of a Law.

Article the first
Article the second
Article the third
Article the fourth
Article the fifth
Article the sixth
Article the seventh
Article the eighth

Congress shall make no law respecting an establishment of religion, prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press;

Handwritten notes and signatures on the right side of the page.

Article the ninth
Article the tenth
Article the eleventh
Article the twelfth
Article the thirteenth
Article the fourteenth
Article the fifteenth
Article the sixteenth
Article the seventeenth
Article the eighteenth
Article the nineteenth
Article the twentieth
Article the twenty-first
Article the twenty-second
Article the twenty-third
Article the twenty-fourth
Article the twenty-fifth
Article the twenty-sixth
Article the twenty-seventh
Article the twenty-eighth
Article the twenty-ninth
Article the thirtieth
Article the thirty-first
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Article the thirty-seventh
Article the thirty-eighth
Article the thirty-ninth
Article the fortieth
Article the forty-first
Article the forty-second
Article the forty-third
Article the forty-fourth
Article the forty-fifth
Article the forty-sixth
Article the forty-seventh
Article the forty-eighth
Article the forty-ninth
Article the fiftieth

John Adams, Vice President of the United States, and President of the Senate.

REPORT from the CAPITAL

"... a civil state 'with
full liberty in religious concerns'"

Vol. 37, No. 3 March, 1982

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Religious Consensus?

Any discussion of church-state relations inevitably turns to a consideration of the significance of First Amendment interpretations as a prerequisite for the flourishing of diverse religious interests. That "Congress shall make no law respecting an establishment of religion or prohibiting the exercise thereof" has already confirmed the wisdom of those who wrote that document, and ruled out the notion that this nation viewed itself as anything less than fertile ground for the free growth and exercise of religious consciousness.

Thomas Derr, in a presentation before the Roscoe Pound-American Trial Lawyers Foundation examines the political mood that prevailed among the writers of the First Amendment against the question of an established church with its implications for national unity. Religion in American life was recognized for its positive contributions to the nation's moral purpose, and alone among all institutions was singled out for mention. The First Amendment should serve as an effective guarantee that government will seek neither to control nor influence religious conviction.

In the grip of an exaggerated nostalgia, many today discover a much closer tie between church and state than ever existed. They see the American experiment in terms of the emerging of a "new Israel", and in the captivity of such a vision seek to establish a particular religious moral framework, if not a single church. All this to assure God's providential care and as an antedote to societal disintegration. Meanwhile, the First Amendment protection of all religious belief, and the pursuit of individual and corporate freedoms may face challenges from many directions.

John Baker, in VIEWS, scrutinizes opposing arguments in the Bob Jones University case which has all the elements of a classic confrontation between racism and religious liberty. Is it actually a blow for religious freedom when the University's racially discriminatory position is equally supported by Reagan's action vis a vis the Internal Revenue Service? Or is it to be seen as a defeat for racial justice, a return to business as usually conducted in the days before enactment of judicial decision and civil rights legislation.

In the first part of her article Helen Caldicott spoke of persons whose shadows remained etched on concrete sidewalks after they were vaporized by the atomic blast at Hiroshima. This section of the presentation raises the question relative to the earth; does it look forward to a time when all that will remain is a pock-marked, barren surface? A physician, Dr. Caldicott is rightly concerned about human beings, now and after the fall-out when the medical profession can expect severe testing. An alarmed public against nuclear warfare makes more sense as an effort toward life-saving than bomb shelters and mountain hideouts.

Chores: It was bound to happen; it always does. The computer which is programmed to prepare mailing labels for the REPORT surveyed its successes of the past two years and decided to go on its own—and some of you have experienced the results. If your subscription has been interrupted, or any other strange thing has taken place because of computer error, please contact this office.

Victor Tupitza



WASHINGTON OBSERVATIONS

news/views/trends

THE U.S. SUPREME COURT here reversed a Pennsylvania district court ruling which had relieved employers and employees who are members of the Old Order Amish religion from participation in the nation's social security system.

Present federal law exempts self-employed members of the Old Order Amish from compulsory social security participation. In 1980, the Western Pennsylvania district court sided with a self-employed Amish farmer and carpenter who contended that imposition of social security taxes on his Amish employees violated their free exercise of religion rights protected by the First Amendment.

Old Order Amish maintain that both payment of social security taxes and receipt of such benefits conflict with their religious belief which requires members of their faith to provide for other members.

But the nation's high court, in an opinion written by Chief Justice Warren E. Burger, rejected the district court decision, ruling that the exemption from social security participation granted by Congress applies only to self-employed members of the Old Order Amish. The Justices then considered whether or not the Constitution required granting such an exemption to Amish employees and employers.

On this point, the justices granted that compulsory participation in the social security system "interferes" with the Free Exercise rights of the Amish but declared that "Not all burdens on religion are unconstitutional." The state, the court added, "may justify a limitation on religious liberty by showing that it is essential to accomplish an overriding governmental interest."

The governmental interest in this case is apparent, the justices declared. Warning that voluntary participation "would undermine" the system, they stated that "mandatory participation is indispensable to the fiscal vitality of the social security system" ■

A SOUTHERN BAPTIST HUNGER SPECIALIST warned a House budget panel here not to overrate the religious community's ability to compensate for large cuts in social programs for the needy.

Appearing before a Budget Committee task force considering the Reagan administration's proposal to cut entitlement programs by some \$50 billion over the next three years, SBC Home Mission Board domestic hunger consultant Nathan Porter called for more emphasis on human needs in budget considerations.

Porter, who emphasized that he or no one else could speak for all Southern Baptists, declared that SBC churches "must increase their concern and efforts to minister to the needy of our nation."

"However," he added quickly, "Let's not fool ourselves with myths. Religious charity and the mission of the church cannot cover up national injustice by government. Human need and social justice cannot be sacrificed at the altar of economic programs and military might." ■

Thomas S. Derr

Professor of religion at Smith College, Northampton, MA, Mr. Derr presented the address (from which this section is reproduced) at the annual Chief Justice Earl Warren Conference on Advocacy in the U.S. In its entirety, the paper explored "theological illusions, cultural fantasies and legal practicalities."



The First Amendment A Guide to Church-State Relations

The place of religion in the American political system has always been recognized as a rather special problem. The Constitution makes particular provision for religion, although in an abrupt and negative phraseology. Nevertheless, the document mentions religion specifically, while at the same time ignoring such worthy corporate realities as political parties, trade unions or craft guilds, and the universities, all of whom have a good deal to say about how the American system actually functions.

The reasons for this discrimination are, of course, historical: over the centuries of the history of western civilization relations between religion and the state have been particularly difficult, complex, and quarrelsome. Tensions between the two had, in fact, much to do with the founding of several of the colonies which made up the new American union. The men who drafted the Constitution and who agreed to the immediate addition of the Bill of Rights with the crucial First Amendment were making an attempt to settle a vexatious historical problem of long-standing by trying something new. To the degree that they succeeded in solving the problem they were as much lucky as wise; for at the foundation of their work, particularly in the mind of Thomas Jefferson, was a serious misconception of the nature of religion and religious man. To the degree that they failed to resolve all the church-state tensions and left their descendants some bitterly divisive issues to settle, they gave future generations an unintended lesson in the importance of understanding what a church is.

There could hardly have been any question of an establishment of any particular church in the new nation,

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given the intractable fact of religious diversity in the different states. But, given the religious sociology of America, there could have been a general Protestant Christian establishment, since other groups were negligible in size. The immediate reasons why this did not happen appear in an examination of the model for the federal Constitution's provisions, namely, the bill establishing religious freedom in Virginia, passed in 1785, just two years earlier than the Constitution.

Virginia had had an Anglican establishment, but by the war years the majority of the people were dissenters, mostly Baptist and Presbyterian. These pressed hard for an end to Anglican privileges; and the Anglicans, in order to hold off total disestablishment, proposed a general tax assessment, with the money to be divided impartially among all churches. But the Baptist and Presbyterian laymen, aided by such nominal Anglicans as James Madison and Thomas Jefferson, successfully opposed this proposal. Their argument was that since the proposed tax was for all Christian churches, the state would have to be the judge of what is Christian, what is a real church. The state becomes the judge of orthodoxy. Furthermore, once you concede to the state the power to establish Christianity in general (or even religion in general), you concede to it a power of establishment which may later establish only *one* denomination, or only a few, for which general tax support might be required. This so-called "multiple" or "general" establishment might one day become a single establishment, or at least a narrow one. It is thus better for the state to be separated from all churches.

I certainly don't mean to imply that these arguments carried the day simply because they were persuasive to reasonable people. Nearly every historian of the period has pointed to the more fundamental influence of the pie-

tist revival movement, the so-called Great Awakening, which swept the colonies before the Revolution and is thought by many to have been a major factor in creating the inner conditions for the revolution. The religion of the Awakening depended on an individual conviction of conversion by the power of the Holy Spirit, a self-authenticating experience of being ultimately valued which was radically democratic in its implications. It challenged all notions of hierarchical society and exalted the voluntary church. Establishment of religion, even a "general" one, would have been quite antithetical to its spirit.

The principal idea of the Virginia bill appealed to the religious experience of pietism, then the most vital force in American religion. This idea was then incorporated into the federal Constitution in 1787. The main body of the text forbids religious tests for federal office holders, and otherwise maintains a studied silence on government support of churches. Religious liberty itself appears not to have been a major topic of discussion at the constitutional convention, but it certainly was a matter of concern to many people; and if the Bill of Rights was part of the price for ratification, it is not surprising that the First Amendment (1791) had to make explicit the intention of the silence in the main document. Congress is to pass no law respecting an establishment of religion, nor any law prohibiting the free exercise of religion. This, then, is the fundamental statute under which we have operated ever since.

In the history of the West it had been assumed since the time of Israel and ancient Greece that a uniformity of religious belief and practice was essential to civic peace, indeed the essential expression of a people's unity. The force of this assumption helps to explain the bitterness of some of the wars of religion: defection from the state church

. . . once you concede to the state the power to establish Christianity in general. . . you concede to it a power of establishment which may later establish only one denomination. . .

was *de facto* treason to the state. The unity of church membership and good citizenship was deemed essential in many of the new world settlements, and most notably in the Virginia and Massachusetts Bay colonies. In colonies where it was not the case, the reasons were almost always practical, especially commercial, not ideological. We all have been harangued with stories of Puritan intolerance, but it is well to remember that they were simply continuing the pattern which had been set by those thirteen centuries of European experience.

The amazing fact is not that the old pattern was perpetuated in the new world, but that a century later, when the new nation was launched, the inherited forms of the centuries were abandoned. It has been rightly observed that the American system of the separation of church and state reversed an arrangement which had held firm since classical antiquity and still today is the rule in many parts of the world. It is not a simple matter to upset such a traditional pattern which evidently answers to something powerful in the human psyche. Considering the lessons of history, down to our own time, we would be naive to assume that religious unity and patriotism are easily pruned apart, or even to assume that contemporary America is immune from this persistent force; and we should perhaps be careful not to claim too much for what really did happen at our nation's birth. Enough wonder that our ancestors should have managed what they did in 1787: a revolution of religious disestablishment without any dead bodies, nor any imprisonments, and apparently very little serious inconvenience.

Of all the causes for this surprising outcome no doubt the most important was the sheer technical impossibility of imposing a religious uniformity on a nation made up of ex-colonists drawn from diverse religious backgrounds, many of them zealous to protect their religious freedom. However, a new ideology was also influential—Enlightenment rationalism, with its religious philosophy known as deism. This ideology was a small minority opinion in American religious life, but it was strong among the patrician "founding fathers," Thomas Jefferson, for example.

Cautious about excessive enthusiasm and pride for America's great wisdom in abandoning religious uniformity, let us not overstate the nature of the ideological revolution. Jefferson did not actually give up religious uniformity, he abolished *ecclesiastical* uniformity. It was only the idea of a single church that he attacked. In fact, he would have been the last person to want to divorce religion-in-general from public life. He relied, as had statesmen for centuries, on the social utility of religion. Common religious beliefs were necessary to the smooth functioning of the body politic. Religious people made the best citizens. But what was not necessary was that these beliefs should be taught by one particular church to the exclusion of others. In his argument for religious liberty in Virginia Jefferson appealed to the experience of New York and Pennsylvania which, he noted, had managed to prosper as colonies without a religious establishment. This may be an idealized vision of the history of New York and Pennsylvania, but Jefferson did make this type of appeal. What he was saying was not that no religion was necessary to peace and order; on the contrary, while religion was essential it was not necessary to have an established church to get the benefits of religion in the civic arena.

Notice that Jefferson did not give up the ideal of the earlier Puritans in the sense both agreed that common religious assumptions were necessary to social health. Their difference was in their understanding of the nature of religion. The Enlightenment rationalism of which Jefferson was a representative emphasized a belief in the sufficiency of human reason applied to all aspects of life. Belief in God was part of the system, but it was a God who had created the universe and set it to run according to immutable laws, both physical and moral. Man's part was to discover these laws and to conduct his life accordingly. The essence of religion was thus morality: living according to the eternal principles of right and wrong, principles which were discernible by the free operation of human reason. Jefferson held that this pure moral core of religion found its perfection of expression in the teachings of Jesus, teachings which were, however, unfortunately entan-

gled in a web of irrelevant doctrine which only confused matters.

Jefferson's assumption, of course, is that an appreciation of this central moral core, which is within the reach of every rational person, is what is essential to a well-ordered society. In the past the religious quarrels have not been about these teachings, which are plain enough, but about the doctrinal scaffolding built over them. Eliminate that, and the religious uniformity of society will become fact. The state can afford to be tolerant of all churches, because the disagreements among them are on irrelevant points, "mere opinion" which belongs by nature to individuals as private persons and concerning which the state is not competent and ought to be disinterested. But in what matters to the state the churches are as one. Religion is important to the state because religion is morality.

A particular denominational ("sectarian" was Jefferson's word) embodiment of this morality adds nothing but irrelevancies to the common core, and so obviously the state has no need to favor one particular church. In fact the state may well be *disturbed* by the prospect of "sectarian" success, for in a society where church membership is voluntary a particular denomination obviously grows by distinguishing itself positively from other options available. To the degree that a denomination persuades people to belong, it is probably emphasizing points other than those in the alleged "common core of morality." Thus Jefferson's fellow rationalist Benjamin Franklin could be suspicious of a Presbyterian minister he had heard whose sermons, Franklin thought, seemed intended "rather to make us good Presbyterians than good citizens."

The earlier Puritans' conception of religion was considerably more sophisticated than that of Jefferson. They understood that the ultimate source of morality is in a vital religious experience. The inadequacy of the rationalist definition of religion was to become painfully obvious often enough in subsequent American history. One of the central points of the rationalist theory, and perhaps the point where it was weakest, was its optimism concerning human nature. Obviously it belongs to Jefferson's theory to say that the future

Continued on page 14

John W. Baker

VIEWS OF THE WALL



The First Amendment built "a wall of separation between Church and State." Thomas Jefferson in a letter to the Danbury Baptist Association
"... the line of separation, far from being a wall, is a blurred, indistinct, and variable barrier." Chief Justice Burger, *Lemon v. Kurtzman*.

The combination of emotional issues of religion, race, education, and tax exemption in the Bob Jones University case is a major topic of discussion in Washington and the nation.

President Reagan, through the Treasury and Justice Departments, has informed the Supreme Court that the I.R.S. is abandoning its 11-year-old policy of denying tax exemption to private schools—including church operated schools—which practice some form of racial discrimination. His action brought a virtual firestorm of protest from many religious and civil rights groups. The President then appeared to reverse himself—though nothing really changed—by saying that he would propose a bill which would provide for tax exemption for schools even if they discriminate on the basis of religious affiliation unless "such policy, program, preference, or priority is based upon race or upon a belief that requires discrimination on the basis of race." Congress will be considering this proposal.

There is a complex legal history involved in the present dispute. Before 1970 the I.R.S. took the position that racial discrimination did not disqualify a private school from tax exemption under § 501(c) (3) of the Internal Revenue Code and did not prohibit tax deductions for contributors to those schools. This position was challenged by several black parents in Mississippi [in *Green v. Connally*, 330 F.Supp. 1150 (D.D.C. 1971), *aff'd sub nom. Coit v. Green*, 404 U.S. 997 (1971)]. A three judge federal district court held that the schools could not be tax exempt because they acted contrary to public policy against racial discrimination. The I.R.S. changed its position, but the court decision was appealed to the Supreme Court by Coit who, as a parent of children in a segregated school, had been included in the case as Intervenor-Defendant. The Court, in affirming the decision without oral argument, did not deal with the constitutional issues and, in a later decision, *Bob Jones University v. Simon*, 416 U.S. 725 (1974) at 740, stated that "the Court's affirmance in *Green* lacks the precedential weight of a case involving a truly adversary controversy." It should be noted that *Green* did not involve church operated schools, and the District Court pointed out that it did

not reach the question of whether the religion clauses of the First Amendment would permit religious schools to discriminate on the basis of race and still be tax exempt.

Bob Jones University v. United States, the pending case which the President's actions appear to have made moot, squarely raised the issue of whether a religious school which has sincerely held religious beliefs against interracial marriage can establish rules for its students and faculty against cross-racial dating and marriage and still be a § 501(c) (3) organization.

The case itself, the President's reactions to it, the response of civil rights groups to the President's actions, and the rejoinders of those who supported the University's position have brought into sharp focus the tensions which can exist between the "good" of eliminating racial discrimination in private schools and the "good" of protecting religious liberty and the separation of church and state. That tension can best be illustrated by a brief examination of the arguments being made by the various interested parties.

Four major arguments have been advanced by concerned individuals and particularly by secular journalists in opposition to the President's action granting tax exemption to schools which discriminate racially and in favor of his proposed law which would deny that exemption.

The first argument is that the earlier action at the very least gave the appearance of racism and that passing the proposed law would demonstrate that both Reagan and the Congress are opposed to racism. Benjamin Hooks, an American Baptist minister, lawyer, and Executive Director of the National Association for the Advancement of Colored People, is reported to have responded to Reagan's earlier decision to grant tax exemption to segregated schools, "I have not yet had occasion to call the Reagan administration racist but this latest series of retreats puts them mighty close." Carl Rowan wrote, "Ronald Reagan either wants racism and shameful discrimination revived in America, or he is pitifully naive about what goes on around him." Enactment of the proposed law would underscore Reagan's avowed opposition to racism.

The second argument is that grant-

ing tax exemption is the granting of a monetary subsidy and that passing the proposed law would prevent the government from subsidizing racism through tax exemptions and deductions. In her column in the *Washington Post*, Dorothy Gilliam asserted that "in giving the green light to segregated academies . . . it has told these schools that it is willing to use our tax dollars to subsidize them." The *New York Times* said, "The Reagan administration is picking the pocket of every American taxpayer to subsidize racism in education." Passing Reagan's proposed law would, they argue, stop the public subsidization of racism in education.

A third and related argument is that unless the government reverses Reagan's administrative decision through law the government has put its stamp of approval on schools which segregate.

The final major argument is that Reagan's earlier decision to grant tax exemption to segregated schools was made in response to pressures from the New Right and the Moral Majority. The sources of the pressures, they say, should be repudiated by passing Reagan's proposed law.

Religious organizations which supported Bob Jones University's position in the case did so from a fear that an adverse decision by the Court would establish precedents which would put religious liberty in jeopardy and seriously breach the wall of separation between church and state. James J. Kilpatrick called the President's decision not to deny tax exemption to private schools which discriminate on the basis of race "a blow for freedom." The religious organizations which supported the University's position probably would hold that the President's action was "a blow for freedom" only where church operated schools were concerned. Those who filed *amicus curiae* briefs on the University's side uniformly repudiated racism and then made several arguments in support of religious liberty and the separation of church and state, both of which were threatened by the I.R.S. actions which led to this case.

The first major argument is that tax exemption is not a subsidy. A strong
Continued on following page

Colson asks Changes in Justice System

In his first appearance before a congressional panel since testifying eight years ago on Watergate crimes, Charles W. Colson called on Congress to make sweeping changes in the way the federal criminal system is run.

The Southern Baptist layman, founder and president of Prison Fellowship, told a House subcommittee considering an overhaul of the federal criminal code, that incarceration of non-violent criminals is counterproductive in that it often hardens prisoners into permanent criminals while costing taxpayers millions.

He told the panel, headed by Rep. John Conyers, Jr., D-Mich., that the politically popular view that imprisoning people solves crime is "one of the myths that needs to be exploded."

Colson, who has become increasingly outspoken in his criticism of the criminal justice system since founding his interdenominational fellowship in 1976, declared that instead of rehabilitating criminals, "prisons are more a part of the problem than they are of the solution."

As an example, he cited the care of a fellow inmate he met during the seven months he served in federal prison for his role in the Watergate crimes. The inmate, although he was a medical doctor who had once been president of the American Medical Association, was not allowed under federal law to practice his profession inside the prison.

Such attitudes toward prisoners, Colson said, are "100 years behind time" and unlike those in any other modern nation.

He warned that unless attitudes toward prisoners change, "we will bankrupt this country by turning it into one gigantic prison."

Asked by Conyers to describe the ministry of his organization, Colson said it got its start when he and U.S. Sen. Harold Hughes began talking about Colson's life after he was released. Noting that during his years as White House counsel he and Hughes had been political enemies, he credited the former Iowa senator, himself a recovering alcoholic, with helping win him to Christ and change the direction of his life.

Furthermore, Colson explained, he "couldn't forget the hurts and needs" he had seen in prison.

Colson and Hughes sought and obtained permission from Federal Prison Administrator Norman Carlson to take 10 Christian inmates out of prison for a brief seminar to train them how to minister to fellow prisoners. When the

experiment proved fruitful, Colson explained, the program was repeated.

Colson, who has visited 225 prisons offering his personal testimony of a changed life through Jesus Christ, told the House panel 150 prisons now have Prison Fellowships chapters. The organization he heads has grown from a 1976 budget of \$80,000 to this year's \$5 million, with a staff of 140, many of whom are ex-offenders.

He urged that the proposed new criminal code, under attack from both liberals and conservatives despite its support from such widely polarized politicians as Sen. Strom Thurmond and Sen. Edward M. Kennedy, recognize that "stuffing more and more people into prisons" will make the problem of crime worse.

Instead, Colson urged implementation of the biblical principle of restitution, the view that criminals "be required to restore to their victims what was taken from them when the crime was committed. He said that nearly 40 percent of present prisoners in the U.S. are serving time for property offenses and other non-violent crimes.

—Stan Hasteley

VIEWS, from page 6

case can be made that tax exemptions differ radically both legally and financially from monetary subsidies. The Supreme Court made this distinction in *Walz v. Tax Commission*, 397 U.S. 664 (1970). Exemptions, in terms of religious or ideological organizations, may be necessary as a "hands off" policy by the government. Tax exemptions are the way government refrains from taxing individuals again for organized voluntary activity which benefits the public—or parts of it—without enriching the taxpayers who undertake it. Title VI of the Civil Rights Act of 1964, 78 Stat. 252, forbids discrimination "under any program or activity receiving Federal financial assistance." Thus the issue of whether tax exemption is "Federal financial assistance" becomes crucial in statutory interpretation. However, such interpretation would also have to take the religion clauses of the First Amendment into consideration.

Also it can be argued that the actions of the I.R.S. following the decision in *Green* and the President's proposed law would allow the government to set the criteria for membership in a religious organization. The dissenting federal circuit court judge in *Bob Jones* argued: "There is no difference in this case between the government's right to

Quoting

Nowhere in Scripture and tradition—at least in the Judeo-Christian heritage of faith and struggle and hope—is there a shred of warrant for the censorship of books. Books may not be worth the candle—but they are not to be deprived of access! . . . The foremost of liberty is the inviolability of conscience and the freedom to read and to know. The pen is still mightier than the sword; and those who seek to censor the fruits of the pen, like those who trust in the security of the sword, are the unmissable enemies of the people.

—Paul Lehmann
(The Churchman)

take away Bob Jones' tax exemption and the government's right to take away the exemption of a church which has a rule of its internal doctrine or discipline based on race, although this church may not operate a school at all." 639 F.2d at 156.

Related to this is the argument that government may not require that a person or organization relinquish a constitutional right in order to gain the statutory privilege of tax exemption. "It is inconceivable that guaranties embedded in the Constitution of the United States may be manipulated out of existence." *Frost v. Railroad Commission*, 271 U.S. 583 (1926).

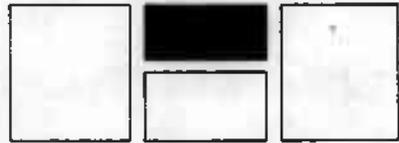
The final argument is that the First Amendment religious liberty rights are so fundamental to all of our rights that non-First Amendment rights must defer to them.

Who is right? For the purists—either those who see abolition of racism or those who see religious liberty and the separation of church and state as the only issue involved—the decision of whether or not to support tax exemption for church operated schools which discriminate racially is relatively simple. For those who seek to balance the equities—those who recognize the tensions which exist between religious liberty and anti-racism in this instance and are forced to make determinations about conflicting values—the decision becomes exceedingly difficult.



Observe
Religious Liberty Day,
June 1982

News in Brief



Public Classrooms Cannot Be Worship Centers

WASHINGTON—Reaffirming a position first announced 20 years ago, the U.S. Supreme Court held that states and localities may not by law turn public classrooms into worship centers.

The high court unanimously affirmed an earlier decision by the Fifth U.S. Circuit Court of Appeals striking down a Louisiana law authorizing local school boards to provide for a period of prayer at the beginning of each school day.

Shortly after the state legislature passed the law in 1980, the school board in Jefferson Parish, encompassing parts of suburban New Orleans, announced it would begin permitting prayer led by students and teachers. It also issued guidelines to govern the one-minute daily observance.

Among guidelines were rules providing first for a student volunteer to ask to lead in prayer. Only if he asked to pray and presented a written permission slip from his parents, however, was a student to be allowed to lead the class in prayer.

If no student volunteered, the teacher was authorized under the rules to lead the class in prayer.

Students wishing not to participate were to be allowed to go to another school location. After the prayer, however, all students were required to report to their classrooms for a one-minute period of silent meditation before regular classroom instruction was to begin.

After the school board announced its rules, three parents took school officials to court, arguing that both the state law and the regulations in Jefferson Parish violated the First Amendment's ban on an establishment of religion.

Although the U.S. District Court for the Eastern District of Louisiana dismissed the complaint, the Fifth Circuit Court of Appeals reversed, agreeing with the parents.

In appealing to the Supreme Court, the state of Louisiana and the school board argued that the so-called "voluntary" features in the law and local rules met current First Amendment tests.

Further, attorneys for the state and school board declared in a written brief, "the 'prayer' may be sectarian or nonsectarian, religious or non-religious."

They argued further that "the time has come when there must be an 'accommodation'" to the rights of the religious majority by minorities.

In a decision announced last August the Circuit Court of Appeals rejected all those arguments, a rejection affirmed without comment by the nation's high court.

Baldrige Urges Business To Share Budget Burden

NEW YORK—U.S. Commerce Secretary Malcolm Baldrige acknowledged here that the private sector can't make up all the social services cut by the federal government.

Addressing the 150th anniversary dinner of the Episcopal Mission Society of the Diocese of New York, Baldrige urged business to accept its responsibility for providing jobs with the money it will save through federal tax cuts.

"It's not enough to say, 'Get government out of my life,' without taking on the additional responsibilities that go along with that," the Commerce secretary said.

While stressing that it is in the "self-interest" of both individuals and business to help society, Baldrige admitted that "the whole gap can't be made up" by non-government enterprises.

IRS to Examine Texas Church's Bank Records

WASHINGTON—A Sherman, Texas bank must produce its records of that city's First Pentecostal Church as ordered by a federal appeals court, following the U.S. Supreme Court's refusal to review the case.

The Grayson County State Bank has refused for more than three years to produce records demanded by the Internal Revenue Service in a tax audit of the church's pastor, Charles E. Glass, for the years 1973 through 1976.

Although the IRS obtained an order allowing it to examine the records in November 1978, the tax agency waited until May 1980 to ask a federal district court in Texas to enforce it. That court denied the government's request but the U.S. Fifth Circuit Court of Appeals reversed the lower court.

In appealing that decision to the Supreme Court, church lawyers labeled

the IRS effort "clearly an excessive and unnecessary interference" into the church's "internal financial matters." They also cited a portion of the Internal Revenue Code forbidding the IRS from auditing the "books of account" of any congregation, even if engaged in unrelated business enterprises.

But the government argued that it sought only bank records and not "books of account" kept by the church. It emphasized also that its investigation focused on the pastor, not the congregation. The order to produce the bank records was issued, the government continued, "for the proper and strictly secular" purpose of determining Mr. Glass's tax liability.

Rickover Sees Holocaust Without Disarmament

WASHINGTON—Adm. H.G. Rickover, the 82-year-old naval officer who helped launch America's nuclear submarines and warships, says the world will blow itself up unless the arms race is stopped.

"I'm not proud of the part I played in it," Rickover, who is being retired against his will from the Navy, told Congress in a farewell appearance. The admiral is known as the "father of the nuclear submarine."

"I would sink them all" if mutual disarmament could be negotiated, he said, describing the subs and ships as "a necessary evil."

Rickover told the Joint Economic Committee that disarmament is the most urgent need of this hour. "Put me in charge of it," he said. "I'll get you some results."

Without disarmament or divine intervention, "I think probably we'll destroy ourselves," he said.

Baptist Pastor Hits Salvadoran Training

WASHINGTON—A North Carolina Baptist pastor joined other Tar Heel citizens at a press conference to denounce the use of a military installation at Fort Bragg, N.C., to train Salvadoran troops.

W. W. Finlator, pastor of Pullen Memorial Baptist Church, Raleigh, N.C., expressed outrage that "the soil of North Carolina is the area where Salvadoran soldiers are being trained to commit further atrocities upon Salvadoran people."

Finlator criticized what he described as the "militaristic posture and saber-

rattling" of the two North Carolina senators, Jesse Helms and John P. East, warning that their views "bring us closer to the final holocaust and omnicide."

Finlator further questioned the consistency of U.S. support for the people of Poland in their resistance to an oppressive government while simultaneously sending "money and munitions to a country hundreds of miles away to keep in power a tyrannical and oligarchic government the brave people of El Salvador are resisting to the death."

The Baptist pastor—long outspoken in human rights and other public issues—warned that another Vietnam "is, and has been, in the making" in El Salvador.

Court Sets Aside Anti-ERA Ruling

WASHINGTON—The U.S. Supreme Court has temporarily set aside a Dec. 23 lower court ruling which dealt a sharp blow to proponents of the Equal Rights Amendment (ERA).

In an unusual and unexpected action, the high court stayed the two-pronged ruling by U.S. District Judge Marion Callister in Boise, Ida., that Congress had acted unconstitutionally when it extended the ratification deadline for ERA and that states do have the constitutional power to rescind ratification.

If upheld, Judge Callister's decision would have the effect of negating the 1978 action of Congress extending the ratification past the original March 22, 1979 deadline and of upholding the actions of five states in rescinding ratification.

However, the Supreme Court ruling is expected to come after the June 30 extended deadline for ratification of the amendment which is currently three states shy of the necessary 38.

Regardless of the outcome in court, the controversial amendment faces a doubtful future. No state has ratified it since 1977 and despite a recent upsurge in activity by ERA supporters, 1982 votes in the Georgia and Oklahoma legislatures show no change in that trend.

ERA backers contend that the Supreme Court's action in staying the Callister ruling will improve their chances during the remaining five months.

In its 1981 annual session in Los Angeles, the Southern Baptist Convention approved a resolution stating "it does not endorse the Equal Rights Amendment."

That resolution, however, called on all persons "to be sensitive to the con-

temporary pressures facing women" and urged employers "to seek fairness for women in compensation, advancement and opportunities for improvement." (BP)

Abortion Poll

NEW YORK—An Associated Press-NBC news poll in January shows 75 percent of Americans oppose a constitutional amendment that would allow the U.S. Congress to ban abortions.

Nineteen percent favored the amendment and 6 percent said they weren't sure. Respondents were asked the question: "Do you favor or oppose an amendment to the Constitution which would give Congress the authority to prohibit abortions?"

The 1,597 adults responding to the nationwide telephone survey were asked to comment on two statements advocated by abortion rights supporters. Some 77 percent agreed that "the decision to have an abortion should be left to the woman and her physician; and 57 percent agreed that "every woman who wants to have an abortion should be able to have one."

Tax Exemption Proposal Meets Opposition

WASHINGTON—The problems of tax-exempt status for private schools that discriminate continued to surface as the Senate Finance Committee opened hearings on President Reagan's proposal to bar such exemptions through legislation.

Committee members who expressed unanimous abhorance of racism recognized the First Amendment religious liberty problems inherent in legislation dealing with the politically sensitive issue. That, plus the view of some members that such legislation is unnecessary, casts doubts about the future of the Reagan bill.

"Despite my conviction that discriminatory schools should be denied tax-exempt status, we must be careful that our zeal to eradicate racial discrimination does not result in any infringement on religious freedom, an equally strong tenet of American democracy," declared Chairman Robert J. Dole, R-Kan.

Dole said the issue becomes more difficult the more it is examined, and warned that if Congress legislates in this area, it "needs all the guidance it can get concerning how to resolve the conflict between nondiscrimination objectives and First Amendment religious liberties."

The Kansas Republican expressed hope that the Supreme Court would

Jury Duty Exclusion Fought by Ministers

COLUMBIA, S.C.—A state Senate bill which would automatically exempt ministers from jury duty has been opposed by a committee of the South Carolina Southern Baptist Convention.

The Christian life and public affairs committee said it believes ministers need to serve on juries because their "expertise and training" enhance the judicial process.

"The committee believes it would be contradictory to encourage lay persons to be responsible citizens, while asking for ministers to be relieved of citizenship responsibilities," said E.C. Watson, a Baptist state official.

"... The committee didn't feel it should encourage the withdrawal of ministers from jury duty when it doesn't seriously conflict with pastoral duties."

The Senate bill became an issue for the Baptist committee after it was reported last summer that two pastors in Union, S.C., were required to serve on juries in magistrate court cases involving members of their own congregations.

yet rule on the Bob Jones University and Goldsboro Christian Schools cases "so that Congress can benefit from the Court's wisdom on these difficult constitutional issues."

Those separate cases on racial discrimination and its relationship to tax exemption were pending before the high court when the Reagan Administration reversed the 12-year Internal Revenue Service policy of denying exemptions to private schools that racially discriminate and asked that rulings against the schools in the Fourth Circuit Court of Appeals be declared moot. Later, the administration announced it would ask Congress to enact legislation barring exemptions to schools that discriminate on the basis of race.

Witnesses from the Treasury and Justice departments and the IRS appeared at the hearing to explain the administration's policy reversal and its support for the legislation. The administration contended that there is no statutory authority for the IRS policy and is thus asking Congress to provide it.

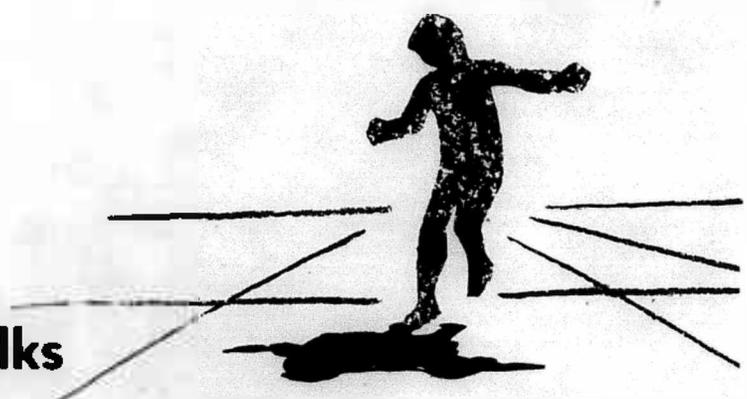
Chances for the administration's bill are further complicated by the view of many senators and representatives that present law authorizes and requires the IRS to deny tax exemptions to private schools that discriminate on the basis of race.

Helen M. Caldicott

Dr. Caldicott is president of Physicians for Social Responsibility and a spokesperson on behalf of nuclear control. The first part of this article appeared in the February issue of the REPORT

Part Two

Shadows on Sidewalks



What is the etiology or cause of the present situation, our terminally ill planet? It's psychiatric. We're doing it from here. We are also very intelligent, but we are motivated by our emotions. How did we let it happen? One of the reasons we have let it happen according to Robert Lifton is that we practice *psychic numbing*. We block it out. We push it back into our subconscious because we don't like to think about it. Because if in fact we take this on emotionally it's as if you have been told and show by your discomfort, that you have a terminal illness. You, the planet, us. As though you have a cancer, and you might die in a year. If you understand this fact emotionally, you enter the stages of grief which are first shock and disbelief. "Anyway, one of her [the physician's] facts is wrong, so I'll discount the lot." The next stage is profound depression. You would prefer to feel the pain of a fractured arm than the pain of the depression, followed by profound anger, followed perhaps, eventually, by adjustment. We human beings would do anything to avoid those feelings so we practice *psychic numbing* and avoid them.

During the early 60's the days of atmospheric testing and the Cuban missile crisis, we were not psychically numbed. But then we developed the partial test ban treaty and bombs were tested underground. Out of sight is out of mind, conveniently forgotten. The Viet Nam war was thinkable, Watergate was a little bit of fun, if not very serious, and we forgot that the weapons were being made and that *this country makes or recycles three to 10 new hydrogen bombs per day* (Emphasis added.)

Another thing we do is practice displacement activity. Rats in a cage exposed to a life threatening situation, do something totally irrelevant to the situation they are in. We do it every day.

We also practice adaptation. When animals in the jungle are threatened with a stimulus they perceive to be life threatening, they immediately become alert. But if the stimulus persists and nothing bad happens, they adapt and move on to receive new stimuli which may be threatening. Adaptation is what we've done with the threat of nuclear war, like the primates.

Another resort is to project the fear of the nuclear age. The fear is profound. We've all had nuclear nightmares. Children in the '50s or '60s practiced hiding under their desks in schools in case a bomb exploded. Or put bits of paper on their heads for protection from the flash. The fear is so profound that we normally tend to project it onto other people, and, at the moment, on to the Russians. We worked this out at a recent meeting of physicians from 11 countries. This fear is so profound in the nuclear age that in our fear, the Russians or whoever, become inanimate objects and if they are inanimate objects we can talk about killing tens or hundreds of millions of them. And it doesn't feel bad at all. But in so doing we have lost our own humanity.

The other thing we tend to use is the "but what about the Russians" syndrome. When I discuss the medical effects of nuclear war on television and lay out this whole issue, the first question that comes back to me is "but what about the Russians?" It's as if the people have streamlined all the information; it goes over their heads, and the fear is still projected on to the Russians. I reply, "I'm not worried about the Russians, I'm worried about you and your children being incinerated." It's rather like telling a patient they have a bad disease and if they don't comply medically with what you prescribe, you become psychologically a little more brutal when they return for their next appointment.

What about the adolescents? A recent study of a thousand adolescents

by Harvard psychiatrists in Boston shows that one of the main reasons they think children are taking drugs and drinking alcohol is that most of these children expressed a profound fear of the future and a feeling that they probably won't grow up and they will probably never survive to have children. Children can face death more openly and readily than adults. They are less conditioned.

What about the scientists, the leaders of the countries of the world and the industries who make the weapons? They see nuclear weapons as they saw bows and arrows or boiling oil or conventional weapons. The more one has, the safer one is, because one can destroy the enemy and rebuild from the rubble. Very few world leaders have seen a hydrogen bomb explode, seen battleships become like splinters in the water, or felt the heat or the blast. In their imaginations can they possibly foresee what that is like? So they think of more hydrogen bombs as providing more security, when in fact this thinking is leading to total insecurity. Einstein put it best. He said, "The splitting of the atom changed everything save man's mode of thinking, thus we drift toward unparalleled catastrophe." These leaders also practice *psychic numbing*. During the SALT hearings they talked about how many bombs the Russians had, and how many more we needed to counter them. They sounded a little like nine-year-old boys with arrested emotional development.

I telephoned the Senate foreign relations committee and asked why had no one testified about the medical consequences of thermo-nuclear war. Their reply was, "the Senators don't like to hear that sort of thing; it makes them feel uncomfortable." Many politicians are practicing power games or projecting their dark sides onto other people. It takes much more courage for men and women to face their own anger, fear, and hostility and understand

"people . . . when they disappeared in Hiroshima left their shadows behind them on concrete sidewalks."

where it comes from and grow emotionally (and it is humiliating to do that) than it does to project one's fear and anger onto other people and blame them. There is another mechanism that is operating. We all have a profound fear of our own death which we avoid thinking about; some people cope with that using a counter phobic-mechanism by dealing in death or playing with it. Perhaps that is what the scientists at MIT and other places are doing as they make these weapons for mass genocide without contemplating the end result of what they are actually doing.

What would be the pathogenesis of the terminal event, or of nuclear war? Looking back through history one sees that wars are often started for totally illogical, inane reasons. Often wars are started by sane men. Adolf Eichmann when psychoanalyzed after the war was found to be psychiatrically, totally sane. Or a third world leader could initiate a nuclear war. Colonel Kadafy is financing a Pakistani bomb program and soon will have his own nuclear weapons.

Nuclear war could be initiated by pathology within leaders of the world. In medicine we often see pathology—sane people suddenly developing acute psychosis under severe stress. The president of either country or the chairman of the Soviet Union could develop a cerebral tumor and before diagnosis by a CT scan could do something which is totally insane.

A nuclear war could be started by accident. Over the last 18 months computers within the Pentagon and elsewhere have made 151 errors that predicted nuclear weapons were coming from the Soviet Union. One such error was started by a man who plugged a war games tape into the fail-safe computer at the Pentagon in November 1979. The computer detected weapons coming from Russia. The whole world went on nuclear alert for six minutes. Planes took off toward the Soviet Union laden with nuclear weapons. At the seventh minute the President was to be officially notified but he could not be found. Had the error not been determined at that time, in 14 minutes we would have had nuclear annihilation.

A new system is being developed in this country, called launch on warning. By computer control and satellite detection, weapons will be launched

within three or four minutes with no human input. This system is several years away and the political decision to deploy it has not yet been made. Usually, the arms race requires that as the scientists develop their systems the political rationale be found to deploy the system.

What is the therapy for this planet, and for us? Physicians and others concerned must shatter people's psychic numbing. It is inappropriate for any person on this planet to remain psychologically comfortable in this day and age. As the psychic numbing is shattered people will enter the phases of the grieving reaction, and then become active in doing something about the problem. The anger can be very profound. It is therapeutic to do something; it feels better. We must also deal with our own dark side and stop projecting it like children onto other people and stop blaming other people for things we ourselves can fix and are responsible for.

Our commitment to save this planet must be total. A marriage or a relationship will never work unless each partner is totally committed. If there is so much as one toe out the door, saying if you don't do this I will leave, the marriage will eventually disintegrate because neither partner will go through the pain and humiliation of personal growth to reach the stage where the relationship matures. Similarly, both superpowers must be totally committed to saving this planet. For nothing else really matters. War is no longer appropriate. Not even conventional war because of nuclear reactors and high nuclear radioactive waste dumps everywhere that would produce to a degree, genetic suicide. These weapons are biologically inapplicable and cannot be used. The only weapon we have at our disposal in this day and age is the larynx.

Kubler-Ross studied people who are terminally ill. It seems many people who are terminally ill find it very hard to die. The people who find it hardest to die and are clinging on to life are those who have never really loved and given, and who have been selfish and greedy. Often the people who die with grace and dignity and at peace are those people who have given to other people and loved. In other words, the way to true happiness is through help-

ing other people on this planet, not to make oneself happy. Therefore, the challenge today is to help each other and to help the planet survive. Viewed from that perspective, it doesn't really matter if one gets a good job, it doesn't really matter if one has children who clean their teeth and eat good, nutritious food, if there is no survival. In fact, if we continue practicing psychic numbing they will not grow up. As we practice psychic numbing, we are passively suicidal. If a suicidal patient comes into my office, I hospitalize him immediately because this is an acute clinical emergency.

This is the ultimate in preventive medicine because nuclear war will create the final medical epidemic for which there will be no cure. As physicians we are extremely concerned. The American Medical Association has passed a resolution against nuclear war, and is now negotiating with Soviet physicians. And it was Dr. Chazov, Brezhnev's personal cardiologist, who said recently, "You know, the politicians are our patients." And if you think about it governments were instituted partly because of our medical knowledge. Our knowledge has produced hygienic sewage systems, clean water supply, and immunization programs. The vectors of disease today, however are not flies and rats and mosquitoes and poor sanitation. They're us—the scientists who make the weapons, the industry which builds them, and the politicians who use them for power. We must confront these vectors of disease, which are ourselves.

Society faces the greatest challenge the human race has ever had. Unless it matures and stops behaving like children, it will not survive. A bumper sticker the other day said "God Bless America," but every person on earth is the son or daughter of God, including the Russian people. We are together on a small fragile planet. We will either live together or die together. Life becomes precious. After reading this article look at a rose, smell it. Or look at a baby to understand what I mean. Because in fact, we are the curators of all life on this planet. We hold it in our hands. It's a beautiful planet, and maybe the only one bearing life in the whole universe, I for one refuse to believe we are silly enough to destroy it.

INTERNATIONAL DATELINE



Polish Baptists Grow Under Limited Freedom

Churches in Eastern European nations should not be grouped together, says the Rev. Alexander Kircun, pastor of the Wroclaw Baptist Church in Poland, who is on study leave at Eastern Baptist Theological Seminary in Philadelphia.

He pointed out that each Soviet bloc country forms an individual policy regarding church activities, and that the Polish situation is less limiting than that in some other countries.

In Poland, he cited the dominant position held by the Roman Catholic church but said that traditional relationships between Catholic and Protestant churches which had been tense are now moving toward meaningful rapport.

The government, while not limiting the number of churches requires permits for new church construction. These are not always easily obtained. Polish churches and pastors have autonomy in ecclesiastic matters but they are not free to include political or moral issues in their sermons. The distinction between church and state, religion and politics rules out the use of the pulpit as a political platform.

Unlike some Soviet bloc countries, Polish churches have access to Bibles. The British and Foreign Bible Society agency in Warsaw assures both Protestants and Catholics of a ready supply.

EBF Youth Committee Asks Education for Peace

NEU ST. JOHANN, SWITZERLAND—A call for Baptists to become more aware of peace issues and an invitation to parents to educate their children for peace beginning in the earliest stages of life development marked the annual conference of the European Baptist Federation Youth Committee.

In a statement approved unanimously at the conference's final session, participants urged involvement in the education and preparation of our children as peacemakers, "the upholding of the principle of freedom of conscience with 'rejection of those forces which violate and deny' such freedom, the mobilization of Christian opinion and action, and work and prayer 'for all initiatives which seek for peace in the world,' particularly the current arms limitation talks.

Twenty-seven participants from 15

Before World War II, Polish Baptists numbered 17,000-20,000 members. With national boundary changes, the flight to avoid Nazi terror, and deaths through war, the number has declined to 2,500. Widespread growth is evident but in new members and new Church building.

The Baptist Convention of Poland sponsors a seminary in Warsaw and publishes a monthly magazine called the *Word of Truth*. It has also been active in broadcasting religious programs. A house for elderly persons was recently opened, all testifying to the vitality of Baptist witness.

Kircun, who will return to Poland early this spring, in an interview for the American Baptist News Service, dispelled notions that the church in Poland and Christians enjoy total freedom. He grew up in a Warsaw parsonage and miraculously escaped the Nazi massacre during the 1944 Warsaw uprising because his family left for a weekend excursion and were unable to return.

He recalled his sister's attempts to enter medical school and his own planned career in geology. His sister had to settle for a technical school education and he was told he failed school examinations. The reason—"my father's occupation was always underlined on my paper." (ABNS)

European Baptist Unions attended. A report from the children's work section included a plea to parents throughout Europe. It asked that during the first year of a child's life one parent stay with the child, for more care in the selection of television films children watch, and that parents "reflect whether to buy war toys" for children.

The section report also included a reminder that parents themselves "should act in such a way that children can learn to solve conflicts without violence." (EBPS)

Use of Nuclear Arms Outside God's Will

OSLO—"Limited war can be seen as an act of self-defense in order to avert something even worse. But the use of nuclear arms makes this thought absurd, as these weapons wipe out all life over vast areas."

That statement was adopted by two-fifths of the pastors of the [Lutheran]

Church of Norway and half of its bishops who believe "the use of nuclear arms [to be] inconsistent with God's will as creator."

The pastors' statement urges individual Christians and congregations to renew efforts for disarmament and peace through prayer and other action. (EPS)

Poland, El Salvador Offer 'Striking Similarities'

NEW YORK—"Striking similarities" exist between the situation in El Salvador and Poland, and the church has a similar mission in both countries, says United Methodist Bishop James Armstrong, president of the National Council of Churches.

The mission of the church in both places is "to rise above political and economic systems and represent the well-being of the people in the name of Christ," said Bishop Armstrong, one of 14 religious leaders who met with Secretary of State Alexander M. Haig to discuss the Polish crisis and the role of the church there.

He drew parallels between the Polish and El Salvador situations in an article for the Hoosier United Methodist, a publication of his Indiana Area United Methodist Church.

"There is the brutality of the totalitarian rule," he wrote. "There is general privation and a longing for basic freedoms. There is stark violence. Adjacent super-powers aid and abet oppressive regimes in both lands while the 'enemy' supports the dissenters. And there is the courageous witness of an involved, mediating church."

The bishop asserted that "the murderous brutality has been far more general and indiscriminate, but people in both countries symbolize the cruel harshness and the sacred heroism of the times."

Exchange Ambassadors

VATICAN CITY—The Vatican and Great Britain have established diplomatic relations at the ambassadorial level, just four months before Pope John Paul II's planned visit to Britain.

In recent years, Britain has had a minister to the Holy See at the head of a legation to the Vatican. The Vatican has had an apostolic delegate in Britain. A delegate serves as the pope's liaison with the Catholic hierarchy in a nation, but does not have the formal governmental recognition that a nuncio does.



UN Declaration Bans Religious Intolerance

UNITED NATIONS—The United Nations General Assembly has adopted a declaration on the elimination of religious intolerance which has been under negotiation for some 20 years.

Taking into account the diverse ideologies and religions in the world today, the document affirms "freedom of thought, conscience and religion" as a basic human right which should be enjoyed by all individuals, subject to national laws.

The Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief was approved by the U.N. General Assembly Nov. 25. The assembly also agreed to include an item on the elimination of religious intolerance in the agenda of its next (37th) session.

The document was endorsed earlier by the U.N.'s Human Rights Commission, Economic and Social Council, and most recently by the Third Committee which handles matters of social, humanitarian and cultural concerns.

Religious freedom is already implied in the Universal Declaration of Human Rights and the International Covenants on Human Rights. But the need for a separate document to deal specifically with religion and belief has been sought by a number of countries since the 1960s.

The declaration was originally conceived to counter religious persecution. However, in an attempt to make it more universally acceptable and applicable, drafters of the latest document have focused on the fundamental issue of freedom of conscience, which includes all forms of belief.

In a Human Rights Day celebration by non-governmental organizations (NGO's), Baptist World Alliance alternate representative Eleanor Schnurr took part, ringing the Peace Bell at the conclusion of a service held at the UN in New York. (RNS)

Romania Expels Baptist Clergyman

MUNICH—A retired American Baptist Churches, USA clergyman is the first American to be expelled from Romania in recent years.

Dr. Curtis Nims, Camarillo, CA, was taken into custody, questioned, and given 48 hours to leave the country for having been in association with "the

wrong people in Romania."

Specific names of pastors and religious rights activists who supply western human rights organizations and media with information were mentioned.

"These people I know in Romania are not bad people," says Nims. "They just want to be able to worship God without the fear of being harassed and arrested."

An International Christian Aid executive board member, Nims said Romania was being considered as a possible recipient of more than \$150,000 in direct aid and financial assistance.

AID Denies Plans to Fund Abortions Overseas

WASHINGTON—An administration official has denied the government has any plans to finance abortions overseas, despite the recommendation of a recent State Department study.

M. Peter Mc Pherson, administrator for the Agency for International Development, which is the major source of economic development funds for poorer nations, said AID "and other agencies of the U.S. government involved with foreign aid do not have and will not provide funds for the performance of abortions, for research on abortion methods and procedures, or for training to perform abortions."

Because abortion is legal in the United States, it is "hypocritical" to forbid U.S. foreign aid money to be used to perform abortions in Third World nations, says the State Department study on the impact of government policies on poverty and overpopulation in poor nations of the world.

Baptists Ask Pope's Help

WASHINGTON—The Rev. Jesse Jackson met here with Archbishop Pio Laghi, the apostolic delegate, as part of a drive to encourage Pope John Paul II to intervene in the cases of Haitian refugees detained in Miami.

Walter Fauntroy, delegate in Congress from the District of Columbia, joined Mr. Jackson in his visit.

Of the 600 Haitians being held there, 98 percent are Catholic, Mr. Jackson said. For that reason, he said he hoped the pope would give their situation the same kind of attention drawn by the Polish crisis and offer his "moral leadership to help alleviate their pain."

Rabbi Says Golan Action Endangers Jewish People

JERUSALEM—A prominent Israeli rabbi has charged that the annexation of the Golan Heights has endangered the survival of the Jewish people by provoking the gentile nations.

"It may perhaps have benefited the State of Israel, but it jeopardized the survival of the people of Israel," said Rabbi Eliezer Schach, 83, leading sage of the ultra-orthodox Agudat Israel religious party.

The venerable religious leader contended that the Golan annexation endangered American Jewry because it could lead to a confrontation between Israel and the U.S. government. He said Prime Minister Menachem Begin had been "shortsighted" in failing to take into account the possible repercussions of his action "twenty years hence."

Will Punish Anti-Semitism

PARIS—The Polish government will punish anti-Semitic acts, that country's ambassador to France assured a delegation of the World Jewish Congress here.

Ambassador Eugeniusz Kulaga had promised that "those responsible for any anti-Semitic acts will be punished." He also conveyed the "assurance of the Polish government" that "discriminatory acts against the Jewish community would not be tolerated."

In Philadelphia, American Jewish leader Rabbi Marc Tanenbaum joined Polish-American Cardinal John J. Krol in accusing Poland's military government of inciting anti-Semitism there.

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FIRST AMENDMENT, from page 3

will indeed see the ever-increasing perception of the eternal moral law, that human rationality grows in acuteness, that old inhibitions will be shed and the race will go on to a perfected social order.

But elsewhere among the founding fathers there prevailed as often as not a curious ambivalence toward this logical consequence of the deist position. In the constitutional convention were men quite aware of sinful human selfishness, an awareness which resulted in sober attempts to balance off different centers of power in the new political system. It was no less a person than James Madison who said, "The truth is that all men having power ought to be distrusted."

Let us frankly say that Jefferson's theoretical substructure for his own conception of the separation of church and state was a foundation of sand, and eventually the rains came.

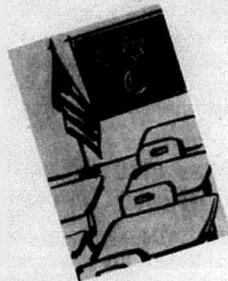
As matters turned out in American history, adherence to the "common moral core" of the Christian tradition did not always make the churches operate harmoniously with the state. On the contrary, they frequently have been ferocious critics of the social order, like the prophets of ancient Israel denouncing the state in the name of the Lord: not what Jefferson had in mind.

Nor, Jefferson to the contrary notwithstanding, is religion simply rationally-perceived morality, without sectarian distinctions. It is always more and richer. The state, unable to find such non-sectarianism outside itself in actual churches, has ended by creating the faith it cannot find, the so-called "civil religion." It practices its own kind of religiousness, while fending off the actual institutional embodiment of religion as it is found in living churches.

Nor, finally, has Jeffersonian optimism about the basic rationality of the natural man been verified in our history. Individual moralism has never been enough to guarantee social health, and most churches have not acted as if personal conversions would solve social and economic problems. Instead they have practiced active, corporate lobbying in public affairs, not trusting effective moral witness to be borne by individuals, however pious.

I do not mean to suggest that the First Amendment has been a failure in matters religious, even though the Enlightenment theology which underlay its enactment was full of misperceptions. But the failure to understand what religion really is and how real

RELIGION IN THE PUBLIC SCHOOL CLASSROOM



Advocates of reinstating state-mandated prayer in the public school classroom are attempting to accomplish their goal by constitutional amendment and/or by limiting the jurisdiction of the federal courts. If successful, they would succeed in circumventing the two major decisions of the Supreme Court.

The nation's high court, while declaring mandatory prayer in primary and secondary schools unconstitutional, permits voluntary, individual prayer by students.

Following substantial revision and updating, the pamphlet "Religion in the Public School Classroom" is now available.

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churches actually live did foster illusory hopes of natural harmony between church and state. When we dispense with these illusions, we understand why the relation between the two has in fact been marked by tension throughout American history, and why we should expect the First Amendment to have only the rather modest success of establishing just a tolerable *modus vivendi* between these two great powers that guide our lives.

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... our worth and our oneness
are given, derived, the doing
of the very Creator and Sustainer
of the universe.

REFLECTIONS

James M. Dunn
Executive Director



“Women are more like men than anything else in the world,” says Dorothy L. Sayers. “They are human beings.”¹

It doesn't take much imagination to see that a black man is more like a white man than anything else in the world. A communist person is more like a capitalist person than anything else in the world. Someone rich is more like someone poor than anything else in the world.

The bond of humanity transcends all other categories animal, vegetable, and mineral. A little distance, as if we sat out on a space platform with an astronaut; a little perspective, if we could get somewhere in time and space to allow a better look at all our strivings—that's what we need.

Each of us is so tiny compared to the universe, even the world.

Each of us is so much more important than things, all the stuff about us.

Each of us is so potentially dynamic, creative, capable of changing the face of the earth.

Each of us is so dangerous, such time-bombs capable of evil.

Each of us is so worthless physically (reduced to chemical value) and so valuable spiritually, to others.

Each of us is so similar. We hope. We cry. We dream. We hurt. We laugh. We bleed.

It is our faith that gives us the perspective we need. Sayers believed that male and female were simply adjectives qualifying the noun human being and the substantive governs the modifier. This view is consistent with the biblical teachings regarding the oneness of the human family.

We are equal in our creaturehood. “He maketh his sun to rise on the evil and on the good, and sendeth rain on the just and on the unjust.” (Matthew 5:45)

We are one, being made like God. (Genesis 1:26-27)

We are one in our living, and dying and depending upon God. (Romans 14:7-13)

The overriding fact about us is our oneness. It is logically, historically, biblically from this oneness that human rights are drawn. The biblical teachings for Jews (Deut. 6:4ff) and for Christians (Mark 12:29ff) rest upon the phrase, “The Lord our God is one Lord.”

Being made in His likeness we should reflect His oneness. We are, in fact, one human family. G.K. Chesterton reminded us that “we are all in a small boat on a stormy sea and we owe each other a terrible loyalty.”

Any honest humanism, true to its roots, will humbly admit affinity with John Donne: “any man's death diminishes me, because I am involved in mankind, and therefore never send to know for whom the bell tolls; it tolls for thee.”² Donne, Canon of St. Paul's Cathedral in London, drew his worldview from Scriptures.

Human rights then are not determined by social consensus, defined by the political process or hammered out in a secular exercise. Human rights are more than a fad, a political agenda, a current media attraction or an object of national policy.

Human rights are derived from the oneness of the hu-

man family. The common bond of humanity is given by God. Human rights are not bestowed by the State, merely recognized. The Declaration of Independence merely affirmed and acknowledged the immutable reality: As the Russian expatriot Nicholas Berdyaev says, “without God there is no man.” But there is a profound entitlement program established by God and universal in scope.

The late F.J. Sheed said, “The concept that man is made in the image of God is an idea of such transcendent importance that any difference between this person and that fades into nothingness by comparison.” It is this inestimable value placed upon individuals that has fueled Western life and thought. It is the confidence that our worth and our oneness are given, derived, the doing of the very Creator and Sustainer of the universe.

To question another's personhood, to treat persons as means rather than ends in themselves, to violate the sacredness of any God reflecting, God replicating human being is sin. That sin is not simply a violation of human rights, it is a sin against God.

The only universal thing about human rights today is their universal violation.

With genuine creativity we seem to have found an endless string of ways to deny human rights. By entertaining the possibility of “limited” nuclear war and allowing our government to continue stockpiling overkill capacities we take a stand against the most basic of human rights: the right of humanity to exist.

By failing to deal with conservation, environmental, population concerns we trade away the God given resources of future generations. God intended for us to be caretakers of the earth not undertakers. We make the earth humanly uninhabitable.

By ordering our lives as constant consumers we forget those who struggle for the basic human right. In much of the world the battle is to maintain bare life. Our talk of human rights must take into account the 40,000 children who starve to death every day.

By tolerating economic policies in this country that victimize whole segments of the population, as blacks are now being punished, we deny, in fact, our lip service to human rights. This is true no matter how pure the motives, sincere the beliefs of those who set forward long term economic re-ordering. When, in the short term, black families are being destroyed, more black young people cannot find work than those who can, and hope seems almost gone, it's time to re-evaluate economic policies.

Wes Seeliger illustrates the rootedness of human rights in the oneness of the human family.

“I have spent long hours in the intensive care waiting room... watching with anguished people... listening to urgent questions: Will my husband make it? Will my child walk again? How do you live without your companion of 30 years?”

Continued on page 16

¹ Dorothy L. Sayers, *Are Women Human?* (Grand Rapids: Wm. B. Eerdmans Publishing Company, 1971) p. 37

² John Donne, *Devotions XVII*

REVIEWS



MORAL ISSUES IN JEREMIAH, a study guide

By Ira H. Peak, Jr. 51 pp. Missouri Baptist Convention.

Peak believes Jeremiah's message "is designed less to 'comfort the afflicted' than it is to 'afflict the comfortable,'" with its striking relevance to the issues of moral and ethical life. This study guide must be used in conjunction with the book of Jeremiah itself.

Two of the six chapters call for special mention: in a *cry for justice* Peak alludes to the hesitation that attends a sermon which has anything to do with money but points out that wealth and poverty form the second most important theme in the entire Bible. Ignoring the poor and oppressed, he says, is a spiritual issue; a nation that fails to minister to the poor does so at its own peril.

National security cannot be discussed apart from the Biblical call to peacemaking. He writes, "peace and security are not for sale"—a warning that they are not to be had regardless of a defense budget—Indeed, that is not the proper in which to look for peace. A peace that is worth the having reveals a spiritual foundation—where a society places its trust. Jeremiah is for a right relationship to God. The church needs at this juncture in history to reexamine its relationship to the Prince of Peace.

THE PRAYER TRADITION OF BLACK PEOPLE

By Harold A. Carter, 139 pp. Valley Forge: Judson Press, \$3.95 (paper)

To tell the story of a people who "share an intimate prayer romance with God," Carter exposes the roots of the Black prayer tradition in West African religions, tracing it through slavery and showing how it undergirded the nonviolent movement. He does a good job of examining the theology and conveying the dynamic qualities of a prayer life that has been "a way of emptying one's life of frustrations, anger, bitterness, and sorrow".

Among the many moving prayers preserved in this record is one of an elderly slave woman: "...An Massa Jesus, you say you gwine stand to de

door and knock. But you ain't gwine stand at we door, Massa, and knock. We set de door plum open for you and watch up de road for see you."

He tells of one late night when Martin Luther King, Jr. received a threatening phone call and in his exhaustion was ready to give up. But as he "waited on the Lord" he was filled with a new experience of the presence of God and a quiet inner assurance that enabled him to go on. "The whole philosophy of non violence, based on the love ethic of Jesus Christ, became real to King in a moment of prayer! He credited much of his strength during those early days to the ever-fresh stream of prayer."

The final chapter suggests ways to keep prayer alive and creative in the church urging that prayer go beyond seeking a blessing to making a commitment for positive community service such as contacting legislators and putting unjust government and business structures on the prayer list. (GF)

ENCYCLOPEDIA OF SOUTHERN BAPTISTS

Vol. IV, edited by Lynn E. May, Jr., Nashville: Broadman Press, \$17.95

The 1970's witnessed rapid changes in Southern Baptist life. This volume of the encyclopedia gives details on these and hundreds of other key developments through more than 1250 articles written by some 850 authors.

Articles focus on denominational occurrences and in the following, among many study areas: the Bible, church administration and religious education, ethics and social concern, other Baptist bodies, public affairs and religious liberty, study and research, and stewardship and theology.

This volume provides a valuable resource for programs on Baptist beliefs and other subjects of concern. Volumes I-III may also be ordered from the publisher.

REFLECTIONS from page 15

The intensive care waiting room is different from any other place in the world. And the people who wait are different. They can't do enough for each other. No one is rude. The distinctions of race and class melt away. A person is a father first, black man second. The garbage man loves his wife as much as the university professor loves his, and everyone understands this. Each person pulls for everyone else.

In the intensive care waiting room the world changes. Vanity and pretense vanish. The universe is focused in the doctor's next report. If only it will show improvement. Everyone knows that loving someone else is what life is all about.

Why does it take the intensive care waiting room to drive home the brotherhood of man?"¹

¹Wes Seeliger, *One Inch From the Fence* (Atlanta: Forum House, 1973)

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