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REPORT from the CAPITAL



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REPORT from the CAPITAL

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

Vol. 39, No. 6

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Executive Director: James M. Dunn
Editor: Victor Tupitza

Contributing Editors: John W. Baker, Stan L. Hasteley, Larry G. Chesser, Glenn Saul, Kenneth L. Smith, Robert Dilday, Gary McNeil, Jeanette Holt

Circulation Assistant: Gayl Fowler

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BAPTIST JOINT COMMITTEE
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Ubiquitous Quest

As the nation moves full speed along the 1984 presidential campaign freeway, religious groups have still to capture a media visibility akin to the one that characterized the 1980 race. The entry, then, of religious fundamentalism into election politics with unparalleled force startled "mainline" denominations which were not totally prepared for its display of organizational "know-how." Equally impressed with the Religious Right's commanding influence were the two contending parties and perhaps most Americans. The recriminations that dogged the Religious Right's footsteps are well-known.

Carl Esbeck timed it right in preparing a paper which raises some questions about the connections between church and state and whether a neutral, secular state is either an imperative or an impossibility. While the Constitution silences no person, the dilemma seems to be that the religious community incurs suspicion, even hostility and criticism, when it exercises its guaranteed freedom of speech in the political arena. The questions raised in effect ask religion to justify its behavior, even though it's no mystery that most Americans believe that moral values have a place in the creation of public policy—their own values, at least.



Esbeck

Add to the discussion, as Esbeck does, the fact that more than ever before religious communities are acting on the premise that God is sovereign over all of life and creation. The deliberations thus become even more complex and rule out easy answers. How do church and state enter into areas of mutual interest: each viewing its own responsibilities as paramount and each retaining its institutional integrity while faced with maintaining respect for the other's "jurisdictions." A further question might well ask how and by whom those "jurisdictions" are defined.

Nelson Duke in his "confession" fleshes out some of the legal and theological-historical arguments raised by Esbeck. He does it after noting that the credit/blame for introducing the Religious Right into the ways of influencing political decision-making rests with leadership, both denominational and pastoral. Even to the backing of single issue interests—denominations often led the way in combating blue laws, gambling, and sales of alcohol.

If the Religious Right violated the Bill of Rights, Duke says they were not the first religious group to overstep the Constitutional boundaries. The "religious imperialism" practiced by the Right was based on a foundation laid by the denominational types. And the latter oftines were piqued by the success of these newcomers on the political block.

That imperialism, writes Duke, has been erected on four pillars; it communicates lack of commitment to the fundamental biblical principles of justice, peace and freedom. He challenges church leadership to give the Right a new example by abandoning the security of imperialistic practices. □

Victor Tupitza



news/views/trends

The U. S. House of Representatives rejected "equal access" legislation designed to grant student-initiated, non-school-sponsored religious groups the same opportunity to meet in secondary schools during non-instructional periods as is now the case with other voluntary, student-initiated meetings.

The bill (H.R. 5345, sponsored by Reps. Don Bonker, D-Wash. and Carl D. Perkins, D-Ky.) drew a strong majority 270-151 vote, but fell 11 votes short of the two-thirds necessary for passage under a "suspension of the rules" procedure. This procedure, regularly used for quick passage of noncontroversial items, allows for only 40 minutes of debate and generally permits no amendments.

Other legislative channels remain open in the House and especially in the Senate where a similar measure (S. 1059) sponsored by Sens. Mark O. Hatfield, R-Ore., and Jeremiah Denton, R-Ala., is pending on the calendar. The House defeat, however, lengthened the odds against passage this year. Perkins explained that this bill had "very little opposition" at first but by the time the measure reached the floor, broad opposition had been mounted. One critic, Rep. Gary L. Ackerman, D-N.Y. called the bill a "blatant establishment of religion, naked and undisguised." The Baptist Joint Committee supported efforts in behalf of the bill. ●

The Baptist Joint Committee's contention that the establishment of diplomatic relations with Rome was in fact recognition of an ecclesiastical body (The Holy See) and not that of a state (Vatican) was substantiated by the church's official representative to the U.S.

The Committee will join Americans United and other parties in a suit challenging the constitutionality of diplomatic ties with the Holy See. Announcing the Washington-based agency's intention, General Counsel to the Committee John W. Baker explained "...we have no option but to join in a suit which seeks to halt President Reagan's appointment of an ambassador to the Roman Catholic Church."

In a speech at Catholic University of America in Washington, D.C., Apostolic Pro-Nuncio Pio Laghi contradicted arguments repeatedly made by the State Department and backers in Congress in answering charges that the reversal of long-standing U.S. policy violated the First Amendment's ban on establishment of religion. He said "Some mistakenly tried to justify the American government's action by implying that it was entering into a diplomatic relationship not with the Roman Catholic Church as such, the Holy See, but rather with the sovereign Vatican City-State."

Laghi asserted that papal diplomacy "rests essentially upon the spiritual sovereignty of the Holy See and not upon dominion over a few acres in the heart of Rome." He declared that "Those who interpret Papal diplomacy as emanating from the Pope's temporal sovereignty are failing to understand the true nature of the mission of the Holy See."

BJCPA executive director James M. Dunn noted that "The political push for an ambassador...was riddled with contradictions and misrepresentations." He saw Laghi's comments as "further evidence of the unequal yoking of church and state which we strongly oppose." ●

The U.S. Supreme Court ruled May 21 that a Washington state court had authority to forbid newspapers from publishing information about members of a small religious group during the pretrial phase of a slander suit brought by the group's leader against the newspaper. All nine justices agreed that the Seattle Times and the Walla Walla Union-Bulletin were properly restrained by the trial court from disclosing the names, addresses and contributions of members of the Aquarian Foundation. The group headed by Keith Rhinehart believes in the ability to communicate with the dead through seances. ●

Carl H. Esbeck



A Neutral, Secular State:

Imperative or Impossibility

We have long been vexed by the relationship between church and state. Tension between the two is indigenous in the very nature of these institutions: the state making powerful claims on its citizens and the church asking uncompromised loyalty of the selfsame individuals who are religious adherents. This dual citizenship suggests that there is an area of overlapping jurisdiction. The church has a sphere of influence in which it is autonomous and operates unhindered by the state. The state, too, has a sphere of responsibility in which it attends to its temporal or secular duties in a manner impartial toward the many competing religions. To complete the illustration, the two spheres interlock signifying an area of shared jurisdiction over certain matters within society, although they differ concerning their role in shaping and enforcing cultural choices in the area of overlap.

Apportionment between these three areas—the autonomous church, the secular state, and the area of concurrent jurisdiction—is one of the enduring issues of public debate. Of recent note is the claim, originating from a theological base, that the state can be neither neutral nor neglectful about values of first order, such as the nature of humankind and the purpose of life. The argument begins with the premise that God is sovereign over all of life. To those who acknowledge that sovereignty, it is asserted that there can be no separation between man's religion and the other areas of life, including the political and legal. This total unity, it is said, exists not only within each

individual but also at corporate levels, including government institutions. The deduction follows that state neutrality is not only impossible and thus a myth, but worse, it is a cover-up to use the state to advance philosophies that are antithetical to Christianity. In short, the argument concludes, either the state favors Christianity or it favors an opposing philosophy. There is no neutral ground.

The myth-of-neutrality assertion deserves attention, for if its proponents are correct there can be no separation of church and state as presently exists in America. Rather, in this view the state can only cling to the existing orthodoxy or reject it and embrace a new one. The current cultural pluralism is cited as evidence of the American state in the very throes of such a transition.

The thesis of this paper is that the myth-of-neutrality argument is partially right and partially wrong. For reasons of religious liberty the state can and should avoid any involvement with matters of religious worship, propagation and teaching which together comprise the very heart of one's belief concerning the nature and destiny of humankind. Conversely, the paper argues that the state cannot retreat from the regulation of certain conduct which is arguably immoral and still claim its neutrality concerning the rightness of the conduct. The very decision by the state to withdraw its regulation leaving the morality of the conduct up to each individual is a value-laden choice. In sum, the state cannot be neutral on moral issues, but it can and should be neutral on questions central to religious faith.

Religious liberty and the First Amendment

Having stated the particular issue, the myth-of-neutrality argument is best discussed in a larger context: to define the proper juridical relationship

between church and state, and to postulate what the law "ought to be," or perhaps what was intended at certain formative moments in American history. It is useful to approach this task by beginning with what the law "is," and then to discern points, if any, where the reality of what "is" and what "ought to be" are at variance.

The current case law of the federal courts concerning religion and the First Amendment can usefully be classified into three areas:

1. Freedom of religious expression and association, presently addressed in the courts under the speech, press, assembly and petition clauses.
2. Government's respect for religiously-based conscience (herein the right to conscientious objection), presently addressed in the courts under the free exercise clause.
3. The appropriate relationship between church and state (popularly known as the separation of church and state), addressed in the courts under the establishment clause. These three in sum comprise religious liberty, at least liberty from oppressive government as distinct from private offenses.

Freedom of Religious Expression

At the juridical level two of the three subdivisions of First Amendment religious liberty, namely freedom of religious expression and respect for conscience, are not in serious disarray. This is not to suggest that the current law of religious expression is perfectly as it ought to be. That two federal circuit courts have denied student-initiated high school groups authority to voluntarily meet in classrooms to discuss religious matters before or after school hours is shamefully discriminatory when science or literary student clubs are permitted. Governmental discrimination against religious expression remains isolated, however, and there is cause to hope that this in-

Dr. Carl Esbeck is Associate Professor of Law, the University of Missouri—Columbia. An unabridged version of this paper will appear in the Fall, 1984 (Vol. 15, Iss. 1) of the *Cumberland Law Review*, published by Samford University, Birmingham, AL.

vidious treatment will be corrected in the courts or by Equal Access bills before Congress.

One of the interesting developments in the religious landscape is that many churches which earlier separated themselves from American public life have now awakened to a call to be stewards of culture, science, environment, education, law, and even politics and government. A single-minded concern for private virtue has been supplanted by an increasing penetration into matters of civic virtue and the struggle for a more just world. This shedding of extreme pietistic beliefs which caused privatization of faith and withdrawal from culture has been politically controversial. But emphatically it is not unconstitutional. A church separated from the state need not be silent.

Freedom of Conscience

Likewise, governmental respect for individual conscience grounded in religious belief is accorded high protection under the free exercise clause. When a religious belief is sincerely held and places an individual in the "cruel choice" of either obeying his religious convictions or the state's mandates in positive law, the courts have held that the law must give way and exempt the religious devotee. Only when the government's interests are compelling may the state subordinate conscience.

In a few recent cases the U.S. Supreme Court has been seemingly guided more by expedience than principle in discovering reasons of state which are deemed of such exigency as to push aside conscience. Here too, one does not see in America evidence of a widespread intolerance to religious practices being sanctioned by law (licensing of fundamentalist schools in a few states and home education by parents excepted).

Two Common Misconceptions

The third subdivision of First Amendment religious liberty is the establishment clause which embraces the concept of the separation of church and state. Here the controversy is full-blown at the juridical level, and there is little common ground even among churches on what the law ought to be.

The matter should be approached by first cleaning away the underbrush of widely held misconceptions. The first misconception is the simplistic idea that the free exercise clause is pro-religion and the establishment clause is anti-religion. If one were to follow this notion, in every First Amendment case involving religion these two clauses

would be at war with one another. The juridical task would be to determine if the establishment clause eclipses free exercise, in which case the anti-religious forces prevail, or if free exercise prevails over establishment producing a win for religion. The proposition of an intentional, built-in

... many churches which earlier separated themselves from American public life have now awakened to a call to be stewards of culture, science, environment, education, law and even politics and government.

contradiction is so preposterous as to suggest to the rational its improbability.

The manner of reconciling the free exercise and establishment clauses is clear. Both advance religious liberty. The free exercise clause protects the religiously informed conscience. Concomitantly, the establishment clause mediates the relationship between church and state. The nature of that relationship is for the mutual benefit of both. That is, religious liberty is served when the establishment clause protects civil government from overreaching by dominant religious organizations that seek to use the offices of state to advance their religious causes. Reciprocally, the establishment clause protects churches from intermeddling by the state and undue entanglement with its army of administrators and their battery of regulations.

The second misconception concerning the establishment clause, one of the enduring fictions of First Amendment law and American historical lore, is that the matter of separation of church and state was settled at the time when our Constitution was adopted and the First Amendment ratified (1789-1791). Hence, there are repeated appeals to the intent of the framers or the founding fathers. It is common knowledge that the Bill of Rights applied only to the national government, at least, that is, until the Warren Court in the 1940's and 1950's selectively applied its prohibitions including those of the First Amendment to the states and their political subdivisions.

For present purposes it is sufficient to note that the separation of church and state was a state law development resulting from changing local attitudes. It was not a juridical development

from the top down as would be the case if the First Amendment had required it of the entire nation as of 1971. Thus, until *Everson v. Board of Education* in 1947, the separation of church and state was almost entirely a matter of state constitutional law.

Three Views on Separation

Returning to the myth-of-neutrality assertion, it is a helpful generalization to classify those actions in church-state litigation into three schools of thought. First, there are those who argue for the increased privatization of religious beliefs, harboring a conviction that theistic religion is largely irrelevant, even dysfunctional in matters of public discourse. Out of reasons of conscience, the religious beliefs of individuals should be tolerated so long as those beliefs are not brought to bear in any serious way on public policy and matters of state. This group shall be referred to as the "secularists."

A second group is made up of "separationists" who for the most part desire a benign or benevolent separation of church and state. Although a few adjustments in rhetoric, rationale and result would be made, separationists generally subscribe to the position of the U.S. Supreme Court from *Everson v. Board of Education* in 1947 to *Larkin v. Grendel's Den* decided in 1982. Churches descendant of Anabaptists are most often separationists today, and the mainline Protestant churches generally have been persuaded to this view.

Finally, the third group argues for a closer, organic relationship between church and state wherein the government has a proper role in preserving the unity and integrity of the Christian faith. Like the secularists and separationists, this third group would stop short of utilizing the coercive power of the state to deny rights of conscience to religious dissenters and nonbelievers. Short of coercion, however, this third group envisions that the state should side with and foster "true religion." This third category shall be designated "theocentric."

The point to be decided is whether the concept of a neutral state is realizable and imperative for reasons of religious liberty, or is it an impossibility and a subterfuge promulgated by some secularists to further their own ideology and social agenda. That ought to prompt the more specific inquiry, "Neutral about what?"

The secularists, separationists and theocentrists have responded quite differently to that question depending on whether the subject matter was (1)

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The First Amendment built "a wall of separation between Church and State."—Thomas Jefferson

VIEWS OF THE WALL

John W. Baker



Christian thinkers in the third through the fifth centuries developed the concept of the two swords which was the intellectual forerunner of the idea of separation of church and state. These thinkers indicated that there should be dual organization and control within society: spiritual interests and eternal salvation were the exclusive province of the church and temporal or secular interests — e.g. peace, order, and justice — were in the keeping of government.

By the eleventh century the best statement of the concept of the two swords was that, under Christian dispensation, no person could possess both *sacerdotium* and *imperium*. To medieval theorists neither sacred nor secular authorities had arbitrary powers. Both were conceived of as subject to law and playing a necessary role in the divine scheme for the world.

John Calvin phrased the concept as follows:

Let us observe that in man government is two-fold: the one spiritual, by which the conscience is trained to piety and divine worship; the other civil, by which the individual is instructed in those duties which as men and citizens we are bound to perform . . . The former has its seat within the soul, the latter only regulates the external conduct. We call the one the spiritual, the other the temporal kingdom. (*Institutes*, III. xix. 15.)

Baptists have generally accepted Calvin's words without accepting his ideas on political organization. They have agreed with Jefferson that "the laws of nature and nature's God" prescribe a relationship between church and state which separates the religious from the secular and that the First Amendment builds a wall of separation between church and state.

However, as society has become more complex, the line drawn between church and state by centuries of thinkers, as well as our own Constitution, has become less a clear straight line and more a zigzag line. The secular state has issued laws limiting what people can do to or say about others. Sometimes these secular rules transgress what is considered to be an integral part of the religious domain. Un-

der our system the courts are responsible for determining whether, given a particular fact pattern, "the spiritual . . . [or] the temporal kingdom" shall prevail.

An interesting example of the tensions between the two "kingdoms" comes out of Collinsville, Oklahoma in a case still in the courts. Under the First Amendment, does the state have any valid interest in the matter of church discipline? If leaders of a church are acting on their interpretation of the scriptures may they be held legally liable for speech which is uttered in a church in furtherance of their religious beliefs? A county level court in Oklahoma partially answered those questions.

The fact pattern is simple. A divorcee who was a member of a Church of Christ in Collinsville began to date a divorced man, a former public official of that town. Rumors spread that these two, unmarried in the eyes of the law, were "having an affair."

When the matter became known to the elders of her church, they, based on a strict interpretation of the scriptures, called on the woman, confronting her with what they considered her sinful acts. "Moreover if thy brother shall trespass against thee, go and tell him his fault between thee and him alone: if he shall hear thee, thou hast gained thy brother. But if he will not hear thee, then take with thee one or two more, that in the mouth of two or three witnesses every word may be established. And if he shall neglect to hear them, tell it unto the church: but if he neglect to hear the church, let him be unto thee as a heathen man and a publican." Matthew 18: 15-17 (KJV).

When confronted by the elders, the woman confessed in confidence that the rumors were correct. The elders demanded that she confess her sin of fornication before the whole congregation and publicly repent. She refused.

The elders then issued an ultimatum based on the Matthew passage: the woman was given two weeks to confess and repent of her fornication. If she refused, they would be compelled to report her sin to the congregation and recommend that she be treated "as an heathen and a publican"—that she be excluded from fellowship.

The woman refused to publicly confess and, in an attempt to head off the public exposure and disfellowship, she submitted a formal letter requesting that her name be stricken from the church rolls and that she be completely separated from membership.

The elders took the position that members could not disassociate themselves from the church; they remained members until the church expelled them. Following their interpretation of the scriptures and acting on their beliefs about membership, the elders exposed the woman's fornication to the full congregation and moved to remove her from the fellowship.

The woman brought suit against the church charging the elders, as agents of the church, with invasion of privacy and intentional infliction of emotional distress. She asked for \$1.3 million in compensatory and punitive damages. In court she admitted to the affair but asserted it was a private matter, not a concern of the elders or the church.

The jury which heard the case decided that the woman had been injured through the intentional acts of the church and awarded her \$390,000 in damages—a figure many times larger than the annual income of the church. The church is appealing the decision.

A similar suit charging libel, slander, invasion of privacy, and intentional infliction of emotional distress has been filed in California against the Fairview Church of Christ in Garden Grove. A 35 year old woman has named the church's pastor and six elders as defendants and asked for \$3 million in damages. A member of the church for 19 years, she left it when she divorced her husband last October. The pastor read a letter to the congregation which said, in part, "for so long as she refuses to repent, none of us should keep company or associate with her in any way that would suggest approval of these actions or her present position."

These cases illustrate the tensions existing between churches and individuals who seek to use the power of the state to settle intra-church disputes or disputes between a church and former members.

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Neutral State from page 5

virtue and morality or (2) religious worship, propagation and training. The secularists would insist on state neutrality as to both matters, while theocentrists claim the impossibility of neutrality as to either. The separationists, however, argue for state neutrality only concerning religious worship, propagation and training. On matters of virtue and morality some separationists have long been active in urging state prohibition of vices, thus non-neutrality, such as gambling, alcoholism, drug abuse, prostitution, pornography and the like.

Is the separationists' position defensible in any principled way? Can a line be drawn which insists on state neutrality as to religious worship, propagation and training, while seeking to use the force of civil law to encourage and compel, if need be, their understanding of proper moral behaviour? The separationists have responded "yes" to this challenge, and their apologia appears formidable.

Response to the Secularists

The separationists reject the secularists' position that Christian moral claims (and those of other religions) should be a matter for one's personal conduct only, not that of the political community. A state may and often does legislate concerning morality, whether it be against graft, racism, child abuse, incest or sodomy. Freedom of choice to do what is morally wrong cannot be justified in the same way as freedom to do what is morally right. The secularists have adopted the Enlightenment mistaken view concerning the freedom of conscience. From the agreed upon premise that all people have equal dignity, many secularists have erroneously reasoned that all persons' ethical views are of equal validity.

The implementation of religiously based morality through positive law is to be sought by believers and churches through persuasion and consensus with others. This is to be pursued by ample use of the legally protected rights of religious expression and association. It makes little sense for the secularists to concede to religious adherents the freedom of speech, and then to argue that the separation of church and state is violated when religious adherents win the debate leading to enactment of moral legislation consistent with their religious views. If they hope to defeat moral legislation, the secularists will have to proceed by the same means: speech, persuasion and consensus. There need be no neutral state on matters of virtue and mo-

rality by reason of the establishment clause. The clause separates church and state, not the religious believer from the state.

A Theocentric State or a Secular State?

What of the theocentric position that the state cannot be neutral on matters of religious worship propagation or teaching? This is the crux of the matter dividing the religious community. Both separationists and theocentrists desire to live God-centered lives and

be changed into a kind of impersonal machinery, mere automatons.

The Limited State

There is a second, correlative principle at work here. Religious liberty is not a gift of the state. The state is limited in its authority, having no jurisdiction over the confessional beliefs which comprise the very heart of religion. The natural consequence of religion being voluntaristic is that government has no competence in the matter

It makes little sense for the secularists to concede to religious adherents the freedom of speech and then to argue that the separation of church and state is violated when religious adherents win the debate leading to enactment of moral legislation consistent with their religious views.

to dwell in and work for a theocentric society, but it is quite another matter to insist on a theocentric state. Separationists desire a secular state, meaning the government's authority to rule comes in the first instance from the people holding citizenship, not from God.

The separationists' arguments which commend state neutrality on core religious matters entail both pragmatic considerations and reasons of principle. At the practical level America is at present a religiously diverse nation. Given our republican form of government, federal, state and most local governments cannot hope to represent the desires of their multi-religious and non-religious citizens and still openly favor Christianity, even least-common-denominator Christianity, should anyone want it. Of necessity the state must be neutral concerning confessional differences.

Persuasion not Privilege

The separationists' arguments from theology which counter the myth-of-neutrality assertion are fourfold: First, beginning with the Reformation there slowly has evolved a definition of religion which presupposes voluntary adherence, not coercion, with a zone of personal spiritual autonomy withdrawn from the reach of any civil authority. In Christian theology humankind is given free will concerning the claims of God on individual lives, including the possibility of choosing unbelief and disobedience. The Divine is understood to be a personal God desiring fellowship and communion with people. If God were to force that relationship rather than persuade individuals, the objects of God's favor would

nor is the state equipped to determine any one system of belief as religious truth or to be the judge of orthodoxy. In Reformation theology all things are fallen or imperfect, including the state.

Civil Religion

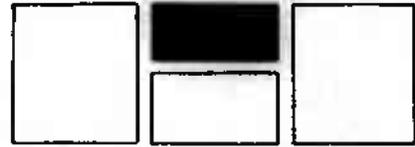
A third reason or principle mitigating for state neutrality concerning religion is the danger of cultural religion. Cultural religion is the elevating of certain ceremonies, holidays and other traditions of a nation to the level of the sacred. In its extreme form it is referred to as "civil religion," which comes about when predominant religious groups have identified so closely with government and the politics of the country that patriotism and nationalism go hand-in-hand with religion. Civil religion can deprecate the integrity, vitality and independence of churches, which by their commission transcend present-day society, politics and national boundaries. Culture cannot convert people to Christianity. Rather, as Robert Bellah suggests, American civil religion can be an alternative religion.

The Captive Church

Fourth and finally, where churches have become unduly involved with the agencies of government, they risk being subverted in that their programs become redirected to meet ends chosen by government. Churches thus become a captive of the state, in essence another department of state seen and utilized as a tool to serve the aims of state. Having lost their independence by allying with government, churches become compromised in their efforts to act in accord with their higher calling.

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News in Brief



Moon faces prison: Court rejects appeal

WASHINGTON

Sun Myung Moon, founder and leader of the Unification Church, faces a jail sentence in the wake of the U.S. Supreme Court's rejection of the controversial South Korean's appeal for review of his conviction for tax evasion and conspiracy to file false income tax returns.

Moon, whose 18-month prison term could begin as early as June, failed to convince the high court to review his conviction on grounds that the funds at issue in the dispute with the Internal Revenue Service were held in trust for his church.

The court's refusal to review the matter was announced in a standard one-line notice along with many other cases similarly rejected. At least six of the nine justices are known to have voted against the review. No fewer than four justices must agree in order for any case appealed to the high court to receive a full review.

In papers filed with the court, a battery of prominent attorneys headed by Harvard law professor Laurence H. Tribe argued Moon's conviction should be examined because money deposited in New York's Chase Manhattan Bank and stock in an importing company called Tong II Enterprises belonged to the church, not to Moon personally.

By convicting Moon, the argument went, a New York jury infringed on the Unification Church's right to determine for itself how it handled its funds. "Reverend Moon's claim," Tribe wrote, "was that he had been given the assets as a religious leader, by his religious followers, for their religion."

Tribe also appealed the conviction on the basis that Moon's request for a bench trial (trial before a judge) rather than a jury trial should have been granted.

But the key argument by Moon's lawyers was that he "personifies the church movement." Tribe maintained "a jury would have been bound to defer to whatever decision had been made by church members as to where and how to repose property they intended for church benefit."

No recent controversy," Tribe stated, has "so demonstrated the dan-

ger to religious liberty of a jury licensed to disregard the decisions of a church and the desires of that church's members in favor of its own lay instincts about how authority and property within a church should be allocated."

And, he continued, "If these petitioners go to jail, they will indeed be the first religious leaders since the ratification of the Constitution to be imprisoned because of the way they and their followers chose to organize their church's internal affairs."

Moon's conviction followed an IRS investigation of tax returns for 1973, 1974 and 1975 showing interest income on personal checking and savings accounts with Chase Manhattan exceeded \$100,000 for the three-year period. Those earnings were not reported on Moon's income tax returns those years.

Besides the 18-month prison sentence, Moon was fined \$25,000. Another church official, Takeru Kamiyama, who was tried with Moon, received a six-month sentence and was fined \$5,000. Kamiyama was convicted of conspiring with Moon to file false returns.

For its part, the government argued against a Supreme Court review, declaring that "to look at the quality of a taxpayer's proof hardly violates the First Amendment." While "a church is free to organize itself as it sees fit," the government brief went on, "religious leaders, no less than the average taxpayer, must assume the risk when they engage in undocumented transactions that the jury may not believe their account of the events."

The government's successful prosecution of Moon has drawn expressions of concern from an unusually broad array of religious and civil liberties organizations because of fear IRS might target one of them next on similar charges. They ranged from the Marxist Spartacist League to the Christian Legal Society. □

Stan Hastey

Church opposition means no state lottery vote

ST. PAUL

Minnesota voters will not get to vote next November on whether to amend the state's constitution to permit a state-operated lottery.

A proposal that provided for submitting such an amendment died in the Minnesota Legislature before it adjourned its annual session. It had been opposed by many of the churches in the state.

IMPACT, an ecumenical advocacy group which includes the Minnesota Council of Churches, and the Berean League, an organization of evangelical Christians were among those opposing the bill. □

Court declines to settle Church of Christ dispute

WASHINGTON

The U.S. Supreme Court announced it has no jurisdiction to settle an internal church dispute involving a Church of Christ congregation in Miami, Florida.

A pair of elders who had held office throughout the 30-year history of Liberty City Church of Christ took their minister to court because he refused to leave after they fired him. The elders contended they were not subject to the will of the congregation's majority which had voted to retain the minister.

In a legal brief filed with the high court the elders contended they had been empowered to "dictate" to the congregation on varied church matters.

The attorney for the congregation's majority noted that the church had no articles of incorporation vesting power in church elders, nor had they raised First Amendment questions in the state court proceedings.

The elders, however, argued unsuccessfully that the state courts violated their free exercise of religion, a First Amendment guarantee. □

Conservative groups push religious test for office

MINNEAPOLIS

Conservative Christians, describing themselves as pro-life and pro-family, are winning battles for control of Minnesota's Independent-Republican Party, often at the expense of moderate party regulars.

At the party's Hennepin County (Minneapolis and suburbs) convention, they unseated by lopsided margins three top county party officers, including Richard Erdall, chairman.

Earlier, the Christian conservative



faction, allied with other social conservatives, dominated the county's senate district conventions.

They want the party and its candidates to embrace a platform including opposition to abortion, gay rights and the proposed equal rights amendment, and support for school prayer, parental screening of school books and the teaching of creationism in schools.

"Participants at some precinct caucuses were asked to declare their religious rebirth, even to state their sexual preference," the Minneapolis Star and Tribune said. "Many moderates were denied a delegate spot or party office because they did not pass the test."

Barbara Carlson, an IR member of the Minneapolis City Council, announced she was resigning from the party because of efforts to impose religious tests on participants in party affairs. □

Pastor sentenced; state adopts new school law

PLATTSMOUTH, NE

The Rev. Everett Sileven, director of the illegal Faith Christian School, has been found in contempt of court and sentenced to a new term of eight months in jail.

The fundamentalist pastor served four months in jail more than a year ago for refusing to hire state-certified teachers for his Faith Christian School in Louisville, Neb.

Faith Christian and other Christian schools were in violation of a law that required all schools in Nebraska to hire only state-certified teachers. In an effort to end the dispute, the Nebraska legislature recently passed a law under which teacher-competency information can be used as only one factor in evaluating private schools.

When the law goes into effect July 9, teachers will be permitted either to take a competency test designed by the state education department, or to be evaluated by the department. People who fail the test will still be permitted to teach at the discretion of the department.

A Cass County District Judge said Mr. Sileven could be released if and when he gave assurances that all former pupils at his Faith Christian School had enrolled in state-certified schools. □

'Sanctuary' becomes hot church-state issue

BROWNSVILLE, TEXAS

A confrontation between church and state is developing in this South Texas border town, with members of a church-supported sanctuary movement for Central American refugees squaring off against the U.S. Immigration and Naturalization Service.

In the past few months the Border Patrol in South Texas has arrested a Roman Catholic nun, a church lay worker, two legal aides and the director of a church-owned sanctuary house for Central Americans. All five have been indicted by a federal grand jury for transportation of illegal aliens.

Despite the arrests, Bishop John Fitzpatrick of the Catholic Diocese of Brownsville voiced his vigorous support of the movement.

The trial of the first of the indicted sanctuary workers began May 4, in U.S. District Court in Brownsville. The U.S. attorney's office contends that the charges against the sanctuary movement workers are no different from the hundreds of transportation-of-illegal-alien charges filed each year in the U.S. Southern District.

However, lawyers for the indicted workers hope to prove that:

—U.S. Immigration is selectively prosecuting Salvadorans;

—The U.S. government has made "political choices" in undermining the sanctuary movement;

—Salvadorans have the right under the 1980 Refugee Act to seek asylum in the U.S., and they should be granted political refugee status. □

Mobilizing power gives religious TV its clout

NEW YORK

Religious television is not responsible for a decline in U.S. church attendance, according to a major study of religion and television released here.

TV religion attracts a small but stable audience made up largely of relatively active conservative churchgoers, the report said, and is much smaller than has previously been claimed.

The 13.3 million regular viewers of religious television amount to only about 6.2 percent of the people living

in households with televisions, the report said—compared with earlier estimates the study said had ranged up to 130 million.

The study, conducted by the University of Pennsylvania and the Gallup Organization, was commissioned by a coalition of 39 mainline denominations and seminaries, and independent evangelical television ministries.

It shows religious television's audience, in comparison with the general population, to be older, less well educated, lower in income, politically more conservative, more "fundamentalist" in religious beliefs, more likely to be southern or midwestern, disproportionately rural, non-white and female.

The research does not indicate that religious television has been successful in attracting viewers in large numbers who are not already believers and churchgoers. It did find that non-viewers attitudes toward religious programming were negative by a three-to-one ratio.

According to the report, the politically conservative viewers are more likely to "oppose a nuclear freeze, favor tougher laws against pornography, and report voting in the last general election. The researchers contend that "the coherent mobilizing power of religious television, rather than its reach or scope, represents its political clout." □

AJC programs to promote values in public schools

NEW YORK

The American Jewish Committee is planning a program to promote values education in the public schools, it was announced at the 78th annual meeting of the agency.

The AJC has been a firm opponent of school prayer and other attempts to introduce religion into the public schools.

But Emily Sunstein, who chairs the committee's policy and strategy committee, said that while the debate over religion in public schools has become "deeply divisive," many school prayer proponents "reflect a feeling that is shared by the AJC—the concern that our old value structure has become unglued and there is nothing to replace it." □

Confessions of a Religious Right Architect

Once again, we approach that exciting American tradition—presidential campaigns, and once again editorial columns, lecture halls and pulpits will ring with condemnation.

I refer not to the much maligned Religious Right led by Jerry Falwell and Company, but to the indignant denominational leaders and pastors denouncing that holy crusade. Those, same denominational leaders and pastors drew up the blueprint, laid the foundation, and constructed the frame of the structure on which the Religious Right crusade is based. They are peeved because newcomers like Falwell have taken over the building process, despoiling its beauty.

Their monument is the religious imperialism which American Protestants, including many well-intentioned Baptists, have taken such pains to erect. All of a sudden the architects and contractors speak as if the structure were the work of the Religious Right. All of a sudden one hears ceaseless chatter about the intentions of the Bill of Rights as if that document had remained unviolated these many years. Have these protesting leaders forgotten about the decades of work that brought about this edifice to which the Moral Majority and others are adding unacceptable fixtures? The problem is not a conflict between a proper interpretation of the U.S. Constitution (the conservative Protestant establishment) and a misinterpretation of it (Religious Right). Rather, there has been a consistent violation of the Constitution all

along. The architects of religious imperialism are upset because the Moral Majority upstarts have painted graffiti all over their building.

I sympathize with this alarmed leadership; I am one of them. These are my people. I grieve over the positive response garnered by Moral Majority in the political arena and especially among Baptists. But we have little room to criticize if we do not come to grips with the sources of their religious imperialism and eradicate it from our midst. Only then can they honestly be challenged. Thus, I offer this criticism as a means for stimulating change. We must realize that it was our religious imperialism that formed the groundwork for the Religious Right's success and motivation.

There appear to be four pillars to the foundation in our American religious imperialism: single issue approach to politics; the worship of numerical success; the uncritical embrace of civil religion; and a political strategy of negativism.

Single issue politics is nothing new to American Christians, especially Baptists. Granted, it would be more properly labeled "selective issue politics," for usually Christian groups have focused on several issues. The outcome is the same, however. Candidates are judged primarily on their responses to such issues as legalized gambling, pornography, state aid for Catholic schools, blue laws and alcohol control. Why then was there so much indignation during the last election that the Religious Right's list included opposition to the Department of Education and the Panama Canal Treaty? It was our traditional approach with a cosmopolitan touch. Baptists have tradition-

ally "got out the Christian vote" for their "moral" issues. Like their contemporaries in the Religious Right, they have proclaimed such votes as cure-alls for fundamental social problems.

For example, one has often heard that control or prohibition of alcohol sales would do away with a, if not *the*, primary factor in violent crime. How does this reasoning differ from the Religious Right's claim that the banning of prayer in public schools is responsible for America's moral decline? Even in the midst of the furor over the Religious Right, I continue to read "acceptable" publications focusing on traditional evangelical moral issues: gambling, parochialism, or alcohol control. Each is presented as *the* moral issue, and Christians are rallied to vote against the issue in question.

All this is not to say that Christians should avoid taking sides on these issues, but there is the matter of how and why Christians engage in political activity. We ought to be addressing issues in terms of their broader perspectives so that we do not major on minors. To be sure, Christian opposition to gambling is often expressed as concern for gambling's economic impact on those who can least afford it. That concern for economic justice is laudable, but the fact that Christians focus on that one "economic" issue leads folks to suspect that opposition to legalized gambling is just a hold-over of puritanic vices adhered to for their own sake, in a word—imperialism. Concern for economic justice should lead to Christian action on a broad scope of political issues. Christians will disagree on these issues, and maybe that is why "safe" issues like bingo propositions are so easy to focus on.

Dr. Duke is Professor of Ethics and Theology at William Jewell College, Liberty, MO.

Yet the risk must be taken, and "hard" issues like unemployment must be addressed by the Christian community.

No doubt, fear of infighting and thus the loss of cohesion necessary for numerical growth encourages selective issue politics. This points to the idealization if not *idolatry of numerical growth* in many evangelical denominations and churches. The problem is even deeper. Because we have made heroes of those who have attained numerical success, we have created an environment which will give special recognition to these men, recognition which they claim as credibility. Many in my own denomination (Southern Baptist) are disturbed and puzzled by the Religious Right's impact on the selection of the Southern Baptist Convention president in recent years. Why the surprise? Most of the leaders of this movement come from very successful churches. We set the standard, and they met it. Why should we be surprised at the groundswell of support for these success stories? The folks are only following the path we showed them.

Listen to the leaders of the Religious Right. They persistently claim credibility on the basis of their numerical success. What better name than "Moral Majority"? Now is the time for Baptists to recover the anti-imperialistic biblical themes of the righteous remnant and the suffering church. Of course, failure is not a biblical ideal; but neither is success. The advances of that first Pentecost described in *Acts* must be remembered as well as the struggle during persecution recorded in *Revelation*.

Persecution of Christianity under Rome should remind us of the *dangers of civil religion*. Recognition of civil religion's dangers may have been much easier for the early church than our time, since first century Roman civil religion did not borrow Christian categories. Only now, faced with the imperialistic threat posed by the Religious Right, are we raising some questions. Only now do we really examine Roger Williams and others who were threatened by the American civil religion of their own day.

The success of the Religious Right may pay dividends by forcing us to address the religious trappings of our political activity. For instance, we may be prodded to scrutinize our traditional support for "blue laws." Are we con-

cerned about workers' needs or do we wish to impose our holy day on all, including Jews, Seventh-Day Adventists, and secularists? The fact that so many Baptists cannot understand why the Baptist Joint Committee on Public Affairs opposes so-called "voluntary" prayer in the public schools is a clear indicator of long-standing religious imperialism. Perhaps civil religion among Baptists and its attendant religious imperialism was not so obvious until we saw ourselves in the imperialism of the Religious Right.

Finally there is the traditional *negative approach to American politics* practiced by many American citizens. True, the Religious Right is committed to putting "men of God" in office, but one need only listen to broadcasts or read their literature to see that theirs is fundamentally an "anti-" campaign. Surely this negativism is not characteristic of the Baptist mainstream, the fortress of civility. Look again. On what do we spend our political energies? Anti-bingo, anti-parochialism, anti-pornography, anti-alcohol, anti-obscenity on television: whatever the moral values of these crusades, they are usually opposing something with little attention to the alternatives and/or the problems creating these issues. Reflect on the crusade to "clean up" television. The crusading groups appear to be satisfied to get their offensive shows off the air with little regard for the quality of programming replacing offensive shows. This is imperialism of the worst kind. It seeks to dilute rather than transform.

The argument has come full circle at this point, for we are back to our lack of commitment to fundamental principles such as justice, peace, and freedom—biblical principles, if you will. Over the years, many American Christians, including many Baptists, have been so quick to quote Bible verses to preserve our imperialistic agenda that we missed overriding biblical messages. Is it any wonder that it took so long for many Christians voting against bingo to see civil rights for black Americans as a Christian moral issue?

Again, my purpose here is positive: to bring many of us Baptists to our senses. The continuing challenge of the Religious Right may be the jolt we need to walk away from the Tower of Babel we built. □

What mean these

Testimonies

Christians and the Third Temptation

In November 1961, W. Barry Garrett, then associate director of the Baptist Joint Committee, delivered an address on "Our Baptist Heritage of Religious Liberty." Paraphrasing Matthew 4:1-11, Barry points out that the third temptation offered to Jesus—the temptation of Government and "the power of legislative coercion to organize men and discipline their actions—is a temptation for modern-day Christians.

"Again the devil taketh him atop the Washington monument and showeth him all the powers of the government, and the glory of them. And he saith unto him, 'All these things I will give thee, if thou wilt fall down and worship me.'

... And furthermore, Jesus lifted up his eyes to the white-domed Capitol building, wherein are the legislative halls of the national government.

The devil whispered, 'they will make laws that will be favorable to your churches. Your churches and their institutions will receive tax benefits that are not available to other establishments. Money will be provided for your religious education programs. Your children's homes, your hospitals and your homes for the aged will be erected at taxpayers' expense so the church members can minister to human needs in the name of Christ.

Upon the coins of the nation shall be inscribed 'In God We Trust', and they will require people to pledge allegiance to God every time they pledge allegiance to the U.S.

As quickly as possible we will ratify a 'Christian amendment' to the Constitution which will establish the law of Jesus Christ as the law of the land. And it will come to pass that whoever does not show himself religious will be stigmatized as unpatriotic.'

But Jesus saith to him, 'Get thee hence, Satan; for it is written, Thou shalt worship the Lord thy God, and only him shalt thou serve.'

As in the 60's, Christians in the 80's find the third temptation appealing. Government is called to do the work of the church. Yet Scripture calls us to make a choice. What will our choice be? □

Gary McNeil

INTERNATIONAL DATELINE



Baptist activists oppose mass destruction weapons

BAD KARLSHAFEN

Participants in a national Baptist peace gathering have taken a stand against weapons of mass destruction and called for more sharing with Third-world peoples.

At the close of the first meeting here in April, some 80 representatives of local and regional Baptist peace movements in the Federal Republic of Germany adopted a series of resolutions based upon their interpretation that "a consequence of reconciliation in Jesus Christ is a decisive 'no' to all weapons of mass destruction."

Ecology and peace questions, which are closely related, call for a clear confession of this stand, they said.

The participants further declared that such questions "demand a new stance on sharing" with peoples of the Third World, point to an engagement which "contributes to reconciliation between power blocs" and call for resistance to "every glorification of violence." EPBS □

Barmen Declaration—unfamiliar but relevant

SEATTLE

Barmen—not exactly a household word, unless you happen to be theologian. In fact, the Barmen Declaration occurred 50 years ago in Germany, a time many would rather forget.

But those who are familiar with this document, in which some leading German Protestants took a strong stand against Hitler, believe it is anything but a musty relic from the past.

They believe Germany in 1934, and the United States in 1984 have important and sometimes frightening similarities.

A prestigious group of scholars and church leaders gathered in Seattle to talk about why the declaration is important today.

It was in January, 1933, that Adolph Hitler came to power, and relentlessly set out to align every facet of German society to the principles and programs of Nazism, writes Hubert Locke, dean of the Graduate School of Public Affairs at the U. of Washington, and symposium secretary.

Almost immediately, Dr. Locke states in the document's introduction, Chancellor Hitler ran into pockets of

resistance from the German churches. That resistance, however, was undercut by waves of support for Hitler.

In November 1933, for example, about 20,000 German Christians proposed to round up those with "alien" blood and put them in a "Jewish-Christian" church, while establishing a German national church that would emphasize service to countrymen and the state.

In May 1934, 139 delegates from three leading German churches, including Dietrich Bonhoeffer, Karl Barth and Martin Niemöller, gathered in the town of Barmen for prayer and discussion. At the end of three long days, the delegates issued their declaration.

Using biblical passages as their basis, the delegates strongly denounced the "false doctrine" espoused by church followers of the Nazi leaders. Christians, the delegates concluded, must be loyal to Christ.

In Seattle, Dr. Locke says, "there are a lot of church pastors and laity who feel that our church in our own era is confronting a lot of the same problems and issues that the church was confronting in Germany 50 years ago." Among them, he says, are issues such as "the church and the state, social justice, and the relationship of the church to non-Christian religions, or non-traditional religions."

By saying 'yes' to what their faith was all about, they were saying a very clear 'no' to Hitler and a very clear 'no' to the attempt of the state to take over individual lives, said another participant, Dr. Robert McAfee Brown.

These days, Dr. Brown believes, there are "enough inklings" of government intrusion into lives that "we need to always be rehearsing what should be the attitude of Christians to the power of the state."

One of the big lessons in Barmen, he noted, "was that by the time the German churches spoke out, it was really too late."

Today, there is no longer such a sharp debate about whether churches should be involved in politics, Dr. Brown believes. On both sides of the political spectrum, churches and churchgoers have plunged into social and political issues.

With reference to U.S. "egregious" involvement in Central America, Dr. Brown said "It takes a crisis to bring churches out of the woodwork, and we

are certainly moving in that direction now. Barmen is a good way to rekindle those concerns." RNS □

Canadian parents worried over religion in schools

MONCTON, N.B.

Parents of Jewish and other religious minority children, forced by their small numbers to attend Roman Catholic schools in this French-speaking region, say they are treated like second class citizens when the time comes for religious instruction to begin.

The problem arises because the children speak only French, and the only French-speaking public schools are Catholic. If the parents don't wish them present at the catechism classes, the children's only alternative is to wait outside the classroom.

Fearing their children may be singled out for ridicule by classmates, some parents are permitting them to remain in the catechism class.

One school district superintendent, Yvon Ouellette, said only three schools in the Moncton district have French non-Catholics registered and "no one is forced to stand in the hallway as far as I know."

"They may certainly read on their own in the library or do other schoolwork if they so choose." He added that even Catholic students are not required by law to take catechism. □

Churches want agreement to halt pornography flow

TORONTO

Canadian church leaders called here for a bilateral treaty between their country and the U.S. with tough measures to stem the cross-border flow of pornography.

Anglican, Catholic and Pentecostal leaders also urged President Reagan to enforce existing legislation against exporting pornography and to ban satellites from "spilling obscene or indecent material into Canada." □

U.S.-style organizing seen as key to change

LONDON

The British churches' approach to community work in inner-city areas could be revolutionized by an American-style mass organization of the poor, says a study by two British Roman Catholics.



NEWS-SCAN

The author's study centers on the ideas of Saul Alinsky, the late Chicago community organizer known for his unorthodox and confrontational tactics, which the report says some inner-city U.S. churches have adopted with striking results. Mass organization was seen as the key to achieving change. □

Debts in Latin America can lead to violence, war

RIO DE JANEIRO

Unless action is taken to lift foreign debts, "violence and civil war will expand in Latin America," warned Dr. Alan Walker, director of world evangelism for the World Methodist Council.

Speaking here at the end of a nine-nation visit, Dr. Walker said that "foreign debts and impossible interest payments are ruining the economies of Mexico, Argentina and Brazil. Unless debts are reduced, deepening economic and social crisis will engulf Latin America.

He said the "Christian church carries the responsibility of placing the poor of Latin America on the conscience of the world . . . Humanity must not be allowed to shut its eyes and ears to the cry of the poor." □

U.S. churches can do little about change in So. Africa

NEW YORK

Opining that there is little American churches can do to help change South Africa, John de Gruchy, a white professor of religion at the University of Cape Town, advised a group gathered at Union Theological Seminary to celebrate the contributions of Dietrich Bonhoeffer, that "The responsibility for change is ours. Nobody can do it for us."

"While disinvestment is a symbolic moral action, I'm not convinced of its positive impact," Mr. de Gruchy said. He added that the growing self-sufficiency of South Africa makes economic boycotts ineffective.

The moral approval of the Western nations is important to the government, he said, and "while they won't listen to the National Council of Churches, maybe they will listen to the American Ambassador."

He suggested that the approach taken by the World Council of Churches' Program to Combat Racism

assumed that the African National Council (ANC) was going to become a greater force and overthrow the present regime. "I think that's an unrealistic analysis of the situation, an unlikely scenario," said Mr. de Gruchy, noting that South African military power is "second to none in Africa."

Assessing the relevance of Bonhoeffer's thought for the South African situation, he said he found the German theologian's work most helpful "on speaking to the liberation of the privileged. He cautioned, however, against citing the example of Bonhoeffer to support the use of violence in South Africa.

The church is a crucial institution for change in South Africa, said the professor. Churches have refused to accept any legislation to impose the practice of apartheid in church life. Even the dominant white Dutch Reformed Church is now split on this issue, he said, with younger theologians challenging the official ideology. He is a member of the United Congregational Church, which is 90 percent black. □

Gifts to citizens risky under new Soviet law

LONDON

Leading British churchmen are expressing grave concern about a new clause of Soviet law which could make it difficult, if not impossible, for Soviet citizens to receive material gifts from Western organizations concerned for their welfare.

The churchmen's anxiety is centered on a new third part to article 70 of the Criminal Code of the Russian Republic, which deals with "anti-Soviet agitation and propaganda."

Punishment consists of up to 10 years in prison, with or without a subsequent five years internal exile. □

Politics in Olympics

ROME

A "sports manifesto" on "moral values in sport," by participants in a Vatican-sponsored celebration of athletics warned nations against mixing politics and Olympics.

The manifesto, on poster-size parchment distributed in four languages, was evidently prompted by the recent Soviet bloc boycott of the summer Olympics in Los Angeles. □

Sweden's Ambassador to the UN, **Alle Dahlen** visited the offices of the Baptist Joint Committee as part of his itinerary in behalf of an International Christian Peace Institute. The Institute will strive to overcome the gap between church leadership and laity and to encourage a frontal attack on global issues. Dahlen pointed out that the ethical dimensions which churches can bring to peace are lacking, and that it is time ethical aims were brought to the technicians already involved in peace. . . . In Budapest, Hungarian Pastor **Janos Laczkovszki** received the **Gold Medal**—highest civil award of the Hungarian People's Republic. Only the second clergyman ever to receive the honor, he has served as president of the Baptist Union during the past 17 years. . . . The "duty of dissent"—to stand by the freedom to divide and differ—was reaffirmed at the British Free Church Federal Congress (composed of the Baptists, Methodists and Reformed Church). **Dr. H. Howard Williams**, pastor of Bloomsbury Central Baptist Church in London, warned that "Bogus unity," keeping up appearances while denying their heritage, would do Free Church members more harm than good. . . . Support in the form of letters to USSR Premier **Constantine Chernenko** in behalf of imprisoned Leningrad Baptist **Vladimir Khallo** is requested by Amnesty International and the American Baptist Churches, USA's International Ministries. . . . A pastoral letter in the name of the Board of Directors of the **Baptist Convention of Nicaragua** asks Baptists to address the U.S. government in promoting peace. "We plead with you to do something to stop the death and destruction which are plotted against us in the offices of the White House and the Central Intelligence Agency," the letter read: "Try to convince your government of the urgency of listening seriously to the peace proposals of the Contadora group and to the Nicaraguan government's calls for dialogue. . . . "Christ cares for Latin America and so must Americans if you want to be his faithful servants," an Argentine theologian insists. **Pablo Delros**, a professor at International Baptist Theological Seminary in Buenos Aires issued his appeal to a Christian Life Commission (SBC) conference. □

CORRESPONDENCE

Many thanks to James Dunn for his "Reflections" in the February, 1984, issue. As a high school journalism teacher, I have tried to impress upon my students that religious liberty and freedom of the press are guaranteed in the same Constitutional Amendment for a reason—the two rights are inextricably linked. I look forward to sharing the column with my students.

As both a public school teacher and a seminary student (at Southwestern Baptist), I rely on your publication as an important reference tool, and I frequently refer to the back issues I keep on file.

Kenneth Camp
Greenville, TX

Thank you for your continued articulation of what I believe is a responsible position before the congress and the courts. Thank you also for interpreting for many of us who have neither the understanding nor the background, some of the political issues of our time... Thank you for your continued service to Christ in this vital area.

Herman W. Van Arsdale
Great Bend, KS

I appreciate the work of the BJCPA more than any of you may know. Liked the cover statement from Kennedy on the recognition of the Vatican. I could not believe that Reagan would try that but in retrospect, he is full of ignorance on some of our basic principles where the Bill of Rights is concerned. I regret I have been out of the country this year and thus have not been close to the fight. I have agonized at a distance—and cheered for those of you carrying the ball...

Keep up the good work as I know you will.

Paul Simmons
Louisville, KY

In the recent discussions related to school prayer amendments, I have heard very little discussion of the historical facts.

These historical facts are extremely important to me for two reasons. The first is that I am a history major by heritage and so I am interested in proper historical facts. Second, I had close involvement with two of the three decisions related to prayer, Bible reading and opening religious exercises... in Baltimore, Maryland, at the time of the well known decision regarding opening religious exercises at the Woodburn Junior High School... I attended Abington, (PA) High School which was the source of the Abington School District versus Schempp decision.

The point I want to make is that I appreciate the factual way that you are seeking to deal with the issue of prayer and Bible reading in the schools. Also, I want to point out that even in the school systems which were the subject of the Supreme Court decision there was confusion as to

the appropriate interpretation of this decision.

Please continue to communicate this message for us as Baptists.

George W. Bullard, Jr.
Atlanta, GA

... when [our students visited] in Washington earlier this month, your perspective on the school prayer and related church-state issues was well-presented, and I assure you it was well-received. All of the students commented favorably on your presentation.

Warren R. Wade
Chicago, IL

[Re:] ... my vote against S.J. Res. 73, the proposed constitutional amendment to authorize state sponsored prayers in the public schools and other public institutions of our country.

This proposed amendment threatened our tradition of religious freedom, and I was gratified that the Senate joined me in rejecting it. The efforts of the Baptist Joint Committee played an important part in the outcome, and you can take justifiable pride in your organization's contribution.

Charles McC. Mathias, Jr.
United States Senate

We are pleased that both our Senators (Specter and Heinz) voted correctly on the prayer amendment. Thanks for keeping us informed and prompting us to action.

Carlton B. Goodwin
Pittsburgh Baptist Assn.
Pittsburgh, PA

... We are interested in any other information you can supply us with concerning the Prayer Amendment. We deeply appreciate your hardwork! We are praying for you all!

S. Dean Trickett
Richmond, VA

The general effectiveness of the Baptist Joint Committee in informing government of Baptist positions on church-state issues was never more visible than its leadership role on behalf of equal access legislation.

To have fallen short of a 2/3 majority in the House by only 11 votes is a remarkable achievement—particularly because of the newness of the bill and because it has been widely misunderstood. This suggests that the bill commends itself and has the support of an overwhelming majority of the representatives. It can be passed; keep up the valiant effort.

I salute and thank the Committee for the efficient work on equal access and for their leadership in promoting religious freedom.

Fred Schwengel
Former member, U.S. Congress

Neutral State from page 7

In the extreme, a church may be so hobbled that its mission is altogether thwarted. Moreover, when a church believes it is called to speak prophetically and critique the state, its expression is rendered tepid under the chill of real or apparent threats from government... its spontaneity is dulled and the fervor and allegiance of its members wane.

In summary, the state can and in many cases should enact laws which both positively and negatively serve a people's need for moral order and virtue. However, respect for the transcendent character of human responsibility and the need to safeguard the integrity of churches will inevitably carry with it neutrality by the state concerning religion. State endorsement of and aid to a common religion risks a compromising and theologically sterile church.

The oft-lamented tensions between church and state are not all bad. Rather, the presence of tension is symptomatic of something healthy. Each "power" is sharpening and offsetting the other. For those who would defend the free church, this tension is evidence that the churches are neither so worldly as to be indistinguishable from the aims of the state nor so withdrawn from the world as to be irrelevant to it. □

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Reconciliation, healing and harmony are not bad by-products of a major attempt to find a legal approach for the relationship of religion to the public schools in this country.

REFLECTIONS

James M. Dunn
Executive Director



If secondary public schools permit students to gather freely in non-instructional periods for activities that are not related to the curriculum, then they should not be denied that opportunity merely because the nature of the meeting is religious.

Sounds fair enough, doesn't it?

That's what *equal access* legislation is all about: **elemental fairness**. For the young Marxists to be allowed to caucus on campus and Young Life to be forbidden is patently prejudicial. However, not everything in the legislative hopper with an equal access label is equally acceptable. The Bonker-Hatfield package (H.R. 5345, S. 815) as amended and agreed upon seems clearly the best vehicle.

Fairness reigns. Only secondary students are deemed to be capable of genuinely student-initiated, student-led gatherings. Teachers may conscientiously absent themselves from any connection, even as monitors. A religiously oriented group must comply with all the guidelines applicable to any other non-school-sponsored activity. The courts, not some arbitrary administrative agency, will pass on the adherence to and constitutionality of the law. (This was agreed to on April 5, 1984 by the House Education and Labor Committee as it approved Bonker's H.R. 5345.)

Balance is another objective of those pushing equal access... balance between the "no establishment" and "free exercise" clauses of the First Amendment. To *prescribe* religious exercises in the public schools is not only unwise and unconstitutional it is wrong. To *proscribe* any genuinely voluntary expression of a religious nature by students mature enough to decide for themselves is equally wrong.

Many Americans have felt in limbo for 20 years regarding what religious act could or could not take place under the roof of a public school building. In a strictly legal sense the equal access legislation is not necessary. It clarifies the 1962-63 court decisions. It cuts through confusion. It educates the general public. It offers a tool, however crude, to school boards and administrators who have had nothing to go on when facing tough decisions about religion.

Faithfulness to the First Amendment demands maintaining a delicate balance. The prohibition of state-sanctioned religion and the affirmation of the right of free exercise are held in dynamic tension. By degree of difficulty, this high-risk attempt to be true to the whole of the First Amendment makes the high-wire antics of the circus performer look like child's play. It is not easy to keep church and state properly separate and at the same time allow full and free religious expression. It's not easy but it is worth the effort. It's worth the effort by the Congress, the courts, the school boards, the press, the voters and all of us.

Common sense also calls for equal access legislation. Extremists on left and right could destroy the public schools by the imposition of ideologies, if it were not for the protective sanity of more practical people.

The extremists among the ardent adherents of civil liberties would stretch a valid principle beyond any logical

limit and robotize pupils and teachers, robbing them of the right to be themselves in the public school context. Part of being oneself for most Americans involves acknowledging spiritual and religious realities.

Those in the "Christian nation" movement, if they had their way, would turn every public school into a parochial school mirroring the dominant religion of the parish and/or staking out the battleground for perpetual religious strife. So, we are wise not allowing school-sponsored religious exercises or piety paid for with public funds.

Common sense recognizes that the boundary between an acceptable relationship to religion and the public school is symbolized not so much by one vertical line (YES/NO) clearly, universally and forever establishing the turf of each. Rather, a better illustration would be a horizontal line with some religious activities obviously allowed, others clearly ruled out and a zone in the middle that demands some exercise of good judgment, common sense, civility and mutual respect: YES/MAYBE/NO

This model makes life more difficult, of course, but it recognizes the need for flexibility in this pluralistic nation. This model costs more in work, care and conscience but it is far more honest and true-to-life than any of the black or white simplisms.

Reconciliation is not the least of the goals of those of us working for equal access legislation. The mainline churches have been charged with anti-religion by some of their evangelical brothers and sisters. In the drive for equal access laws, however, the National Council of Churches of Christ has worked alongside and testified in unison with the National Association of Evangelicals for Hatfield/Bonker.

The Roman Catholic Church has been accused of not caring about the public schools and the Society of Friends have been seen by some as interested only in the push for peace. Yet, the United States Catholic Conference and Friends Committee on National Legislation sent letters to every member of the House of Representatives on the same day pleading for equal access action: Catholics and Quakers in tandem.

The churchly Presbyterians and the separated and disciplined Seventh-Day Adventists worked together for equal access that would protect high school students from discrimination because of religious activity. Americans United for Separation of Church and State and some television evangelists who deny the doctrine of church-state separation have found themselves on the same side of the equal access question.

The Baptist Joint Committee on Public Affairs voted unanimously March 6, 1984 to back the carefully-targeted version of equal access and some of those most stridently critical of the BJC have helped in the task of informing Baptists about the concept. Reconciliation, healing, and harmony are not bad by-products of a major attempt to find a legal approach for the relationship of religion to the public schools in this country. We think it is called equal access. □

**Process: following the
Federal Budget**

Congress is currently working on authorizations and appropriations for the fiscal year of October 1, 1984 through September 30, 1985—known as fiscal year 1985. There are actually two budgets involved—President Reagan's proposed budget and a congressional budget.

The President sent his proposed budget for fiscal 1985 to Congress in January 1984. This is his proposal for the financial policies for the federal government; it seeks to spell out his priorities for governmental programs. In the President's budget he discusses three main items:

Anticipated receipts: These receipts are calculated on the basis of proposed taxes—increased, decreased, or staying the same. The tax rate, when economic projections are taken into account, gives the anticipated receipts.

Budget authority: The proposed budget plan recommends the spending level for the government departments and agencies.

Outlays: Outlays, as opposed to authorizations, are the amounts actually spent in terms of cash, checks, and loans during the year.

Congress, operating through budget resolutions, adopts its own budget thereby setting its own priorities. Its budget may be similar to or very different from the President's and the political push-and-shove comes between the President's supporters and the opposition. Because of the nature of American political parties there will be Democrats and Republicans on both sides. The Congress passes two budget resolutions neither of which requires the President's approval or signature.

The first budget resolution: This resolution is supposed to be adopted by Congress by May 15 each year. This establishes general goals for both taxes and spending.

The second budget resolution: This resolution sets binding budget figures and is to be adopted by September 15.

In making these budget determinations the two Houses, operating separately, go through two stages.

Authorization: The so-called subject matter committees hold hearings and determine ceilings on expenditures by all departments and agencies, (e.g., the House Committee on Education and Labor authorizes the amount of money which may be available for the Departments of Education and Labor.) However, they do not make any money actually available to the departments and agencies.

Appropriations: The Committee on Appropriations in each House makes

its recommendations for actual expenditures to their own members. When Congress has finally acted, funds for the fiscal year are said to be appropriated and, thereby, are available to be spent. Congress may not appropriate more money than has been authorized by the subject matter committee. □ **John W. Baker**

VIEWS, from page 6

Church discipline is an internal church matter in which the state normally would not have an interest — particularly when that discipline is based on the Bible. And yet one must deal with a person's right to privacy against public revelations by a church. The answers are not easy, but churches should be aware of potential legal and financial problems which may be raised as a result of church discipline. □

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