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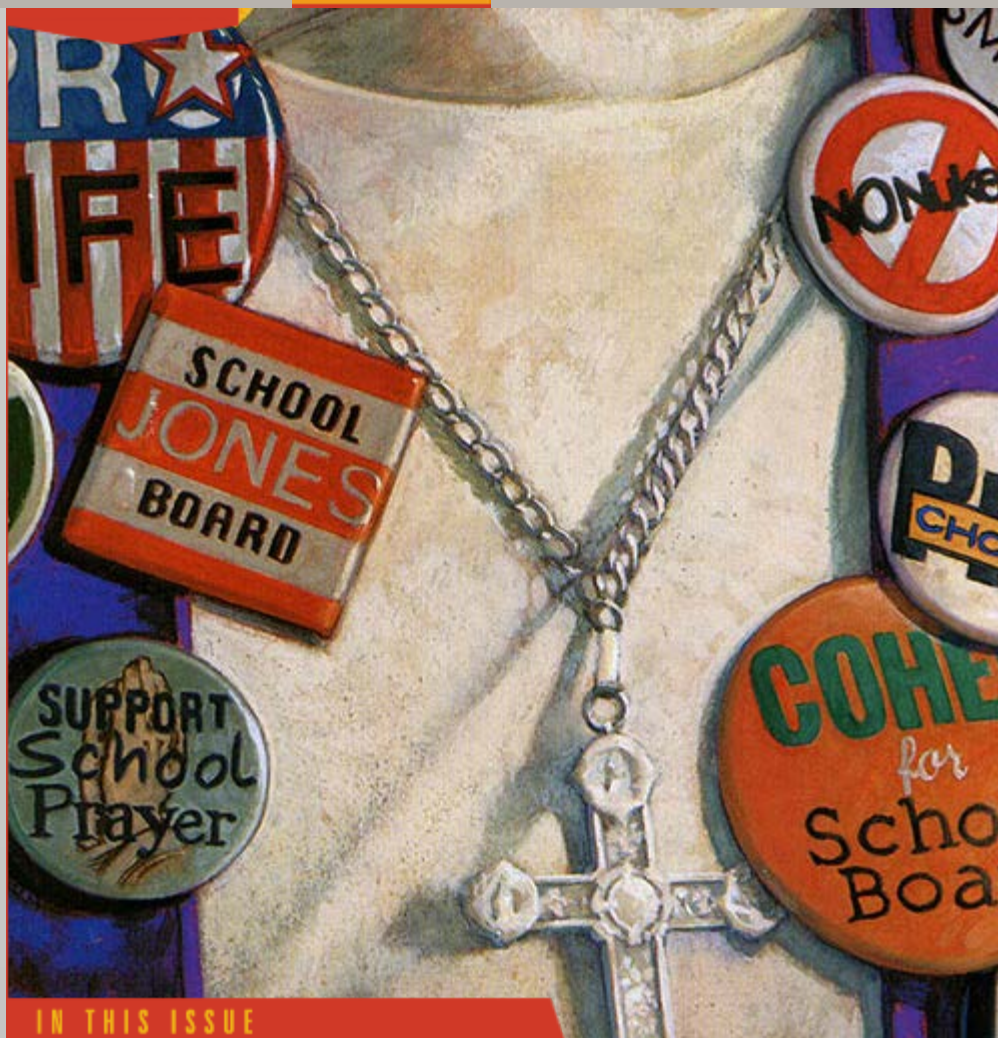
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MAY / JUNE 2009

A Place Of Protest Or Peace

Should The Roman Catholic Church Be Forced To Allow Hecklers Or Protesters In The Plaza Of St. Peter's Cathedral? Is It Reasonable To Expect A Cloister To Open Its Gardens To Sunbathers? Cemeteries, Courtyards, And Gardens At Religious Sites Are Designed

BY: ELIZABETH A. SEWELL



A PLACE of **PROTEST** or PEACE
By ELIZABETH A. SEWELL

Illustrations by David Klein



Should the Roman Catholic Church be forced to allow hecklers or protesters in the plaza of St. Peter's Cathedral? Is it reasonable to expect a cloister to open its gardens to sunbathers? Cemeteries, courtyards, and gardens at religious sites are designed as oases of peace and reflection in a turbulent world. Because of their distinctive nature, such sites often also become popular tourist destinations.

The Main Street Plaza in Salt Lake City is no different. Temple Square, where the plaza is located, is Utah's biggest tourist destination, bringing in 5 million visitors to Salt Lake's downtown each year. The 660-foot stretch of flowered gardens and fountains is enjoyed by tourists, shoppers, workers on break, and wedding parties. The plaza unites two heavily visited properties of the Church of Jesus Christ of Latter-day Saints and forms a unified central core of LDS Church property, surrounded by over one mile of public sidewalks and the rest of Salt Lake's downtown.

In the current controversy over the use of the plaza, it is useful to remember that the plaza was not a recent innovation, nor a gambit on the part of the LDS Church to take over Salt Lake City. City planners, as part of a 1961 comprehensive downtown revitalization plan, proposed deeding the Main Street Plaza land to the LDS Church if the church agreed to landscape the property and provide underground parking. The idea was to create a "visual anchor" for the downtown that would help beautify the area and funnel tourists into downtown businesses. After more than 40 years of discussion and thought, the Church of Jesus Christ purchased the block of road for .1 million.

It is also useful to remember that the idea of closing a block of street was not novel. Since 1970 Salt Lake City has closed through sale or auction approximately 120 streets or parts of streets. Nor was the idea of closing a street next to a religious building unique—some of the road closures were designed to assist in the maintenance or development of Catholic, Lutheran, and Baptist facilities.

Why then is the Main Street Plaza so controversial? Much has been said about free speech, "getting what one bargained for," and the restrictions the Church of Jesus Christ has tried to place on protests in the plaza. The limitations on the activities of visitors to the plaza were extensively debated during the negotiations process. The church and city wanted to ensure public access to the property, but agreed that the LDS Church should not have to pay .1 million for the privilege of maintaining and keeping up an otherwise public park. To this day the negotiators who were on both sides of the dispute still agree that part of the intent of the deal was to allow the LDS Church to maintain a peaceful atmosphere through restrictions on the activities and speech of those who wanted to use the plaza.

So where is the dispute? Problems arose concerning the Main Street Plaza when individuals and groups wanted the city to retain greater rights that would allow for protesters on the plaza. These groups brought up their concerns during the months of public meetings and hearings concerning the deal, but, as often happens in the democratic process, they were outvoted. Since this one-block stretch of Main Street had never been a significant protest site, and over one mile of public sidewalk around the church property remained, these arguments did not carry the day.

Not content with that result, several groups brought suit against the city, arguing that the city's retention of a public easement over the property meant that the city retained a public forum where the full scope of the First Amendment would be effective. This was not the intent of the drafters—in fact, the deed itself states: "Nothing in the reservation or use of this easement shall be deemed to create or constitute a public forum, limited or otherwise on the property." The best legal thought of lawyers of both parties concurred that this was a constitutional interpretation of the law.

The Tenth Circuit Court of Appeal, however, thought differently. In a novel legal opinion, the court held that the easement did leave the city with a public forum and the strict terms of the easement were thus unconstitutional.¹ Many municipalities and landowners have expressed concern at this result, as it undermines the sale of land when cities reserve easements, as they often do.²

In an unfortunate legalistic result, the rest of the purchase agreement remained valid. The net effect is that the Church of Jesus Christ has had to pay .1 million to provide a forum for those who would disrupt wedding parties, sunbathe next to reflecting pools, or heckle passing tourists.

Even though both sides realized the importance of the atmosphere issue to the church and that this had been seen as a "deal-breaker," the agreement had a boilerplate severability clause. These clauses, which are routinely placed in contracts of all sorts, state that if one provision of the agreement is unconstitutional or illegal, the rest remains valid. This keeps a major multimillion-dollar deal from becoming unraveled for small technical drafting errors. Those who opposed the deal in the first place have delighted in this result, insisting that the obvious incongruence of paying .1 million to provide a flowered platform for protests was "just what the church bargained for."

Press coverage has tried to make this out as an issue that pits Mormons against those of other faiths, or those who favor free speech against those opposing it, but the reality is much more prosaic. The simple problem is what to do with an unexpected and unusual court decision and a badly drafted agreement that clearly no longer reflects the original plans of the parties.

So what next? In its decision, the Tenth Circuit suggested that the terms of the easement it struck down could be "altered or eliminated by the involved property owners." The current mayor and the LDS Church have been in negotiations over the future of the easement, but have not yet reached a result. As this article went to press, it appeared that the LDS Church would trade two acres of land in another area of Salt Lake City to be used for a needed community center in exchange for the city's relinquishing the easement. Public access would still be preserved through a reverter clause, but the church could finally use the Main Street Plaza as city planners had intended in 1961. Perhaps one day soon the Main Street Plaza will become an oasis of peace for workers and tourists in Salt Lake City's busy downtown.

Elizabeth A. Sewell is associate director of the International Center for law and Religious Studies at the J. Ruben Clark Law School, Brigham Young University, Salt Lake City, Utah. Her comments on the case, while based on considerable legal experiences, are her

own and not an official statement of her church.

¹ First Unitarian Church of Salt Lake City v Salt Lake City Corporation, 308 F.3d 1114 (10th Cir. 2002).

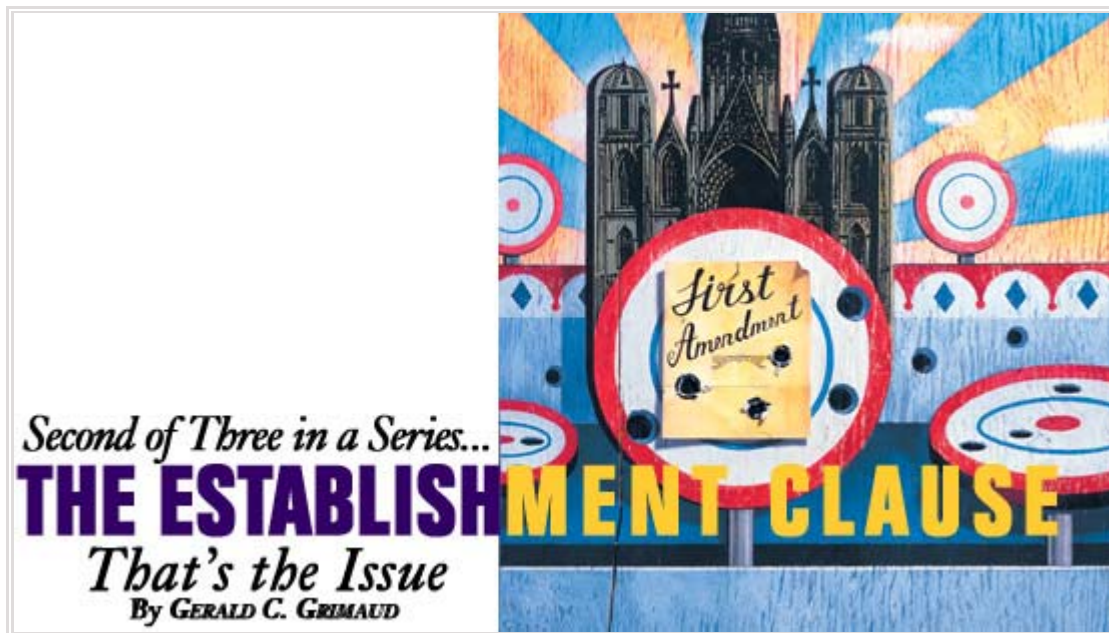
² *Ibid.* The city was supported by amicus curiae briefs from the International Municipal Lawyers Association, the National League of Cities, the National Association of Counties, and a wide array of religious and civic groups.

MAY / JUNE 2009

The Establishment Clause...That's The Issue

First Amendment: "Congress Shall Make No Law Respecting An Establishment Of Religion" . . . And President Bush's Plans To Fund "Faith-based" Social Programs. Has It All Been Said? Probably. But I Haven't Heard This Reality Set Forth: Once Religion Is Esta

BY: GERALD C. GRIMAUD



Illustrations by Ricardo Stamatori



First Amendment: "Congress shall make no law respecting an establishment of religion" . . . and President Bush's plans to fund "faith-based" social programs. Has it all been said? Probably. But I haven't heard this reality set forth: Once religion is established, it will likely never be disestablished. Why be concerned? Because establishment diminishes the free exercise of religion.¹

Americans have never had total disestablishment (as is, for example, evidenced by Sunday "blue law" protections, notwithstanding millions of nonbelievers and those who observe Saturday as the Sabbath); though disestablishment was intended by our Founders (as is, for example, evidenced by the First Amendment and the fact that the word "God" appears nowhere in the U.S. Constitution). However, Americans do worship as free from official religion as any other peoples in the world.

In 1970 I had occasion to speak with Andreas Papandreou while he was head of his Greek government-in-exile in Toronto. I asked Mr. Papandreou, "In the event you are ever able to return to Greece and assume power, what will be your first undertaking, your first priority?" He emphatically answered, "I will do all I can to separate church and state. The church is at the root of many of our problems."

The son of a former Greek premier, Mr. Papandreou had a Ph.D. in economics from Harvard, was published widely, taught for years at the University of Minnesota and Northwestern University, and ultimately chaired the School of Economics at the University of California at Berkeley. A 1967 military coup deposed his father's popularly elected government, and Mr. Papandreou was placed in solitary confinement for eight months. With the help of influential Americans, Mr. Papandreou was released, formed a government-in-exile, and

taught at York University, in Toronto. Mr. Papandreou was ultimately able to return to Greece as democracy was restored in 1974. In 1981 he was elected prime minister.

I followed Mr. Papandreou's political career through the New York Times. He was good to his word regarding church and state. He accomplished much, e.g. reformed divorce laws. He even obtained support from some in the church, such as the primate of Greece and certain theologians, who agreed separation would benefit both the church and the government.² However, Mr. Papandreou, though critical of our foreign policy at the time, said he envied America for, among other things, its First Amendment.

While not speaking of the establishment clause as an impediment, I believe President Bush sees it as a major hurdle to his desire to channel billions to parochial schools and social programs. The president's current plan, it appears to me, is the boldest and most aggressive collateral attack on the establishment clause since its 1791 ratification. America is entering new territory.

If the president's religion assistance program makes it past the U.S. Supreme Court, as it may, I fear religion in this country will never be disestablished. It took a violent revolution to achieve America's establishment clause. Once it is lost in substance we will never get it back. Humanity will have lost its noblest battle. I hope I am wrong.

Gerald C. Grimaud is a former Pennsylvania assistant attorney general. He is engaged in the general practice of law in his hometown of Tunkhannock, Pennsylvania. His cases include constitutional, criminal, and civil rights law.

¹ Leonard Levy, *Origin of the Bill of Rights* (Yale University Press, 1999), p 79. ("Equality for all opinions on the subject of religion and for the free exercise of religious conscience cannot exist in the presence of an establishment of religion.")

² New York Times, Apr. 11, 1982.

MAY / JUNE 2009

Religion In The Public Square

In The Northeast, Where I Live, We Have A Saying: "If You Don't Like The Weather, Wait A Minute." The Same Holds True In An Interesting Case Involving The Main Street Plaza In Salt Lake City, Utah. Its Legal Briefs Have More Twists And Turns Than A Grisha

BY: CELESTE PERRINO
WALKER

By CELESTE PERRINO WALKER
RELIGION *in* **THE PUBLIC SQUARE**



Illustrations by David Klein



In the Northeast, where I live, we have a saying: "If you don't like the weather, wait a minute." The same holds true in an interesting case involving the Main Street Plaza in Salt Lake City, Utah. Its legal briefs have more twists and turns than a Grisham thriller. The issues involved have slashed through the City of Salt Lake, dividing its fair citizens.

It all started when the Church of Jesus Christ of Latter-day Saints (the LDS Church) and the City of Salt Lake struck a deal in 1999. For the princely sum of 1 million dollars the LDS Church bought a 660-foot section of Main Street aptly nicknamed "Soapbox Corner" at the turn of the century, because of all the speechmaking that went on there (the significance of this has escaped no one). This section comprises a downtown block, which runs in front of the Mormon temple from North Temple to South Temple streets. Following the sale the LDS Church made major improvements to the block, transforming it into a plaza with fountains, flowers, reflecting pools, and statues.

The city, meanwhile, spent the money.

Because this section of land is a major thoroughfare, the city retained easement rights to ensure pedestrian passage. The trouble is that the LDS Church imposed, and the city accepted as part of the deal, a list of restrictions on the conduct of people passing through their section of Main Street. The list of outlawed activities reads, in part: "loitering, assembling, partying, demonstrating, picketing, distributing literature, soliciting, begging, littering, consuming alcoholic beverages or using tobacco products, sunbathing, carrying firearms (except for police personnel), erecting signs or displays, using loudspeakers or other devices to project music, sound or spoken messages, engaging in any illegal, offensive, indecent, obscene, vulgar, lewd or disorderly speech, dress or conduct, or otherwise disturbing the peace."¹ Anyone not conforming to the restrictions would be banned from the property.

The LDS Church itself has no such restrictions on its own behavior in the plaza. In fact, it is "without limitation," as the easement puts it. "The provisions of this section are intended to apply only to Grantor and other users of the easement and are not intended to limit or restrict Grantee's use of the Property as owner thereof, including, without limitation, the distribution of literature, the erection of signs and displays by Grantee, and the projection of music and spoken messages by Grantee."²

The LDS Church, being quite serious about the restrictions, began to enforce them. Several people were arrested or given citations. Kurt Van Gorden, director of Utah Gospel Mission, and Melvin Heath were two such "trespassers." "The Utah Gospel

Mission has been passing out gospel literature in Utah since 1898," Van Gorden said. "The very block of Main Street in question has been a place we have done mission work for the past 25 years. And we feel that right [to do mission work] was taken away through the sale of the property. It was impinged by the Mormon Church. They have the right to say who can be there. Their missionaries are allowed there, and ours aren't. We're saying that in the United States we need equal footing for all missionaries and all religions, not discriminating against one and in favor of another."

Van Gorden was arrested by Mormon security guards when he attempted to pass out tracts along the easement. "It was a public easement," he said. "We went down there and passed out our tracts and the Mormon security guards arrested us. The police only effected the arrest that was officially done by the security of the Mormon Church."

The first day Van Gorden was given a citation for trespassing, which was later dismissed by a judge during his arraignment, and willingly left with police officers called by the Mormon security guards. The second day he was handcuffed and taken to jail. Others received citations as well.

The American Civil Liberties Union (ACLU) filed a suit on behalf of the First Unitarian Church of Salt Lake City, and the Utah branch of the National Organization for Women and Utahns for Fairness, arguing that the restrictions violated First Amendment rights. U.S. district judge Ted Stewart ruled against the ACLU, finding that the easement, while allowing the public passage through the plaza, didn't preserve any rights of speech.



Salt Lake Convention and Visitors Bureau.
Jason Mathis

The ACLU appealed Judge Stewart's decision to the Tenth Circuit Court of Appeals. The outcome was a three-judge panel reversing the U.S. district court's decision and ruling that the sidewalks of the Main Street Plaza are a public forum. But the buck didn't stop there. The LDS Church filed an appeal to the full court, hoping to overturn the Tenth Circuit Court of Appeal's ruling. They cited the ruling as inconsistent with an earlier 1999 case in Denver in which the same court "found that a First Amendment public forum didn't exist on a secular pedestrian plaza created when the city closed a street that ran through the Denver Performing Arts Center campus."³ The situation varies somewhat, however, in that the Denver plaza is described as a covered, elevated terrace that is essentially an extended lobby for the Denver Performing Arts Center. One of the judges who sat on both cases did not see the rulings as inconsistent. The hearing was subsequently denied.

The LDS Church has intimated that it might appeal to the U.S. Supreme Court. And here everyone sits, waiting for an outcome that will satisfy someone. While the legal parties play tennis with this case in court, the daily result of the sale is the effect it has on the citizens of Salt Lake City and the LDS Church, which now, in effect, owns a public property where anything goes, right in front of its temple. And it paid a whopping price for the privilege too. As the property owners the LDS Church should be allowed to designate what does and doesn't happen on their land. Herein lies the crux of the matter. The LDS Church and the City of Salt Lake, both with, as far as anyone can tell, pure and honest intentions, agreed to the sale, including the easement and restrictions.

But they blinded themselves to what would happen if the restrictions, because of the location, i.e., Main Street, which is traditionally a public forum, were deemed unconstitutional. It seems clear that the LDS Church would not have purchased the land without the restrictions, and the city would not have sold it without an easement.

However, there is evidence that someone along the line had doubts about whether the restrictions would fly in the face of constitutional rights, because there is a severability clause stating that "in the event that it is finally determined by a court having jurisdiction over Grantee or the Property that any of the terms, conditions, limitations or restrictions set forth in this instrument are unconstitutional or otherwise unenforceable, the remaining terms, conditions, limitations and restrictions set forth herein shall remain binding and enforceable."⁴ Meaning that the LDS Church gambled on their restrictions not being unconstitutional.

This presents no small conundrum for all parties presently involved. The current mayor, Ross C. "Rocky" Anderson, inherited this dilemma and is trying to do right by all parties involved. He stated in an opinion editorial submitted to the Salt Lake Tribune and the Deseret News regarding the Main Street Plaza, "Some who have made demands have done so with righteous indignation that

I would abide by the written agreement that was negotiated at length and drafted with the help of several lawyers representing the Church of Jesus Christ and the city. Ironically, I am being criticized by officials of The Church of Jesus Christ and DeeDee Corridini⁵ for refusing to significantly alter a contract negotiated, drafted, and signed by them."⁶

Mayor Anderson has written several statements regarding this issue and suggested possible alternatives that would give what he calls a "win-win" outcome to the stalemate of the plaza issue. One such alternative is beguiling in its intention. In it the mayor proposes a compromise solution. Essentially the city would extinguish the easement. In exchange the LDS Church would donate 2.17 acres it owns on the west side of Salt Lake City to be developed into facilities to provide "opportunities to west side residents, including such things as early childhood programs, after-school and summer youth programs, art programs for young people and adults, business mentoring, legal services, and adult education classes."⁷ In addition, the mayor proposes that expanded health-care services be provided.

What it boils down
to is trading **FREEDOM** for **GOODNESS.**

Support for the plan was indicated by the pledges of people willing to help turn such humanitarian dreams into reality. "James Sorenson has pledged a million matching gift. The Jon M. Huntsman Family and the George S. and Delores Dore Eccles Foundation have agreed to jointly match that million gift."⁸

There's more to it. Altogether there are eight points, or terms, to Mayor Anderson's proposal. On the surface it seems to be an ideal trade, and the mayor seems sincere. And he's not letting any moss grow on his idea either. Josh Ewing, communications director for the mayor, confirmed that Mayor Anderson had already filed a petition to vacate the easement, which will start the public process for consideration of this proposal.

However, as tempting as it might be to trade something only non-Mormons truly want (the easement) for a noble humanitarian cause (helping the less-affluent west side of the city), what it really boils down to is trading freedom for goodness. If our freedoms are traded for anything, no matter how honorable or noble it is, how then can we truly be free? If we can trade freedom of speech for "remarkable humanitarian objectives,"⁹ what then will we trade our other freedoms for? What is freedom of religion worth? Soup kitchens? Homeless shelters? World peace?

Freedom can't be bought and it can't be sold and it can't be traded for even the very best of humanitarian causes. Freedom is priceless. We would do well to remember that in times like these.

The battle lines have been drawn around free speech rights, but in a town like Salt Lake, where you're Mormon or you're not, it's rarely "just" about free speech. "The ACLU also claims that the city's sale of Main Street to the church is an establishment of religion by 'giving the indelible impression that the LDS Church occupies a privileged position in the community.' The debate isn't new, says John McCormick, a history professor at Salt Lake Community College. Ever since the turn of the century, when non-Mormons became half the city's population, the church has tried to reassert its authority.

"Salt Lake City is what may be called a contested site," McCormick said. "Who's Salt Lake going to belong to? Who will have a voice and who won't, and what position will groups occupy in the city? The sale of Main Street fits right into that."¹⁰

And take into account that the original sale of the land by the city council was passed by a vote of five to two—five Mormons in favor and two non-Mormons against.¹¹ All this has created an "us against them" feeling in the city. "More than half—58 percent—of Wasatch Front residents say the plaza issue has affected relations between Mormons and non-Mormons, according to a poll conducted last week for the Salt Lake Tribune."¹²

And then there is the question about the rights of the disabled, should the easement be vacated. The Americans with Disabilities Act

comes into play here too, maintains Van Gorden, who is concerned about what would happen to the disabled should the easement be dissolved. In a letter to Mayor Anderson he says, "Giving the public easement away harms the non-LDS disabled people, whom you have a duty to protect. Those on canes, walkers, crutches, or using wheelchairs, must be guaranteed that they will not have to struggle to remove a shirt, jacket, hat or cover a bumper sticker or other slogan prior to crossing between North and South Temple streets on the public easement of the Main Street Plaza, simply because such may be considered an inappropriate message by LDS monitors. Otherwise, non-LDS disabled people will be forced to struggle along three additional blocks to get to the same point that is one block over the easement today if they believe in a specific cause and wear it on their clothing or wheelchair."¹³

Free speech may be the most prominent issue in this case, but it's certainly not the only one. For the time being, the LDS Church owns 660 feet of controversy in a city that is rapidly choosing up sides along religious lines. It would take a judge as wise as Solomon to settle so sticky a dispute. Too bad he's not available. Unless an eleventh-hour compromise is reached, the Supreme Court could be the ones to write the end of this legal thriller.

Celeste Perrino Walker is a much published author of books and articles, with a long-standing interest in legal "conundrums." She writes from Rutland, Vermont

¹ Main Street Easement, Special Warranty Deed, executed Apr. 27, 1999.

² Ibid.

³ "Mormon Church Appeals Main Street Free-Speech Ruling," The Associated Press, Oct. 24, 2002.

⁴ Main Street Easement, Special Warranty Deed, executed Apr. 27, 1999.

⁵ DeeDee Corridini was the mayor at the time of the Main Street sale.

⁶ "Mayor Anderson Calls for Keeping Promises on Main Street Plaza," Ross C. "Rocky" Anderson, submitted Nov. 26, 2002, www.slcgov.com/mayor/speeches/plaza%20oped.htm.

⁷ "Statement of Mayor Ross C 'Rocky' Anderson Regarding Main Street Plaza Resolution Proposal," Dec. 16, 2002, www.slcgov.com/mayor/speeches/plaza%20resolution%20speech.htm.

⁸ Ibid.

⁹ Ibid.

¹⁰ "ACLU Sues Salt Lake City Over Deal With Mormon Church," Associated Press, Nov. 17, 1999.

¹¹ "Mormons Purchase Portion of Utah Public Street, Create Code of Conduct," Associated Press, May 7, 1999.

¹² "SLC Council Hears Main Street Plaza Issue," Associated Press, Dec. 18, 2002.

¹³ Kurt Van Gorden, director, Utah Gospel Mission, to Mayor Ross C. Anderson, Nov. 7, 2002.

MAY / JUNE 2002

Letters



U.S. Mentioned in Revelation!

As I read and reread your very thought-provoking article "Taking Liberty With Freedom," by Richard Moore, in your May/June 2002 issue. I couldn't help being reminded of the biblical prophecy of Revelation 13:11.

Various interpreters of Bible prophecy have seen in the two horns of the lamblike beast America's outstanding characteristics of civil and religious freedom. They note that Revelation 13 speaks of a dramatic change into "old world" intolerance and persecution.

John Wesley in his notes on Revelation 13:11, written in 1754, says of the two-horned beast: "He is not yet come, though he cannot be far off. For he is to appear at the end of the forty-two months of the first beast. The previous beast came up out of the sea, which indicates its rise among the peoples and nations of the world then in existence (Revelation 17:5). Whereas the latter power comes up out of the earth where there has not been peoples and multitudes. And nations and tongues before. In 1798 the United States was the only great power then coming into prominence in territory not previously occupied by peoples and multitudes and tongues."

The eminent preacher DeWitt Talmage based a sermon, "America for God," on the text of Revelation 13:11, interpreting the beast with two horns as referring to the United States. "Is it reasonable," he said, "to suppose that God would leave out from the prophecies of His book, the whole Western Hemisphere? No! No!"

Now, what of the future? If the Constitution guarantees our civil and religious freedoms, then we should be very careful about any proposed changes to it, no matter how well-meaning the proponents! Of course, if a majority in America really want constitutional changes, they can carry them out and possibly fulfill Bible prophecy concerning America.

B. L. DYCK

Blountville, Tennessee

Trust in God

The recent death of Mamie Mobley, the mother of Emmitt Till, is a reminder that while we have made great strides toward racial justice, we nevertheless should oppose with vigor those in our midst who view the 1950s as America's golden age. Emmitt Till, readers may recall, was the 14-year-old Black teen who on a visit to relatives in Mississippi was brutally murdered by White Southerners, an act that focused national attention on our Jim Crow mentality and that led to overdue legislation to address this injustice.

Only a few years ago the writer (a white Anglo-Saxon Protestant born during the Great Depression) attended a meeting at which the leader of our state's Christian Coalition extolled the 1950s as a time when we were at our Norman Rockwell best. Such nonsense! The 1950s were a period not only when segregation reigned but also when conformity, censorship, McCarthyism, corporate arrogance, hypocrisy, and double standards of justice were the norm.

It was also a time when opportunities for women were much less, when anti-Catholicism was much stronger, and when teenagers were expected to obey without question their parents and other persons of authority. It was the time of Orville Faubus. It was the time when, despite warnings, our troops in training were exposed to radiation from atomic bombs exploded immediately before them, and when DDT was used like talcum powder.

DONALD D. MEYER

Labadie, Missouri

The 1950s were good to me—I was born in that decade, and remember those times with nostalgia. But Donald Meyer is right: it was a time, like others, when Christian charity was lacking in many areas of national conflict—even as factions moved on the government to upgrade the Pledge of Allegiance with the very words that in 2002 created constitutional debate. Editor.

Enjoy Greeley

I enjoyed Winston Greeley's article about the *Pierce v. Society of Sisters* case. He compares the logic of saying that the government must fund private religious education to saying that because *Roe* protected the right to abortion, the government should fund the termination of pregnancies. The United States Supreme Court considered that very issue in *Maher v. Roe* in the late 1970s and held, as Mr. Greeley would have expected, that there was no constitutional right to have the government pay for citizens to exercise their abortion rights.

TOM RICHARDSON

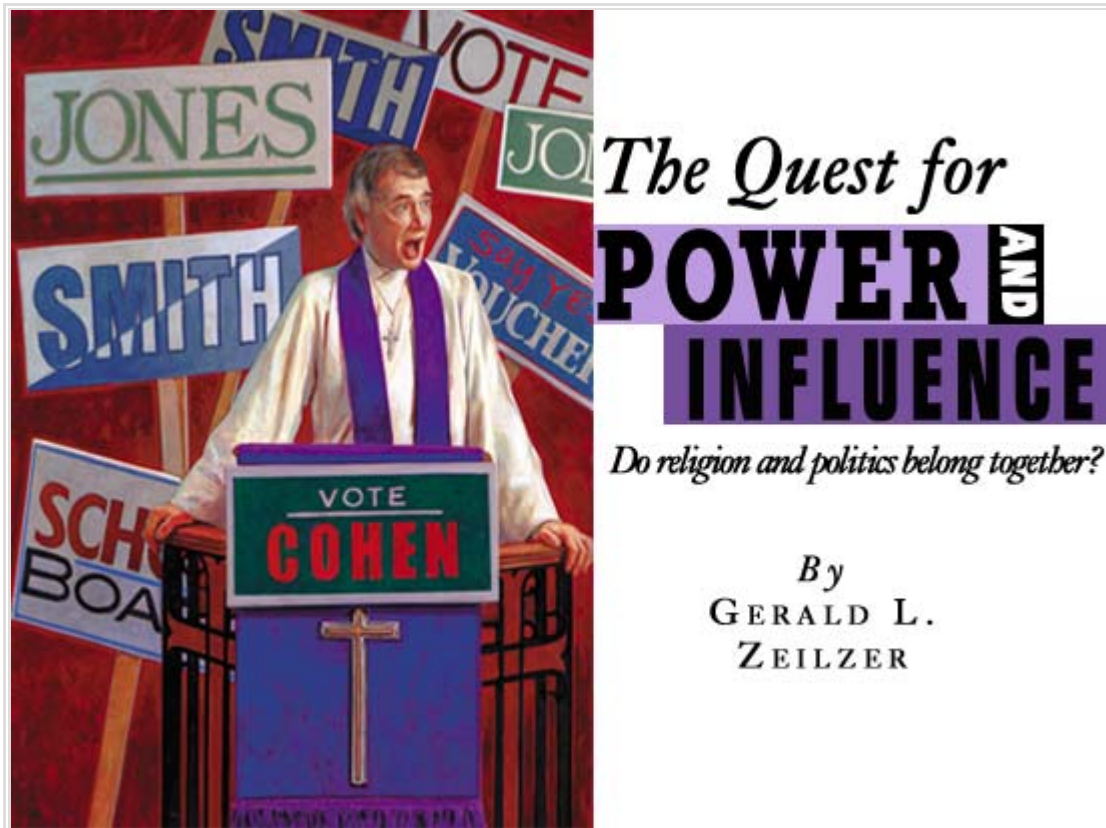
Kalamazoo, Michigan

MAY / JUNE 2009

The Quest For Power And Influence

Last Fall The House Of Representatives Defeated A Bill That Would Have Allowed Religious Institutions And Their Clergy To Endorse Political Candidates Without Risking Their Tax-exempt Status. Proponents, Though, Vowed To Resurrect The Bill During The 108

BY: GERALD L. ZELIZER



Illustrations by Laura Stutzman



Last fall the House of Representatives defeated a bill that would have allowed religious institutions and their clergy to endorse political candidates without risking their tax-exempt status. Proponents, though, vowed to resurrect the bill during the 108th Congress, which convened in January this year. Representative Walter B. Jones (R-N.C.) proclaimed in defeat, "We must not allow a government institution to have this kind of chilling effect over America's churches. Today we took a very important step toward bringing the freedom of speech back to our pulpits. From the first day of the 108th Congress I will continue this fight, because I believe this, a battle that can be won and will be won. Congress must return First Amendment rights to our houses of worship."

Under current law, if a charitable group—including religious organizations—elects to have a 501(c)(3) tax-preferred status, the group is tax-exempt, and donors can deduct their contributions. At the same time, the organization that elects tax exemption is prohibited from direct political activity and direct endorsement of candidates. Under the Houses of Worship Political Speech Protection Act, HR 2357, the ban would no longer be absolute. Political activity and endorsement would be barred only if it was a "substantial part of their activities." Houses of worship would be permitted to engage in direct political endorsement and continue to be tax-exempt. The bill failed by 239-178, led by Democrats who were joined by 46 Republicans. Nevertheless, a significant number voted in favor. This should raise

our antennae to anticipate and resist repeat efforts in the current session of Congress.

The defeat prior to elections in November did not prevent proponents from finding alternative ways to make their political preferences known. In Maryland, for instance, Robert Ehrlich, the Republican candidate for governor, was invited to speak about his candidacy at the Silver Spring Jewish Center immediately following religious services on a major Jewish holiday. Although the center's rabbi, Herzel Kranz, did not specifically endorse Ehrlich's candidacy, he later acknowledged to me that "all understood why Ehrlich was there and why his Democratic opponent, Kathleen Kennedy Townsend, lieutenant governor, was not invited." This was an endorsement by implication.

Such implicit endorsements by religious leaders are common. Clergy find loopholes and indirect techniques to endorse the candidates they believe will further their moral and religious agendas. They claim their actions are justified because of the important role religion has to play in issues of the day and because the church should enjoy free speech too.

Politics from the pulpit, according to Pastor William Phillips, of Faithway Baptist Church in Ypsilanti, Michigan, has galvanized Americans on matters as diverse as the revolution, taxation, and slavery. Under current law, he argues, "the church is the only major body that is censored when it comes to exercising the free speech guaranteed by the First Amendment in this country."

But do we really want our religious leaders and churches to become power brokers to be courted by candidates and political parties at election time? I think not.

Clergy and their churches already have other ways to address important issues of our times—school prayer, homosexuality, right to die, abortion, and the death penalty—that are free of political entanglements.

Encouraging religious endorsement of candidates undermines the moral authority of religious leaders rather than enhancing it, as some claim. Getting involved in the endorsement process engages members of the clergy in the bargaining, trade-offs, compromises, and favors inherent to politics. That detracts from, rather than adds to, religion's prophetic voice. Our points of view have greater influence if they address issues, not candidates.

The nexus of religion and politics has a long history. Many religious leaders, instead of shying away from the political spotlight, have used their religious standing to promote political issues of importance to their followers; the Reverends Martin Luther King, Jr., and Jesse Jackson come to mind, as does the Reverend Jerry Falwell.

But the "techniques" that were used during last November's elections exceeded merely the promotion of issues. There's also plenty of evidence that it involved circuitous ways of endorsing candidates.

Many **RELIGIOUS** leaders, instead of shying away from the political spotlight, have used their religious standing to promote **POLITICAL** issues.

Endorsement as a Byproduct. Candidates are often invited to address a religious service about their own religious faith. For example, in the last North Carolina senatorial election, Elizabeth Dole visited no less than a dozen churches to "give witness" to her Christian faith. She received accolades from many of the pastors for translating her religious principles on such issues as school prayer and abortion. While her candidacy may not have been directly endorsed from the pulpit, it was clear why she was there and why pastors were so effusive in their praise.

The Wink Method. The Reverend C. Welton Gaddy, executive director of the Interfaith Alliance and pastor of Northminster church of Monroe, Louisiana, tells of a pastor who called him at radio station KREF in Oklahoma City to tell of attending a pastors' policy briefing on politics led by a well-known and politically active religious leader. The clergyman explained how he would invite candidates to worship services and tell his congregation, "I am supporting this candidate, but you don't have to."

Endorsement Off the Pulpit. Some ministers endorse a candidate through a letter on personal stationery rather than that of the church. Or they do something similar to what Pastor Phillips of Ypsilanti did. Phillips put a bumper sticker on his car supporting the candidacy of Dick Posthumus, who was running for governor of Michigan. "Everyone knows who the car belongs to and which church I am pastor of," he admits. And, he adds, at his church "we only announce meetings on political points of view that we agree with." Similarly, prior to last November's election, Governor George Pataki, of New York, made a 12-hour whirlwind tour of Jewish Hasidic strongholds, from Brooklyn to Kiryas Joel, in Rockland County. In each he visited the local Hasidic rabbi. These charismatic rabbis are emulated slavishly by their followers on matters from religion to politics. Although the visit was usually in a home or a place of Torah

study and not technically using a pulpit, the effect was the same. Governor Pataki was supported by an estimated 95 percent of the Hasidic community in his successful reelection bid.

Endorsement of local candidates is usually not as visible to the IRS as are congressional elections. But if former Representative Tip O'Neill's quip that "all politics is local" is accurate, local endorsements may be the most significant of all. Take, for example, the school board race in Fort Bend County, Texas, in April of 2002. Usually in these kinds of elections, incumbents coast to victory. But incumbents in Fort Bend were challenged by three newcomers who were all active in the same fundamentalist church. According to the Katy Sun newspaper, the candidates denied that they were voting as a bloc. "I'm not running as a Powerhouse church candidate," the newspaper quoted David Farrell as saying. "I'm running because I want the best education for my children." Nevertheless, the report continues, their campaign flyers were available at the reception desk in the foyer of the 1,500-member church. According to local resident Debbie Simon, the minister encouraged members to vote for the three church candidates.

The Reverend Walter E. Fainter, a retired member of Congress and pastor of New Bethel Baptist Church, in Washington, D.C., acknowledges that the laity of his church looks to him to interpret political issues and endorse candidates. He explains that forays into partisan politics by clergy "translates belief into public policy among those who have the least." That's especially true, he says, in five key areas: income, education, health care, housing, and justice. He explains that parishioners in the Black church "trust their pastor to analyze political issues on these grounds on their behalf. The pastor has the right as a faith leader to interpret the word as he sees fit."

Proponents such as Fainter and James Kennedy, senior minister of Coral Ridge Presbyterian Church in Fort Lauderdale, Florida, argue that restrictions on 501(c)(3) corporate entities in 1954 deprived clergy of the rights of speech under the First Amendment that are guaranteed to all other citizens. They protest that President Johnson was concerned with influential anti-Communist organizations threatening his senate reelection. So, according to Kennedy's testimony before Congress, "he figured out that the best way to deal with these 'special interests' was to silence them." This reversed a 300-year practice of churches and clergy playing vital roles in the political development of the nation. Nineteenth-century historian John Wingate Thornton said that "in a very great degree, to the pulpit, to the Puritan pulpit, we owe the moral force which won our independence. During the

Revolutionary Era it was graduates of Yale and Harvard, serving in churches across New England, who laid out the theology of resistance that made war with England inevitable. In the mid-nineteenth century, evangelical Christians were primary agents in shaping American political culture. Americans forget that nearly two thirds of the abolitionist movement at one time consisted of pastors."

Proponents of the change also claim that the Internal Revenue Service in 1992 singled out the Church at Pierce Creek in Vestal, New York, for placing a newspaper ad warning Christians not to vote for Bill Clinton as president. Three years later the IRS revoked the church's tax exemption. At the same time, they charge, the IRS took no action in 1994 when then New York Mayor Mario Cuomo campaigned for reelection at the Bethel African Methodist Episcopal Church in Harlem. Reverend Kennedy sums up this way: "Therefore we have a situation where those in this country who have the greatest vested interest in maintaining the morality and decency of the country are gagged when it comes to election time."

But are religious leaders really gagged? The issue is not whether they are gagged, but whether they should endorse candidates while still enjoying the benefits of tax exemption. After all, tax exemption means that the U.S. government and ultimately the American taxpayer are subsidizing the beneficiary of exemption. Why should the tax revenues of citizens be utilized in effect to promote the politics of a particular party or candidate? Citizens who wish to do so can make direct contributions to those candidates. A church or minister can enjoy the freedom bestowed by the First Amendment and endorse political candidates—if the church relinquishes its tax exempt status. Of course, at all times churches and clergy may address the issues as long as they do not connect an issue to a particular candidate. This is called "issue advocacy."

Certainly religion should examine political issues. The examples of church involvement in the political process of America involved endorsement of issues such as revolution, abolition of slavery, and civil rights. Even then clergy were not endorsing candidates. Steven Miller, director of the IRS exempt organizations division, reports that in the past 25 years only two churches and five religious organizations have lost their tax-exempt status over political issues. The current law has probably prevented many others who would have also employed circuitous methods of political endorsement.

Yale law professor and evangelical Stephen Carter argued in his 1993 book *The Culture of Disbelief* that religious Americans have been marginalized and depicted as fanatics in order to keep their views out of democratic politics. On the other hand, in his last book, *God's Name in Vain*, he cautions that religion loses its power to be a moral witness if it is involved in the nitty-gritty of daily political struggles. Great moral conflicts—such as the fight against slavery—require indirect political action. But Carter believes that both the civil rights



movement and the Christian Coalition were sullied and co-opted by remaining with politics for too long a time.

Churches and members of the clergy who support specific political candidates risk polarizing religious institutions. For example, the current president of my synagogue is a member of the local Republican Committee. The immediate past president was on the committee to elect the then Democratic candidate for governor, James McGreevy. What right do I have as a rabbi to declare myself in the camp of one and alienate the other? The discord that I would sow would diminish my religious authority and pastoral relationship with one or the other.

And the dissension would flow outward, too. Cooperation and better understanding among different religious faiths are cornerstones of religion as it is practiced in America. Both are at risk if the use of oblique political endorsements by churches and clergies becomes even more widespread. Imagine Islamic mosques indirectly endorsing a pro-Palestinian candidate, synagogues a pro-Israeli one, Methodist churches a pro-choice politician, and Catholic churches a pro-life candidate. The combustion from the political differences would surely divide religions in America, which is already fractured by other divisions based on theological, racial, and economic differences.

That's why, as Representative John Lewis (D-Ga.) often points out, the Reverend Martin Luther King, Jr., as passionate as he was for social issues, never endorsed a candidate.

Gerald L. Zelizer is rabbi of the Congregation Neve Shalom in Metuchen, New Jersey.

MAY / JUNE 2009

Editorial-Religious Wars



My title should be an oxymoron. Most religions, based on the spiritual well-being and eternal security of the individual as they tend to be, decry the use of war and violence to advance secular security. Certainly Christianity, as it derives directly from the words and life of Jesus Christ, gives no allowance for religious war in anything more corporeal than a spiritual cleansing of the thought process. So, too, we are told by many in the Muslim world that the term jihad primarily has a personal and internal application—I hope they are not just wishing this were so.

But we are in the opening days of the twenty-first century. A century already remarkable for its liberal application of religious agenda—mostly of the violent kind. In the aftermath of the worldwide socialist movement and the innumerable proxy wars fought between it and the defenders of liberal democracy we seem not to have reverted to the nationalism many expected but to a more elemental expression of religious violence.

I wish I could say that this is in any way associated with an increase in spiritual commitment or personal piety, if you will, but I cannot see any clear change in that direction. Rather the new religious forces seem more an outgrowth of tribal or group identity than anything else. This is a curious reversion of history—indeed, even of the haute evolutionary assumptions that human beings will continue to refine their social development.

We are instead rapidly approaching a state not dissimilar to prehistory and the landscape of early Old Testament times, when formal social groupings were emerging and asserting themselves: a time when the expression of a local deity functioned to define and protect the group. A local deity was owned by the particular society, defined that society, and defined the conflicts with other groups and their deities. It was a context that encouraged wars of annihilation. While the underlying causes might well have been competition over land, water, trade, or influence, the agenda of religious conflict and exclusivity made these precipitating issues and not end aims.

I could fill this column with examples from the intervening years of history to show the civil danger of tribal religion at work. The Middle Ages were replete with examples—and not just the oft-cited Crusades. And post-reformation Europe at times seemed nothing less than a cauldron of religious wars passing for civil rivalries.

Back to the future. George Santayana once said that those who do not remember the past are destined to repeat its mistakes. So why is it that so many religious leaders here are clamoring for political power even as basic religious communities around the world are erecting fences of tribal exclusivity? This issue of Liberty focuses neatly on the question with the article "The Quest for Power and Influence," by Gerald L. Zelizer. Here in these United States of America we have come under relentless assault by various religionists who are determined that the received orthodoxy of our society should have a legislative mandate for direct political activity. Why this insistence should be seen as a totally different dynamic here than the similar buying for power that has overwhelmed various

predominantly Muslim societies in the past decade or so escapes me.

I will confess that I come to my caution in this regard from two unimpeachable sources. First is the plain facts of history and how the dynamic of tribal religion has worked its mischief in the past. The second source is from my Bible, and comes from the thirteenth chapter of Revelation, among other references. Here is given a portent of the future . . . and regardless of how Christians parse out the very significant particulars of this and other prophecies, all recognize that here we see the actions of an atavistic, power-hungry civil religion. A monolithic, politically powerful religion always dispenses its largesse in abusive ways: whether it is the beating of boys for flying kites, the burning of heretics, or the denial of basic foodstuffs to dissenters implicit in the end-time mark-of-the-beast state predicted in Revelation.

It has been many years now since the West was largely titillated at the death fatwa issued from Iran against author Salmon Rushdie for his very real aspersions of Islam. We now know where this leads. A few days ago scholars at Cairo's Al-Azhar University, a preeminent Sunni Muslim center of learning, officially declared a jihad against the U.S. for attacking Iraq. Clash of civilizations aside, it is self-evident that the force of such a statement and its likely repercussions derives mostly from the fact that in that part of our shrinking globe the world of the faithful has largely merged with a national strategic vision.

How can we protect our society against such a hijacking of true religion? Taken at face value, those who claim to represent the true spirit of Islam say theirs is a religion of peace. But surely then this merging of state and spirit in that part of the world has tended to ignore the subtleties of dealing with any "other," and tends to accelerate a tribal narrowness that goes beyond what the holy books themselves encourage.

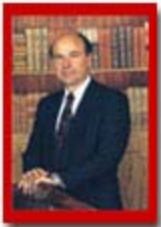
Why do clerics and representatives of religious factions demand a political voice on the level playing field of political action? Even if not always realized, it cannot be but for the need to separate the acceptable faith from the other and deal with the threat in ways that only state power can provide. And before we enter that red-tinted alleyway we need to ask ourselves if that is what we want; if we want to emulate the fundamentalist horrors of such regimes as the Taliban, the Drogeda massacres of Cromwell's England, or the France of St. Bartholomew's Day. There is a vast gap between where we are now and those times; but it is a gap with a road between and not disparate points on the moral compass.

I am not one of those inclined to take alarm at changes in the religious affiliation census of our elected officials. For public service I expect all who are elected to honor the public trust, and I presume that their individual faith professions enrich their personal morality. I do not wish to see them use their public trust to advance the particular agenda—particularly an agenda for dominance—that their church may have. That would threaten far more than the First Amendment. Conversely I would not like to see any in public office threatened by their faith group if they do not do the above.

No major faith group is immune from the temptation to advance by means fouler than fair. The following example was not picked because it represents any faith group as such, but because it happened recently and shows how any faith group convinced it has the inside track to salvation can project itself against power. A large advertisement in the Washington Times railed against "the deadly dozen" of Catholic senators who support abortion. The advertisement then called on church leaders to deny Communion to these people. Quoting church distaste for the promise of President Kennedy to keep his faith out of his public office, the piece appears to have leadership backing. Abortion may be—I believe is—a moral outrage. But I am no more happy to see a church play political hardball to fight it than I am to see an Islamic fundamentalist state use sharia law to execute a woman guilty of adultery.

As I stated, I see the whole movement for legislation to empower religion in politics as subversive—to church and state. I see the perhaps well-intentioned if historically naive move to reach back to an idyllic Christian nation construct and then legislatively implant it today as equally dangerous. I see the developing "them versus us" battle taking on religiotribal overtones and cannot help thinking that we are heading the wrong way.

I cannot believe that The Prince of Peace I serve would have any part in religious war, whether fought by guns or political machinery.



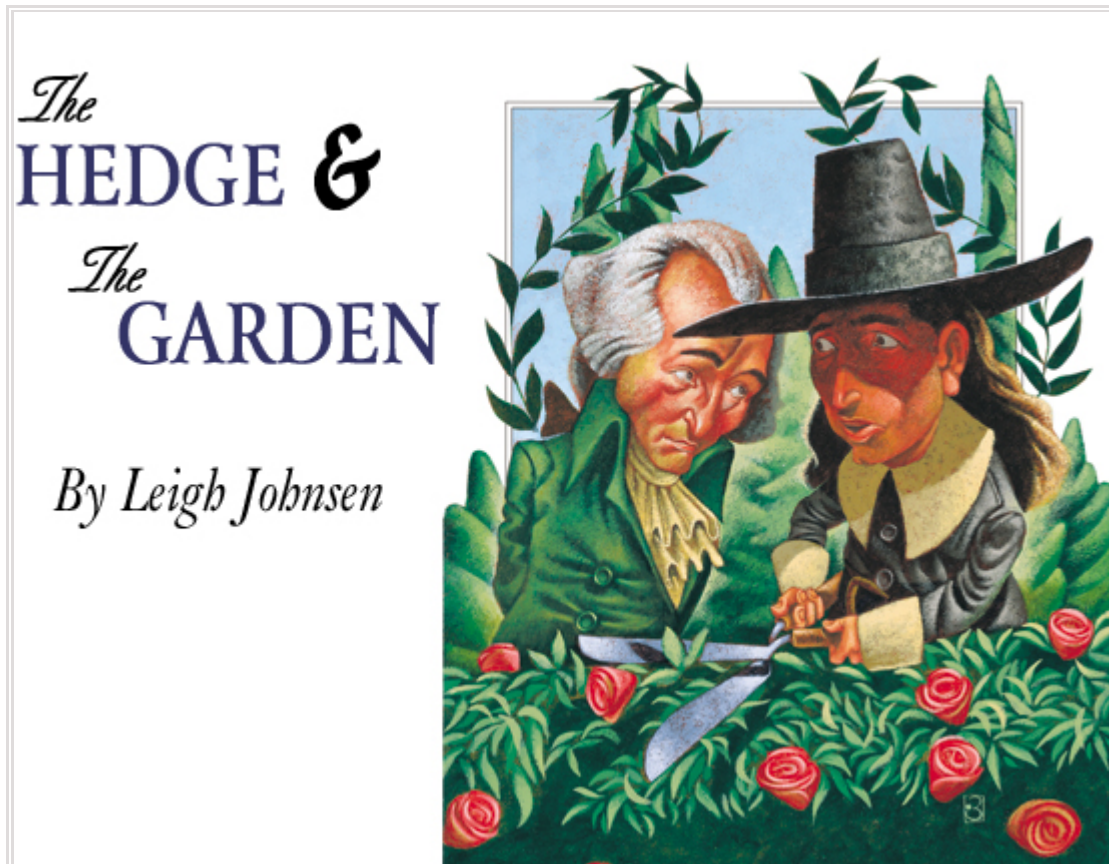
A handwritten signature in black ink, appearing to read "L. J. ...". The signature is fluid and cursive, written in a dark ink on a white background.

MAY / JUNE 2009

The Hedge & The Garden

Today James Madison Gets Most Of The Credit For Ratification Of The First Amendment. His Role Was Undoubtedly Pivotal, But His Involvement Represents Only Part Of The Story. Thousands Of Others Also Worked For Ratification, Many Of Them Members Of The Fas

BY: LEIGH JOHNSEN



Illustrations by Ralph Butler



Today James Madison gets most of the credit for ratification of the First Amendment. His role was undoubtedly pivotal, but his involvement represents only part of the story. Thousands of others also worked for ratification, many of them members of the fastest-growing denomination in America during the late 1700s, the Baptists.

Descendants of sixteenth-century Europe's Anabaptists (literally "rebaptizers"), the Baptists of early Colonial America were often seen as dangerous radicals, particularly in New England and the South. Those who preached or practiced their religion in public often felt the lash of civil authorities through banishment and imprisonment. With other religious minorities, they were also taxed against their will to support state-sponsored religious establishments, which existed in most of the Thirteen Colonies.

Early America's Baptists had ample reason to appreciate freedom of conscience, or "soul liberty" in their own terminology, and they became champions of its cause. The most famous Colonial Baptist in the 1600s—though a Baptist for only part of his life—was Roger Williams. To ensure freedom of conscience, Williams established the colony of Rhode Island in 1636 with complete separation of church

and state, a first for British North America. By the end of the seventeenth century, wording that echoed guarantees in Rhode Island's royal charter of 1663 had found its way into the charters of New Jersey and the Carolinas, and William Penn had started Pennsylvania under similar terms.

Williams' thinking rested on imagery and reasoning that resembled what later became Thomas Jefferson's famed "wall of separation" between church and state. In Williams' view, reality consisted of two basic spheres: the "garden" of Christ's church and the "wilderness" of the unregenerate world. To Williams, a "hedge" was needed to prevent civil authorities from encroaching on the sacred "garden" of Christ's church and violating consciences.

Baptist numbers and influence mushroomed during the era of the American Revolution thanks to a series of religious revivals that swept the Colonies starting in the 1740s. A new generation of leaders emerged, led by Isaac Backus of Massachusetts and Virginia's John Leland, who were eager to ensure freedom of conscience and rid the Colonies of legal arrangements that interfered with it. Baptists of the late 1700s waged an ongoing struggle with petitions, pamphlets, lawsuits, and civil disobedience, mainly in New England and the South, to bring an end to America's Colonial religious establishments.

The classic Baptist statement on these matters during the era of the American Revolution came from Backus, who built on Roger Williams' and previous Baptist thinking, and homed in on the Colonial religious establishments. Backus noted that Jesus never appealed to civil authorities for assistance. Instead, according to the New Testament Gospels, He rebuked His disciple Peter for using force, the basis of secular government, and in the end submitted to crucifixion without resistance. So different was His approach from that of secular governments, observed Backus, that Jesus described His "kingdom" as "not of this world."

Unlike Madison, who looked forward to a government purged of what he and many others of his time considered religious superstition, Baptists of Backus's generation welcomed the First Amendment from a Christian perspective, and their support was crucial for ratification. The First Amendment offered them hope for freedom in matters of conscience, especially freedom from forced participation in government-financed religion, which violated Scripture and divine example.

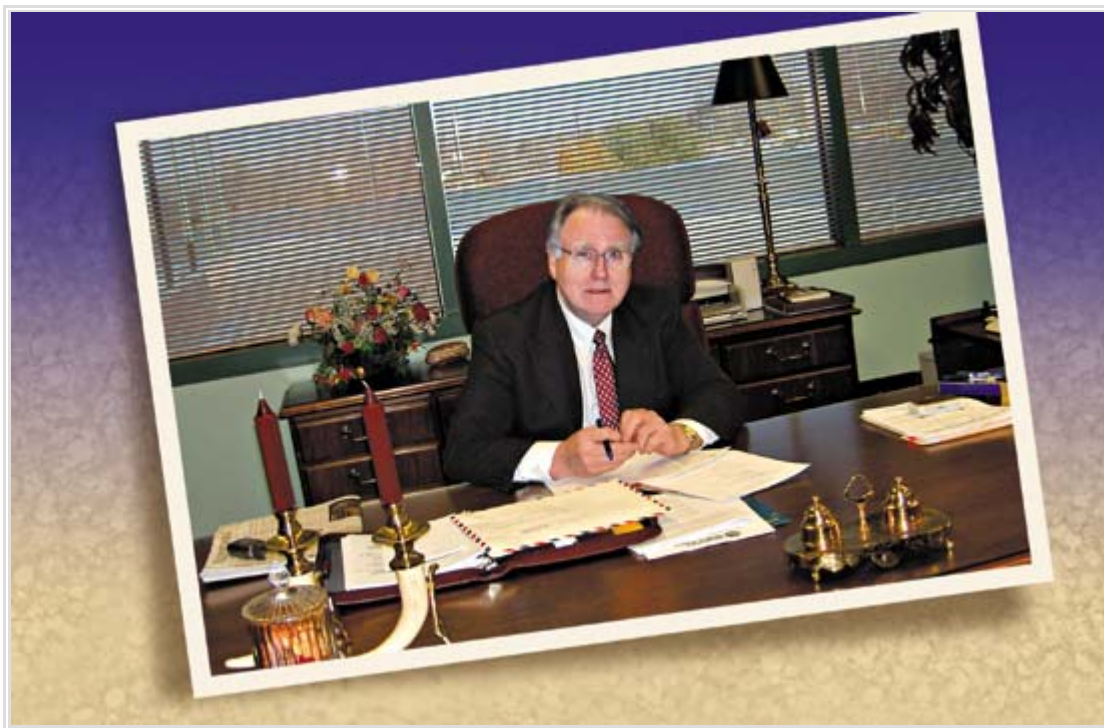
Americans today do well to remember their claim for freedom of conscience, which hearkens back in part to the experience of early America's Baptists. Those Baptists left to Americans of all religious persuasions a birthright that they neglect or misunderstand at their peril.

Leigh Johnsen is director of grants at Pacific Union College, Angwin, California. He holds a doctorate in early American history, with emphasis on the history of Christianity, and is editing the papers of Isaac Backus.

MAY / JUNE 2009

Committed To Liberty & Mission

The Seventh-day Adventist Church Grew Out Of A National Revival Of Prophetic Interest That Swept The United States In The Early And Mid-1840s. Very Much In The Protestant Continuum, The Church Has Reached Out And Become A Worldwide Phenomenon, With Almost



Committed to
LIBERTY & MISSION



The Seventh-day Adventist Church grew out of a national revival of prophetic interest that swept the United States in the early and mid-1840s. Very much in the Protestant continuum, the church has reached out and become a worldwide phenomenon, with almost 13 million members today—966,774 of them in the United States and Canada.

From the very beginning Seventh-day Adventists proclaimed the importance of religious liberty. They based this on their gospel understanding of the freedom from sin we are all offered by a God who will never compel a response. They came to it also through their own sometimes difficult experiences in gaining Sabbath accommodation, and saw clearly that religious freedom can flourish only when applied to all equally. They cherished the principle of religious liberty that characterized the United States, because they saw in

prophecy clear details of how it might one day be put aside. After two previous religious liberty journals the church began publishing Liberty magazine in 1906.

The present editor, Lincoln Steed, recently sat down for a dialog with Jan Paulsen, president of the Seventh-day Adventist Church. Paulsen, originally from Norway, has given his life to the church, serving as a local minister, a theology professor, a seminary and college president, and an administrator at various levels until his election to the world presidency in 1999.

Steed: How would you characterize the Adventist commitment to religious liberty?

Paulsen: I would describe it as unqualified. We believe that freedom, particularly in regard to the conscience and our rights to worship, is something you have to be very jealous of. We stand up and assert it as a human right given by God. We have all along had a strong commitment to the religious liberty ministry. At our General Conference headquarters we have a well-staffed Religious Liberty Department. I have said many times to them that given our understanding of the times in which we live, religious liberty is something that requires the very deliberate attention of the church.

Steed: Do you see a real challenge today in the role of the church as it functions in society?

Paulsen: I am always troubled when I see religious organizations and individuals, often high-profile leaders in the religious community, move over and assert themselves dominantly with a political agenda. Yes, there is a very legitimate kingdom, as it were, that is of a secular, political nature. It is part of God's structure for society. Secular leaders do their best to look after the state, the nation. I believe that Christian leaders should not try to do what the state or secular forces or elected government and state leaders are there to do. We have a religious agenda, and that needs to be attended to right now.

Steed: I am sure that you are aware that in this country there is much discussion about redefining this country as a Christian nation in a legal and structural sense.

Paulsen: I think that this inclination has become mentally unwholesome! I believe that secular state systems and religious institutions function best for people and God when they recognize their own separate areas of responsibility.

Steed: Would you encourage individual Adventists, or indeed, any other people of faith, to put into secular practice their religious convictions and enter into politics or public office?

Paulsen: I think a nation—any nation—can be well served by committed Christians in public life. Naturally you carry with you what you are. You carry with you a set of values that describe your relationship to people, to society, to morality, to ethics, to everything that is a foundation of society. I would not suggest that a government be structured or led by people who are atheists—I believe that Christians have a responsibility to do that—but they should not confuse the agendas of spiritual community with the government of community.

Steed: The Seventh-day Adventist religious liberty work has very often involved defending members who experience Sabbath problems in the workplace. Sometimes there is outright discrimination, other times just a lack of accommodation, in spite of legal rights. At the moment our church is leading a coalition initiative for the Workplace Religious Freedom Act. Do you think it a good thing for us to be actively pushing for laws and legislation to support our practice of religion as Seventh-day Adventists in the workplace?

Paulsen: It is right that the laws that govern any society be of such a nature that they allow the freedom that individuals must have—and that churches and organizations must have—to subscribe to and express their religious convictions. I do not believe that it is good when laws are being enacted that will govern the religious activities or the status of religious convictions in any given matter. One has to move very, very cautiously when it comes to encouraging laws that regulate a religious consciousness. Laws are there to protect civil rights, and the freedom of conscience is a civil right.

Steed: What about Seventh-day Adventists in countries that don't grant or acknowledge the rights that we would count as basic civil and religious rights? How best should Adventists, or people of any faith, relate to that?

Paulsen: Here we are stepping into a very, very murky international dilemma. We could name countries that have absolutely no tolerance for some religious communities. They carry their own religious profile. They have absolutely no tolerance for other kinds of religious expressions. Clearly the church needs to use whatever public forum is available to express its disenchantment with that particular posture, because it is a violation of basic human rights.

Steed: The Seventh-day Adventist Church has always encouraged obedience to civil authority unless its claims conflict with the clear word of God. This is, of course, the position of most other faiths. But can we establish the converse—that is, avoiding the appearance that we are agents of any state? This is a problem with overseas church workers representing U.S.-based churches.

Paulsen: I think it is very important that church workers on overseas assignment keep in mind that they are working in another country and that they are not citizens there. I think that it is very, very important that they not be drawn into the political discussion there. To our overseas workers I say, "You were not sent there to represent a particular political conviction of any particular state; you were sent there because the church has a particular spiritual agenda. Stick with that."

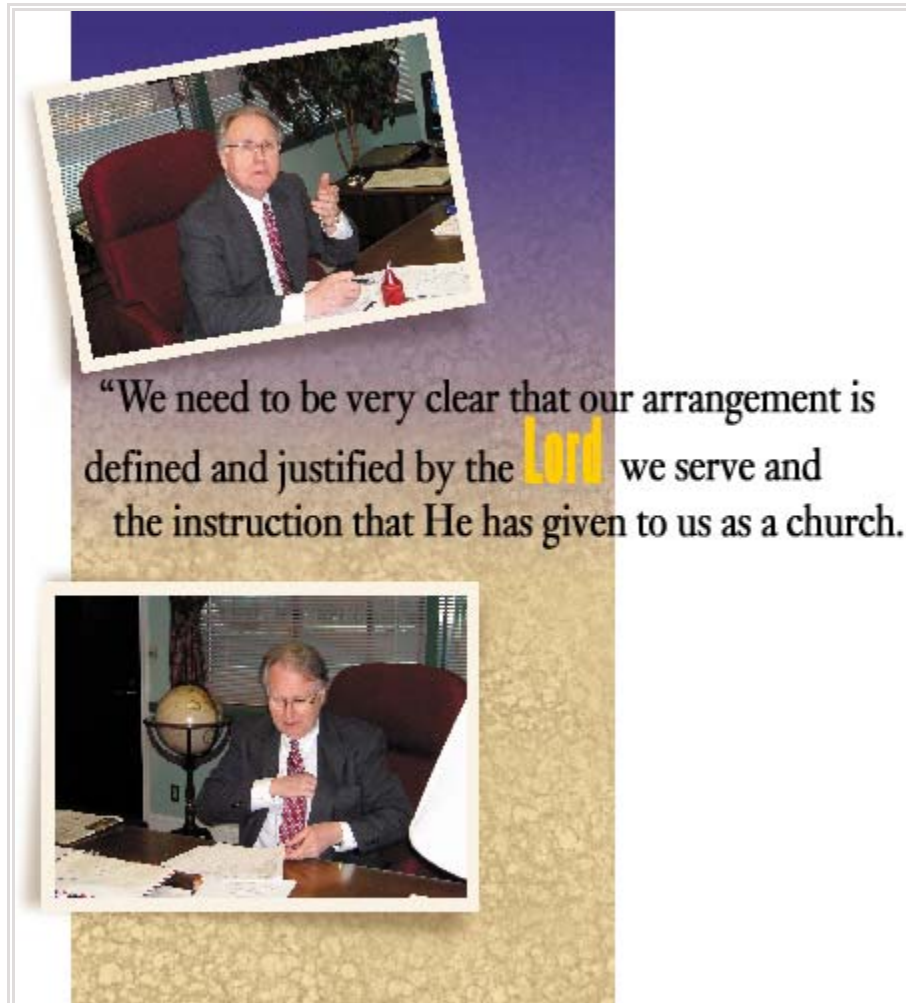
Steed: During the Civil War, two world wars, and modern conflicts such as Korea and Vietnam, our church supported conscientious objection and noncombatancy. We now have a volunteer army, but there have been recent calls to reintroduce the draft. Will the Seventh-day Adventist Church maintain its response to past conflicts?

Paulsen: As a church, historically we have been noncombatant; we have supported the noncombatant standard. That is also where we stand today, and I think that no one should have any illusions about it. I have stated on several occasions that I do not believe that war, an instrument of taking lives on a mass scale, is an answer to human dilemmas of any kind.

Steed: It may suit the needs of international diplomacy to speak of things such as an axis of evil. But we know that there are 1 million fellow Christians in Iraq, for example. We even have Seventh-day Adventists in Baghdad. How do we relate to them in a likely conflict?

Paulsen: We relate to them as brothers and sisters.

Steed: Post-September 11, activist religion of any form is seen as somehow threatening. How can the Seventh-day Adventist Church define itself as activist without appearing as a threat to social cohesion?



Paulsen: Define your use of the word "activist."

Steed: I'll define it this way. Terrorism as we have seen it of late is identified with "extremists"—who act out a violent form of their religion. There is a tendency for all religious activity to fade back into passivity so as not to appear dangerous. I think we are losing the vital distinction between individuals willing to die for their faith if necessary and those, like the terrorists, who are ready to kill in the name of faith.

Paulsen: Yes, we need to be very clear that our engagement is defined and justified by the Lord we serve and the instruction that He has given to us as a church. And in harmony with that, we will always be active. The Christian's agenda comes from our faith in the Lord Jesus Christ and His Scripture. We are to be actively sharing the faith, hope, and charity that comes from knowing Him.

Steed: We live in a world of obvious injustice and moral challenge. Is the Seventh-day Adventist Church committed to dealing with such issues as abortion, the environment, pornography, immorality, despotic regimes, and so on? Does our orientation to heaven and the soon-coming Savior put these imperatives in a different order?

Paulsen: Of course! When you read the Old Testament prophecies of Isaiah, for example, it's very clear that God cares for things such as justice and helping the poor. God cares for these things. It's not because we say "Well, that's in the Old Testament." No, it's fundamentally the way God looks at our condition. The Seventh-day Adventist Church has a responsibility to play a role in the quality of life we should experience here and now. I believe in that. We don't live in another world. Ours is the one in which we live here and now. And I believe we have a responsibility for morality; I believe we have a responsibility to make our voice heard in dealing with issues that governments decide will impact morality and social

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life. And I believe we have a responsibility for protecting the environment. This is part of our agenda as a faith community, in the interest of our common humanity. It seems to me that we should be distinguished by crying out against injustice and sin. We shouldn't just accept the status quo because we know this world will pass away someday. We've clearly lost some opportunities.

Steed: Seventh-day Adventists are clearly not alone in seeing prophetic implications in current events. How does the church state this now? Where we are heading for in the U.S., is freedom secure, and what role will faith play? What is our stance?

Paulsen: First of all, it's important that as a church we continue to profile the understanding of the eschatological scenario we have held to all along. It is biblical, and it so clearly speaks to the times in which we live. I think it is similarly important that we be alert enough under the Word of God and our own prayer life to see what's happening now. Of course, it's important that we don't become overly speculative of what we think lies between now and the closing events of history. One may see some broad strokes . . . one may see hints of what is coming, but it's worth remembering the adage that prophecy is difficult, particularly prophecy about the future!

I would like to make a point that really applies to several of the things we've talked about. It is so important for a church, for a group of Christians, committed Christian believers, to be sure about who they are and what their mission is. They cannot be aggressive in the sense that they are hostile, but they need to be very conscious of who they are and what their agenda looks like. What troubles me is when religious groups step out of their defined role and take on roles that belong elsewhere. The resulting voice might not even be Christian.

Steed: So you're reaffirming the spiritual and prophetic role of Adventism?

Paulsen: Yes, I am! It needs to be clear to all churches that the Seventh-day Adventist Church is not a hostile community. No church should seek to gain ground by scoring points off others. If the truths that you subscribe to, the spiritual realities that you identify with, are not appealing enough to gain ground on their own merit, you've already lost it.

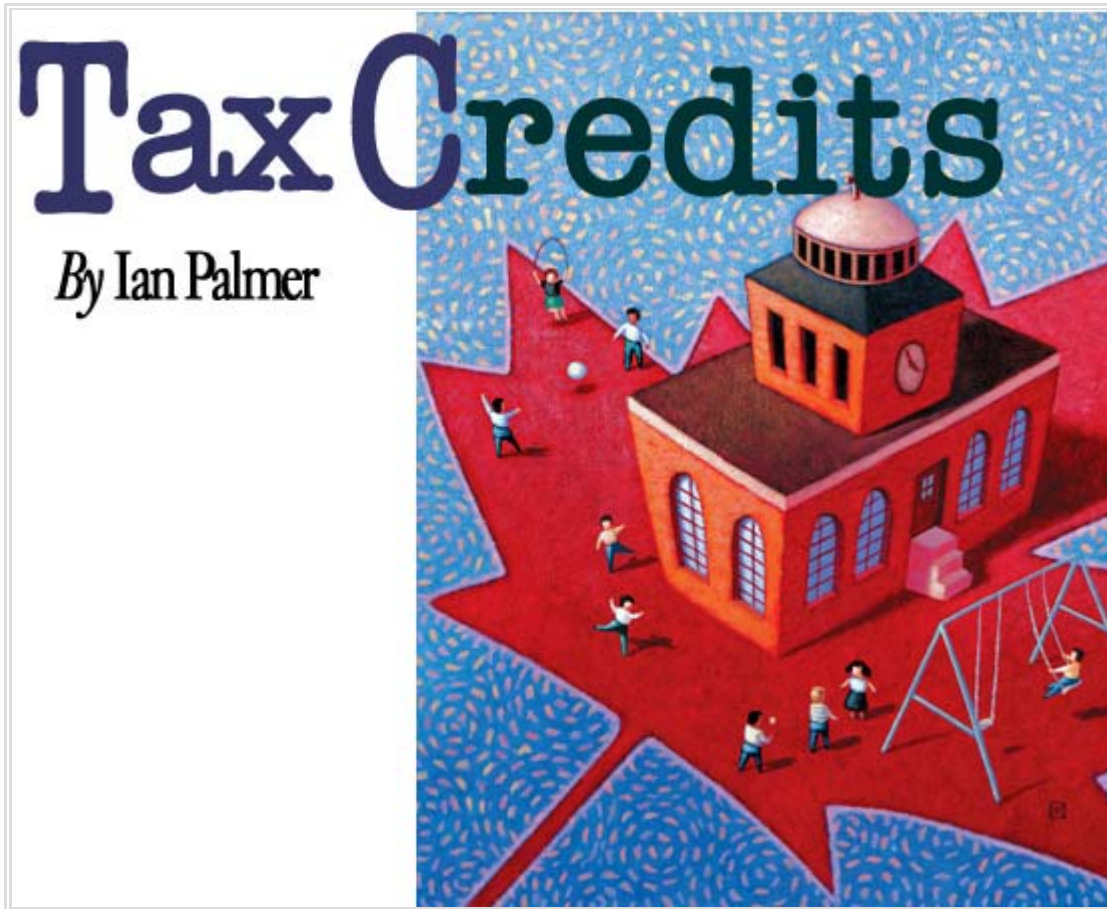
I want to see Seventh-day Adventists stand in public witness for their Lord and disclose their identity in a dynamic way. I want this witness to be so attractive that the truth of it will draw people's interest.

MAY / JUNE 2009

Tax Credits

Many Canadian Parents Believe That The Worldview Permeating The Country's Public Education System Conflicts With Their Religious, Personal, And Moral Convictions. So When The Ontario Government Introduced Controversial Legislation In Mid-2001—legisl

BY: IAN PALMER



Illustrations by Paul Vismara



Many Canadian parents believe that the worldview permeating the country's public education system conflicts with their religious, personal, and moral convictions. So when the Ontario government introduced controversial legislation in mid-2001—legislation that called for private school tax credits—supporters of independent schools applauded the move. But critics decried the decision and argued, among other things, that funding independent schooling could not be justified when the cash-strapped public education system was drowning in red ink. Perhaps the most startling comments, however, came from human rights commissioner Keith Norton more than a year after the government's tax credit proposal. In his annual report, Norton said that the effects of the tax credit program in Ontario could very well be analogous to the effects apartheid had in South Africa.

"I communicated my concerns of the need to establish appropriate standards so this financial incentive does not inadvertently create racial, ethnic and religious divisions in our educational environment," Norton is quoted as saying. "I do have a concern that it could lead to an apartheid kind of system of education where each religious denomination may have its own schools, and it could also lead to the proliferation of schools based upon other principles that could lead to serious divisions in our community."

It's hard to fathom how Norton can find a strong connection between tax credits for independent schools and a regime that institutionalized racial discrimination as well as devised a strategy for territorial separation and police repression. But alas, he does so. His flawed logic—which assumes that independent schools are somehow more prone to lawlessness than their counterparts in the public realm—brings back memories of Thomas Hobbes' *Leviathan*, in which the author paints a disturbing picture of the lawless state. But what about the other objections coming from all over the spectrum of public discourse? For every person who has championed the tax credit policy there are politicians, teachers, and school boards that have expressed nothing but disdain. At the very least, the ensuing controversy warrants looking at some of the objections as well as some of the perceived benefits of tax credits for independent schooling.

Ontario Tax Credits

In May 2001 the Ontario government announced its support for equity and choice in education. The Equity in Education Tax Credit was especially designed to assist parents who wanted to have their children educated in an environment reflective of their religion or culture, but who were unable to shoulder the requisite costs. Proponents of the legislation immediately hailed Ontario's education tax credit plan—to be phased in over a five-year period—as the largest and least restrictive in North America. Phase one, already implemented, amounted to 10 percent of tuition up to a maximum of 0. For years two, three, four, and five the scheduled deductions will be 20 percent, 30 percent, 40 percent, and 50 percent. As such, the tax credit will be worth about ,500 per child on tuition of up to ,000 once fully implemented. Minnesota currently provides the largest state tax deductions for parents who send their children to private schools—up to ,500 a year. Critics who gnashed their teeth at the Ontario government's decision, however, did get a quasi victory when, during the 2002 provincial budget, the provincial government announced it would delay the second phase of the plan by one year, thus saving the government about million.

But support for independent learning seems to be increasing even as critics attack tax credits. In mid-2001, right after the government first announced the Equity in Education Tax Credit, sources reported that more than 102,000 Ontario children attended independent schools the previous year, while about 2 million attended the public schools. Furthermore, the province's independent school enrollment has increased by 34 percent over the past decade. The tax credits are expected to encourage even more parents to take another look at the independent schools option. For example, the tax credit plan stipulates that parents are eligible for the tax credit regardless of their income levels and regardless of whether they even earn enough to pay taxes. And there is no limit as to how many children can receive the credit. But critics have attacked the policy on a number of grounds. Proponents, however, have responded to these criticisms by saying that the tax credits policy really only remedies a shortcoming in the 1867 British North America Act.

Historically Speaking

The 1867 British North America Act was established between England and France, the two founding nations of Canada. Both sides agreed to ensure that the denominational rights to education of English-speaking Protestants and French-speaking Catholics would be supported via taxpayer funds. But a funny thing happened as Ontario opened its doors to more and more people from all around the world—the Protestant public school system eventually parted with its religious roots and emerged as a secular institution. Over the years representatives from other religious groups have confronted the provincial government because (prior to the tax credits legislation) it funded the Roman Catholic education system to the exclusion of all other faith-based schools. In 1999 the United Nations Human Rights Committee agreed with this reasoning and consequently announced that Canada had violated the International Covenant on Civil and Political Rights. The Ontario government denied that this ruling had influenced its decision to implement the tax credits program, but the end result remains the same, as parents and their children now have a greater degree of choice. "Funding only one religious-based school system to the exclusion of all others amounts to state-sponsored religious discrimination," said Bernie M. Farber, the executive director of the Canadian Jewish Congress. "Tax credits is something our organization has supported for a number of years," added Carol Devine, the director of political affairs and media relations for the Ontario Catholic School Trustees Association. "Our own Catholic education system is publicly funded. We respect the right for parents to send their children to faith-based schools." But there are still some issues that have been a point of contention, especially since the Ontario government committed to its tax credits policy.

Controversy

Will the tax credits program lead to divisions in the educational environment? Norton seems to think so. The human rights commissioner echoed sentiments expressed by some critics of tax credits when he said that independent schools—if not bound by certain standards—could divide society along racial, ethnic, and religious grounds. Norton wrongly assumes that independent schools will throw caution to the wind and ignore the Human Rights Code. Moreover, he also takes a gigantic leap in logic by assuming that independent schools with a religious, racial, or ethnic focus will plant seeds of ignorance, hatred, and intolerance in the minds of their students. As proponents of tax credits have suggested, the public education system is not the only place children can learn how to become productive, law-abiding members of society. "For us, it's a faith-based situation," said Farber. "Many of our children, their needs are not met in the public school system, with regards to religious holidays or kosher foods." Mark Kennedy, the director of the Association of Christian Schools International, Eastern Canada Region, says that independent schools—as well as tax credits—are about fairness. "If a student is from a Christian family, the best the public school can offer is perhaps one Bible class a day," said Kennedy. "But the Christian school provides a whole perspective on life." While Norton talks about division, Farber and Kennedy talk about choice—and the freedom



to get an education in an environment reflective of one's religious beliefs or cultural background. Governments spanning the entire Western world have implemented various forms of educational options, and there have been no reports of the sorts of problems Norton talks about. Most of the criticisms of tax credits have centered on the notion that funding independent schools somehow picks the pockets of public education. The government has reported that the fully implemented tax credit policy will cost taxpayers some 0 million, and critics have not ceased from throwing this figure into the government's face. Critics have essentially argued that this 0 million could be put to better use by spending it on the ailing public education system. But what do the proponents of tax credits have to say? "To say you have to deny funding to the public school system in order to fund private parochial education is a fallacy," said Glenn Stresman, director of development at the Concordia Lutheran Theological Seminary. He hastened to add that he was giving his personal opinion and not the opinion of the seminary, which as an institution of higher learning is therefore not affected by the tax credits policy. "I believe it is possible for the publicly funded system and the faith-based education system to both be adequately funded," said Devine, adding that all one has to do is look at other jurisdictions to see that a balance is possible. Kennedy said that the tax credits program may have been an indirect wake-up call for the public education system. "The government cutbacks on public education are aimed at the schools and school boards so that they'll get their acts together," said Kennedy. "Our schools spend their money more effectively than public schools. Our teachers are paid

less and take on a lot more responsibilities." Farber voiced his opinion of the controversy by saying, "The government has already assured the school boards that no money will be taken from them to fund the tax credits program." When the government first announced its controversial tax credits program, it also added that the 0 million price tag would by no means be at the expense of public education.

Proponents of the tax credit policy suggest that the competition between public and private education systems could actually have the positive result of improving the overall quality of education in Ontario. As such, the policy probably could not have happened at a better time. According to a poll conducted by the Ontario Institute for Studies in Education of the University of Toronto, only 44 percent of Ontario residents are satisfied with the public school system. This figure is down from a high of 55 percent in 1982. Was the government's decision a wake-up call? Only time will tell.

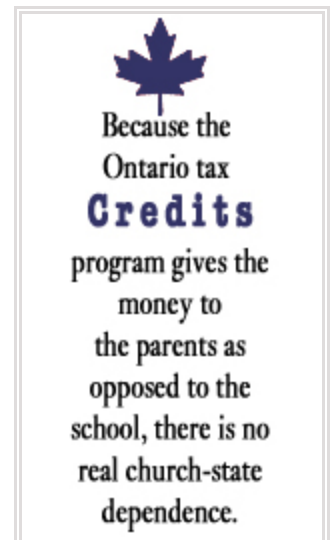
Tax Break for the Rich?

Critics have also argued that the tax credits program represents some sort of lottery program wherein the rich become even more enriched at the expense of taxpayers. Kennedy disagrees. "Opposition parties, teachers unions, and school boards tend to represent the tax credits program as a benefit for the rich, but many of the students in our schools are from low-income families." The truth of the matter is that tax credits are necessary because many parents can scarce afford the tuition fees for independent schools. Suggestions that tax credits are a tax break for the rich are without basis. Another point worth mentioning is that the parents who decide to take part in the tax credits program are themselves taxpayers who contribute, in one way or another, to the upkeep and maintenance of the public education system. So if these same parents should opt to take part in the tax credits program, they should not be made to feel like freeloaders.

Church-State Separation?

Because the Ontario tax credits program gives the money to the parents as opposed to the school, there is no real church-state dependence. Using public money to fund independent schools has been a tradition in Canada, as several of the nation's provinces have adopted the practice. However, in provinces such as Alberta, British Columbia, and Manitoba the governments provide direct grants to the independent schools as opposed to the parents. The great divide between the state and the schools is not so great in these cases, but Ontario's system does provide some breathing room. Farber was admittedly enthused when the Ontario government finally decided to implement a tax credit plan for private school education. "We've been after the government for years to provide funding for our schools," said Farber. Though he was upset at the government's decision to delay phase two, Farber nonetheless remains optimistic that the 10 percent hike will be reinstated within about a year. When asked if he foresees the day when all independent schools will be fully funded, as is the case with the Catholic education system, Farber said, "We're headed in that direction." On the other hand, Kennedy said that it is unlikely that independent schools will one day be fully funded. "It would be a feather in the cap of a free, fair, and tolerant society to fully fund independent schools," said Kennedy, "but it's not realistic." Devine says her organization supports the tax credit plan, but she added that "schools that do receive public funding criteria should have to meet certain standards." Farber, Kennedy, and Devine all expressed support for independent schooling, but this has not silenced the opposition, some of whom see similarities between tax credits and apartheid.

In 1950, two years after racial discrimination was institutionalized, the Population Registration Act mandated that all South Africans be racially classified into one of three categories, namely White, Black, or Coloured. At that time all Blacks were required at all times to carry so-called passbooks that contained their fingerprints, photo, and information on access to non-Black areas. The Public Safety Act



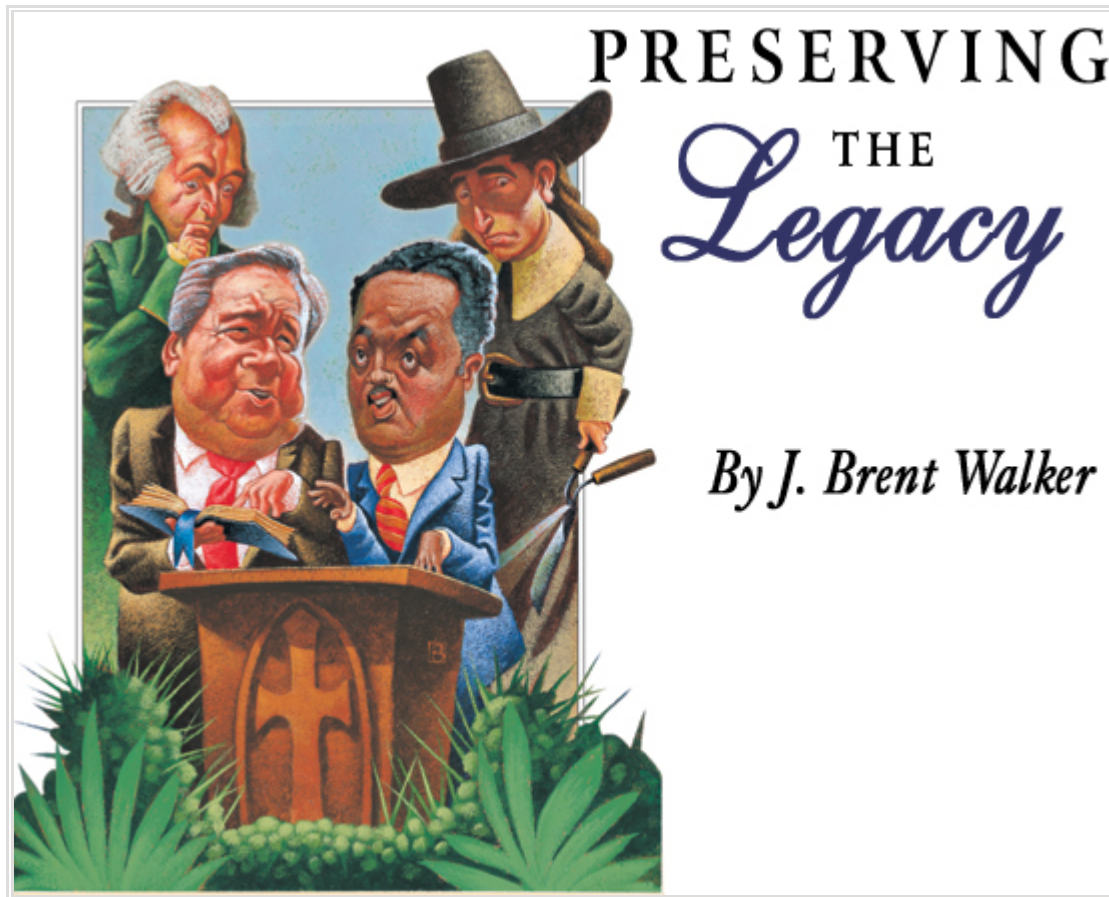
and the Criminal Law Amendment Act, both passed in 1953, provided the government with power to declare states of emergency and increased penalties for protesting against a law. It would take decades before apartheid was finally abolished in South Africa, but the lingering consequences of the nation's shameful past remains an albatross around its neck. Let the same not be true for the independent school system in Ontario.

Ian Palmer, a freelance journalist and avid observer of church-state issues, writes from Toronto, Ontario, Canada.

MAY / JUNE 2009

Preserving The Legacy

BY: J. BRENT WALKE



To paraphrase folk singer Pete Seeger, "Where have all the Baptists gone?"

That's a fair question for those watching today's battles over church-state separation, for those who might be surprised to find people identified as Baptist contending for government sponsorship and funding of religion.

After all, Baptists helped forge the American experiment in religious liberty that has shown the world the value of the separation of church and state. But today Baptist ranks are spotted with significant numbers who are convinced that their faith can be legitimately advanced with the help of government.

Buddy Shurden, in his landmark work a quarter century ago, *Not a Silent People*, talks about those "battling Baptists" and the controversies that shaped their heritage. The old saw is true: "Where you get two or three Baptists together, there you will have four or five opinions."

Bill Moyers, in his own inimitable way, paints a portrait of Baptists in history and contemporary culture: "Baptists have been to the left of the American establishment—and to the right. Jesse Jackson is a Baptist; so is Jesse Helms. Baptists defended slavery, and Baptists agitated to end it. Some black Baptist churches are precincts of the Democratic Party, while in some white churches GOP stands for God's Own Preserve. Some Baptists read the Bible as if it were a AAA road map to Armageddon; others find it a spiritual codebook to the mysteries and miracles of the kingdom within. Millions of Baptists see American culture as the enemy. Millions of others proclaim that we are part of the show. Onlookers shake their heads at how people so disputatious could be defined by a common name; those of us who wear it shrug our shoulders at the anomalies and schisms and go on punching (usually each other)."

Despite this heritage of fightin', feudin', and just foolin' around, Baptists historically have been unified in their pursuit of religious liberty and defense of the separation of church and state. In fact, E. Y. Mullins calls church-state separation an "axiom" of Baptists in his landmark work on the group's distinctives. Religious freedom and church-state separation have always been at the very core of what it means to be a Baptist.

For Baptists liberty is grounded in Scripture. Its taproot runs deep into the creation accounts in Genesis. God's decision to make human beings in His image necessarily implies a freedom on our part to say yes or no—to choose for or against a relationship with God, freely and voluntarily. Jesus also foreshadowed the modern doctrine of the separation of church and state when He said, "Render therefore, unto Caesar the things which are Caesar's; and unto God the things that are God's" (Matthew 22:21).*

Baptists fight for religious freedom because they suffered the hard lessons of history. We quickly learned that when religious zeal combines with the coercive power of the state, persecution often results and, at a minimum, consciences are ravaged. Simply stated, compelled conscience is an oxymoron.

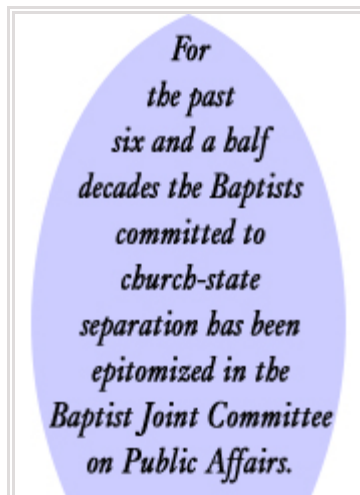
From jail cells in England, to stockades in Massachusetts Bay, to whipping posts in Virginia, the names and words ring out over the centuries!

Thomas Helwys. After establishing the first Baptist congregation on English soil, Helwys offered a seminal treatise on religious liberty, *A Short Declaration of the Mystery of Iniquity* (1612), and sent a copy to King James I. In his inscription he wrote that the king was a mortal man, not God, and had no power over the souls of his subjects. For his trouble Helwys and his wife, Joan, were severely persecuted. He later died in Newgate Prison.

Roger Williams. Williams came from England to Massachusetts Bay in 1631, preaching and teaching "soul freedom"—a God-infused liberty of conscience. Believing that faith could not be dictated by any government authority, but must be nurtured freely and expressed directly to God, Williams advocated a "hedge or wall of separation between the garden of the church and the wilderness of the world." The theocrats in Massachusetts were so offended that they kicked Williams out of the colony. He trekked to what would become Rhode Island and began that "livlie experiment" in religious liberty and founded the first Baptist church on North American soil.

John Leland. An evangelist preaching in Virginia during the heady 1780s, Leland boldly advocated religious liberty and the separation of church and state—as other Baptists were being jailed for preaching without a license from the state. He played a pivotal role in convincing our nation's Founders of the need for specific guarantees protecting religious freedom in the Bill of Rights. He stood toe-to-toe with the likes of Madison, Jefferson, and Mason, and never backed down on the way to the Bill of Rights, including the first 16 words: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

George W. Truett, standing in the tradition of Helwys, Williams, and Leland, spoke these words in a sermon preached on the east steps of the U.S. Capitol: "Baptists have one consistent record concerning liberty throughout their long and eventful history. They have never been a party to oppression of conscience. They have forever been the unwavering champions of liberty, both religious and civil. It is the natural and fundamental right of every human being to worship God or not, according to the dictates of conscience, and, as long as this does not infringe upon the rights of others, they are to be held accountable alone to God for all religious beliefs and practices. That utterance of Jesus, "render unto Caesar the things that are Caesar's, and unto God the things that are God's," is one of the most revolutionary utterances that ever fell from those lips. That utterance, once and for all, marked the divorcement of church and state. It marked a new area for creeds and deeds. It was the sunrise gun of the new day, the echoes of which are to go on and on until in every land, whether great or small, the doctrine shall have absolute supremacy everywhere of a free church in a free state."



For the past six and a half decades the Baptist commitment to church-state separation has been epitomized in the Baptist Joint Committee on Public Affairs, which provides a united Baptist voice for religious liberty in the nation's capital. The Baptist heritage of standing firm together for religious liberty and the separation of church and state in the context of theological and social diversity can hardly be denied.

But how is this Baptist heritage reflected in those who wear that label today? The Baptist Joint Committee (BJC) continues to hoist the banner of religious liberty, bringing together 14 different Baptist groups, hundreds of Baptist churches and thousands of individual Baptists—all cooperating in this common enterprise of defending and extending religious liberty for all. It focuses only on religious liberty and church-state separation. And as some Baptist individuals and bodies began to abandon church-state separation as a core concern during the latter part of the twentieth century, the BJC stood its ground, even as some wavering Baptists pulled their support.

The BJC understands that religious liberty is a gift from God; it does not result from any "toleration" on the part of the state. The architects of the nation fashioned political institutions to help protect that God-given religious freedom. The theological principle of soul freedom and its ethical expression in society—religious liberty for

all—are protected by the constitutional constructs of no establishment and free exercise. Indeed, they form the twin pillars of our constitutional architecture.

The agency contends that government must not be allowed to either advance or inhibit religion, but be neutral toward religion, turning it loose to flourish or flounder on its own. Government must accommodate religion without advancing it, protect religion without promoting it, lift burdens on religion without extending religion or benefit. If government tries to either help or hurt any one religion, or even religion in general, everyone's religious freedom is threatened. For nearly seven decades the BJC has voiced a tripartite theme: Soul freedom is universal; religious liberty is nonnegotiable; church-state separation is indispensable.

Today, however, not all Baptists share this commitment to church-state separation. The grand consensus on religious liberty has come apart as many Baptists have forgotten or ignored their heritage. The persecuted minority now flexes the muscles of its newfound majority status. The ability to control the reins of government power leads many Baptists to want to use government to help promote their mission and message.

Fisher Humphreys, in his 1994 book, *The Way We Were*, declares that the "loss of the principle of the separation of church and state is the greatest tragedy in the history of the Southern Baptist Convention." With one of the leaders of the Southern Baptist Convention's (SBC) new regime proclaiming that the separation of church and state is the figment of the imagination of some infidel, who can blame Humphreys for his assessment?

Many claim that the United States is a "Christian nation," in which Christianity (their narrow version of it) is given a leg up, while others are, at best, tolerated in our increasingly pluralistic society. Yes, biblical values informed the development of American culture, and yes, Americans are a very religious people, but this country is nothing approaching a theocracy. We have a constitutional democracy in which all religions are welcomed and afforded real religious liberty.

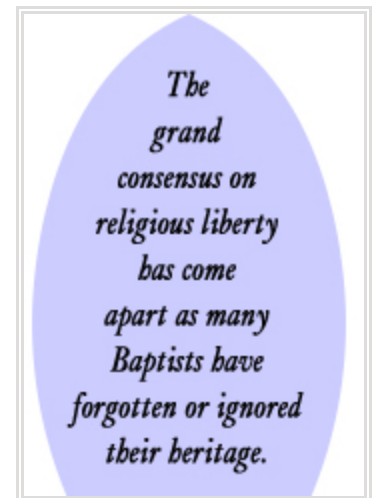
Others argue that it is all right for government to promote religion as long as it does not prefer one tradition or religion over another. This is not what our framers intended. They considered four different amendments that would have made this idea of nonpreferential support for religion a part of the Bill of Rights, but they rejected it time after time after time after time. They settled on the language we now have of preventing laws even "respecting an establishment of religion, or prohibiting the free exercise thereof." And when government becomes involved in matters of religion, it never does it evenhandedly; it always prefers one over another, usually the majority. It is not only wrong, but as a practical matter it cannot be done.

Some say we have freedom of religion, not freedom from religion. This sounds nice, but it is not true. Without freedom from religion—that is, freedom from state-sponsored religion—we can never have freedom of religion in the full sense of the word. In light of these philosophical disagreements, it should not surprise us that Baptists are on both sides of many of our contemporary church-state issues. For example, although the SBC, to its credit, declined to amend the article on religious liberty in the Baptist Faith and Message (a confession of faith adopted by the SBC in 1925 and revised in 1963 and 2000), many Southern Baptists take positions contrary to it.

Article XVII says: "Church and state should be separate. The church should not resort to civil power to carry on its work." But in 1998 some Southern Baptists—including the SBC's Ethics and Religious Liberty Commission (ERLC)—supported a proposed constitutional amendment providing for some form of state-sanctioned school prayer. The BJC opposed that amendment. Many Baptists support prayer at football games as long as every religion gets an opportunity to pray. How exactly do public schools achieve that when in most areas of our country they reflect an astonishing religious pluralism? How can they ever be evenhanded? In Birmingham, Alabama, who do you think is going to get to pray at the homecoming football game, the Baptist or the Buddhist? Who will be relegated to praying over the junior varsity baseball game in the spring?

The Baptist Faith and Message goes on to say: "The state has no right to impose taxes for the support of any form of religion." But many Southern Baptists support school vouchers and charitable-choice money to finance their social service ministries. However, for the government to take my tax money to pay for your religion or to take yours to pay for mine is, in Thomas Jefferson's words, "sinful and tyrannical." It was 200 years ago, and it still is today.

Article XVII also provides: "The gospel of Christ contemplates spiritual means for the pursuit of its ends." But many Southern Baptists approve of efforts to legislate the posting of the Ten Commandments, as if God needs or wants the help of civil government to defend the Decalogue. I can think of nothing better than for everyone to read and obey the Ten Commandments, but I can think of little worse than for government to tell them to do it. Do we really want government promoting and endorsing the message "I am the Lord your God, who brought you out of the land of Egypt, out of the house of bondage. You shall have no other gods before me" (Exodus 20:2, 3)? I think not.



In the interest of fairness and full disclosure, Baptists have come together and agree on issues dealing mainly with the free exercise of religion. For example, the BJC helped lead the broad coalition that worked for passage of the Religious Land Use and Institutionalized Persons Act (2000). This much-needed legislation gives churches increased protection against the heavy hand of zoning officials and other land-use regulators when they impede the church's ability to worship, proclaim the gospel, and minister in our increasingly crowded and urbanized country. Baptists across our land, including the ERLC, rallied behind this legislation.

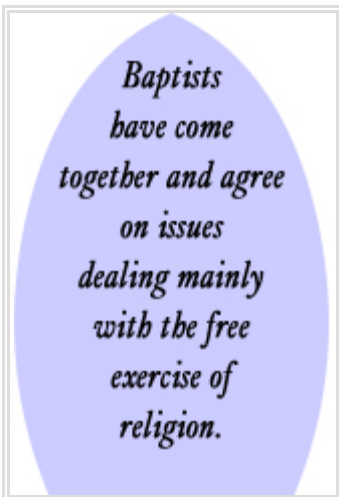
So, what is our destiny? What will Baptists do and say with regard to religious liberty and the separation of church and state in the next decade, the next century? The answers depend on how diligent and dedicated those committed Baptist principles are in the marketplace of ideas. Our challenge is doubled by the recognition that it is not just some Baptists who disagree with our heritage, but other persons of faith as well.

Several things can be done to ensure that the traditional Baptist heritage turns into a lasting legacy.

First, reread the words of Scripture, and heed the witness of Jesus. Jesus never took a solitary shekel from Caesar or accepted help from Herod in proclaiming the gospel and advancing His mission. The words "Every one who calls upon the name of the Lord will be saved" (Romans 10:13)—the witness of a loving, evangelistic church. This is something that no government can compel.

Second, recover our heritage—recall the names of the heroes of our faith and their stories. The prophet Isaiah urges us to "look to the rock from which you were hewn, and to the quarry from which you were digged" (51:1). The writer of Hebrews calls them a "cloud of witnesses" (12:1). Carlyle Marney spoke of these "balcony people"—exemplars, role models, heroes—who, from their lofty perch on the balcony of our lives, continue to encourage and inspire and lift us up to greater heights.

Third, remember what it's like to be in the minority. Retelling the stories from the past will help. But we do not have to look to the past to learn a lesson here. My friends in Russia tell about the heavy hand of the Russian Orthodox Church, which frightens them as much as the religion-hostile government of the old Soviet Union. Yes, we need to remember and know what it is like to be a put-upon minority.



Fourth, resist triumphalism. This brash attitude often seen behind an in-your-face evangelism and the use of secular political power to advance the spiritual gospel needs to be held in check. This "soul freedom for me but not for thee" is not only wrong but also counterproductive. We need a spirit of humility and servanthood as we minister to the world and consider alliances with government.

And finally, redouble efforts to educate Baptists and all other Americans. As I travel around the country speaking and listening to people, I find most of them want to learn more about church-state issues. Yes, many ideologues have already made up their minds. But a large number of Baptists and other Americans—when they get past the bumper stickers and sound bites—are open to reasonable explanations.

So our destiny as freedom-loving Baptists and Americans depends on all of us coming together, working together, to reread Scripture, to recover our heritage, to remember what it was like to be a minority, to resist a spirit of triumphalism, and to redouble our efforts to educate an unbelieving and skeptical world.

Where have all the Baptists gone? They are right where they have always been. They can still be found in significant numbers working at the intersection of church and state to preserve the legacy of Helwys, Williams, Leland, and Truett. The major difference is that these days some of those they are battling at that intersection also wear the Baptist label.

J. Brent Walker is executive director of the Baptist Joint Committee in Washington, D.C.

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