Rebuffed

Your column about Scientology (July/August) is both inaccurate and written in a derisive tone that demeans the religious intent of your publication.

The negative reference to Tom Cruise and his religious affiliation with the Church of Scientology is gratuitous. Mr. Cruise is a highly successful and popular actor who said in an interview last year, "I have gained a lot from Scientology. I know what it is and how it can help people from my own personal involvement and study of the subject."

Unlike other congregational religions, the Church of Scientology ministers to its parishioners on a one-to-one basis. A single minister in another faith can easily deliver a sermon to 1,000 people twice on Sunday; however, due to the individualized nature of Scientology religious counseling it would require 650 Scientology ministers to deliver Scientology counseling to that many people.

In a salacious media world which assaults religion daily it is vital that we recognize that we share common goals of decency and spiritual understanding. Nay-sayers should not be provided a forum in our own publications to unjustly attack people of any faith. Rev. HEBER JENTZSCH, President Church of Scientology International Los Angeles, California

Messianic Jews

I have read Liberty for many years and have often found the articles interesting and worthwhile. Your July/August issue, however, contained two articles to which I strenuously object. The subject of these two articles is the so-called Messianic Jews who are portrayed as the innocent victims of Jewish bigotry and Israeli civil right violations.

I should point out that I do not condone or excuse violations of personal civil rights, personal harassment, or denial of religious freedom. The only possible exception to the last is that Israel's law against missionizing is understandable given Jewish history and appropriate to a society which seeks religious harmony. Even the Mormons have agreed to forgo their usual aggressive missionary work in return for being allowed to build a center in Israel.

Elhanan ben Avraham and Carey Kinsolving write in a tone of wounded innocence, but their movement is an aggressive missionary movement backed up by tens of millions of dollars in annual contributions by conservative Christians who seek the conversion of Jews. They have used Hebrew names for their institutions for many decades as a way of misleading unwary Jews, especially children. Their methods are more sophisticated now and the pretense goes beyond the sign on the door, but their purpose has not changed.

They hardly represent the spirit in which I understand Liberty is published. You should not be promoting groups whose only purpose is missionary activity. Rabbi PHILIP J. BENTLEY Temple Sholom Floral Park, New York

It is strange to see rabbis in Israel or North America worried about a small number of Jews who keep Torah as a way of living the faith taught by Yeshua, when so many Jews are being assimilated to modern secular culture. There was a storm of outrage when Bob Dylan spoke of his conversion to Christianity some years ago, as though this constituted a threat to the integrity of the Jewish people, when so many Jews sell out completely to the culture of the entertainment industry. Indeed, I'd think the indignation aroused Messianic Jews could be used to advantage by anyone concerned to foster fidelity to Torah among Jews: "These followers of Yeshua keep Torah: they consider the Old Covenant to be God's binding Word for them. Should not every Jew do at least this much for the Lord, and for the sacred memory of the Jews who died in Christian and secularist persecutions?"

JONATHAN MILLS, Postdoctoral Fellow Regent College Vancouver, British Columbia

I read with interest the articles by Elhanan ben Avraham and Carey Kinsolving regarding the Messianic Jews. What a sham! The whole movement was built around just another way to try and convert Jews to Christianity and for no other reason.

Christ was a Jew! The vast amount of His original followers were Jews. At the time the Christian religion was founded it
was in reality just another sect of Jews. Jews who believed that the Messiah had come. As the time progressed, because of the ideals of the then majority of the Jews, the Christian Jews felt they didn’t need being called outcasts and moved further away from the then Jews. Why, then, almost 2,000 years later would someone start an organization that says they are Jews for Jesus? If religion is to be honest then it must look to the highest ideals of its teachings. A Jew who believes in Christ as his or her Savior has left the Jewish religion and is now a Christian.

By the way, there is nothing wrong with that. Both religions look to the same God. It is only the goal to make everyone believe that Jesus is the only way, is in error. Many religions share a belief in God. The same God. They just look at God in different ways.

The reason Messianic Jews find life difficult in Israel is that they do not respect the Israeli Jews for their beliefs. For that reason they will never get respect in return.

EDWARD A. GROSS
Indiatlantic, Florida

OY VEY!

With Liberty and with Rev. Oliver S. Thomas (“The Lemon Test,” July/August), we agree that the power of government must not promote advancement or inhibition of any religion. In a recent ruling which did not invoke the Lemon test the Supreme Court similarly affirmed that “neutrality among religions must be honored.”

Yet aid for Israel clearly violates the principle of neutrality. For many in the Jewish Lobby, Zionism is “an integral expression of Judaism.” Therefore, when Congress appropriates public funds for aid to Israel, that legislation is in conflict with the principle of neutrality.

Of course, Liberty may fear Jewish vigilantism against those who raise such issues. Or perhaps Liberty has some biases which preclude uniform application of neutrality?

FLOYD R. NELSON
W. St. Paul, Minnesota

[What could have ever given you that idea, Floyd? Shalom! —Ed.]

“Benign Civil Disobedience?”

I have just read this article by Pamela Maize Harris (May/June) criticizing the “silliness” of the national See You At The Pole (SYATP) rallies. I think this description is best suited for the article.

Ms. Harris argues that SYATP fails to meet its primary goal of benign civil disobedience because “it’s so benign and civil that it’s hardly disobedient.”

The premise of the article is false. Where in the world does Harris get that the purpose of the rallies is benign civil disobedience? She cites no evidence for this assumption. Nonetheless, Harris criticizes SYATP for failing to meet this supposed goal. It seems to me that the real purpose of SYATP is fellowship with God and fellow believers. SYATP gives students an opportunity to exercise their right to pray with their schoolmates. Does Liberty have a problem with that? The article further questions how evangelical parents would feel if Moonies, Mormons, or Jehovah’s Witnesses had similar exercises. I say, bring them on! If we put Christ’s truth in the arena with all false doctrines, the truth will prevail.

MICHAEL S. PINEDA. Attorney Chattanooga, Tennessee

“Thus Saith the IRS”

Pastor Kevin James missed the point in his letter (July/August, p. 4) on the violation of the 501(c)(3) nonprofit corporation at the Pierce Creek. He assumes that Pat Robertson’s Christian Coalition is a 501(c)(3) nonprofit corporation. I suspect most people have missed the point as the church has been put to sleep with the melody of easy money with nonprofit incorporation. The question is Why should any church that calls itself a Christian church change its lawful status from that of First Amendment right, to falling down and bowing to the state and all its stipulations upon incorporation?

I have watched Mr. Robertson on the 700 Club and I have read his books. Most Christians are so busy stabbing other Christians in the back that they have no time for real issues. Mr. Robertson is focusing on our real enemies. This action of his is forcing the rest of Christendom to pull their heads out of the sand, and they just don’t like it. To avoid addressing these issues they then rant and rave, calling down all kinds of curses and hellfire and accusing Mr. Robertson of heresy, while providing no substantiation to back up their claims.

WES GORDON
Indianapolis, Indiana

Readers can E-Mail the editor on CompuServe #74617, 263
Messian Complex: Often they are ordinary, educated, well-to-do men and women who come to Jerusalem for a little R and R. But then, from the excitement of walking the same streets as David, Jesus, and Mary, or just from the intensity of being in Jerusalem, or both—something inside snaps, and they go crazy. Like the French woman who ran wild, shouting that her tour group needed to dress in white and follow her to the garden tomb and pray for the coming Messiah. Like the New York messiah who yanked sunglasses off people so they could “see the light.” Or like the man who jumped off a church tower in Jerusalem because he had been assured by the prophet Ezekiel in a dream that he would fly straight to heaven. Others see themselves as everyone from Jesus, to Mary, to King David. Israeli soldiers know that if they find some wild-eyed tourist wandering around the desert naked or wrapped in an animal skin, they must drive “John the Baptist” to Kfar Shaul, an Israeli mental hospital that deals with the problem. Israeli psychologists call it the Jerusalem Syndrome and every year they treat dozens of victims. “Jerusalem can drive people mad,” says Yair Bar-El, who treats victims. Though psychologists, in an attempt to understand what triggers the temporary madness, try to keep track of the people after they are sent home, the former patients don’t always respond. “It’s not easy,” said one doctor, “to run after someone who thinks he’s God or Satan and try and get him to fill out a survey.”

Pseudo-Christian America: Doyens of the New Christian Right love to quote statistics about how many “Bible-believing Christians” live in America. Figures do, indeed, show that many Americans are somewhat religious, though the apostle Paul would have a hard time recognizing what that religion is. According to a Gallup poll, eight out of 10 Americans claim to be Christians, yet half don’t even know that Jesus preached the Sermon on the Mount. “If people can’t handle that question,” George Gallup told Religious News Service, “then they are not going to do very well with questions of atonement, grace, and redemption.” According to Gallup, “Americans say they believe in the Ten Commandments, but they can’t name them.” Thus, before all these “Bible-believing Christians” remodel America according to biblical standards, it might help if first they knew what those standards are.

“Old Time Gossip Hour”: A TV station in Florida has threatened to cancel Jerry Falwell’s “Old Time Gospel Hour” because, of all things—sexual explicitness. WTLV-TV in Jacksonville said complaints have been mounting because the show seems to deal more with politics than religion. When a mother complained that Falwell’s explicit descriptions about Bill Clinton’s alleged affairs caused her 9-year-old son to start asking questions she didn’t want to answer, the station yanked a show and threatened to cancel the entire program if Falwell didn’t stick to religion. Hey, Jerry—Jesus stooped in the dirt only long enough to write down the sins of the accusers. He didn’t wallow in it.

Lenin’s Revenge: Good news for a nation that for half a century spent billions of dollars and lost thousands of lives defending its shores against encroaching Communism: 45 percent of Americans believe that the phrase “from each according to his abilities, to each according to his need” is found in the United States Constitution.
Papal Knightmare: Honoring former Austrian president Kurt Waldheim for “safeguarding human rights” is like honoring Hugh Hefner for his “moral contributions to society.” Yet that’s what happened at a ceremony last summer in the Vatican, where Waldheim was appointed to the Ordine Piano, one of numerous elite equestrian orders of knights whose members are appointed by the Pope. Archbishop Danato Squicciarini, who conferred the honor on Waldheim, praised the former Nazi officer’s role as secretary general of the United Nations, despite evidence that Waldheim was an intelligence officer in a Nazi unit responsible for the deportation of 68,000 civilians, including 23,000 children under the age of 14 (11,000 of whom died from disease and starvation). Maybe the Pope ought to give David Duke an award for “promoting racial justice” while he’s at it.

The Good Stuff: Only a spiritual and moral zombie couldn’t be appalled by the filth permeating TV. No wonder the Reverend Don Wildmon’s American Family Association monitors and informs constituents about the “illicit sex” and other garbage emanating from the boob tube. Yet sometimes you wonder just where the well-meaning Reverend is coming from. In August 1994, his monthly

American Family Association Journal had a section called “The Good Stuff,” which ran a review of the 1961 classic El Cid, the story of Spain’s eleventh-century hero Rodrigo Diaz de Biviar. El Cid got a thumbs up from Reverend Don because it had no profanity and “no illicit sex.” No illicit sex? We guess for Reverend Don, as long as sex is licit, even on TV, it’s Good Stuff.

The Disestablishmentarian Blues: Following statements from Prince Charles, who earlier said that as king he would prefer to defend all faiths, not just Anglicanism (the established one)—Bishop Colin Buchanan brought a motion before the church’s highest legislative body, the General Synod, to disestablish the Anglican church. The Synod voted to reject the move. “Most at risk today,” said Archbishop of York John Habgood, “is the sense that the Church of England somehow belongs to the English people.” He feared that disestablishment would send a message to the British that the Church of England was no longer theirs. However, considering the few Brits who even go to church, Anglican or not, it hardly seems the English people would care.

The Disestablishmentarian Blues, Latin Style: Roman Catholics don’t seem any more open to disestablishment than do Anglicans (of course, only when they are the established church). A petition sent to Argentina’s Constitutional by representatives of the nation’s Protestant churches called for the elimination of Article 2 of the constitution, which reads: “The Federal Republic of Argentina sustains . . . the Apostolic Roman Catholic Church.” Under the present system, the government gives special benefits to the Roman Catholic Church, such as tax subsidies to underwrite the church budgets, which the Protestants view as discrimination. “Every form of discrimination on the basis of race, sex, social status or religion is incompatible with democracy and the spirit of the national constitution,” the petition declared, asking the assembly to either eliminate or modify Article 2 so that it would “permit the cooperation for the common good of all religious entities with equality of conditions.” The Protestants claim that Roman Catholic opposition to the reform killed it. Though not exactly a great leap forward for religious freedom, all was not lost: the assembly voted, for the first time, to open the presidency to non-Roman Catholic candidates.

Cultural Collapse: In William J. Bennett’s The Index of Leading Cultural Indicators, the graph for violent crimes since 1960 takes off like an airplane, as do the graphs for juvenile arrest rates, teen pregnancy (that’s more like a rocket trajectory), births to unmarried women, child abuse, teen suicide, single parent families, and daily television viewing. Meanwhile SAT scores, the numbers of children living with both biological parents, and infant-mortality rates all plummet as if the airplane just ran out of gas. Bennett wrote too that over the years teachers were asked to identify their major problems in schools. “In the 1940s,” he wrote, “teachers identified talking out of turn; chewing gum; making noise; running in halls; cutting in line; dress code infractions; and littering. When asked the same question in 1990, teachers identified drug abuse; alcohol abuse; pregnancy; suicide; rape; robbery; and assault.” Hey, at least we won the Cold War . . .
Jack Douglas, Jr., is a reporter for the Fort Worth Star-Telegram.

surrounded by her four young children, Emma Jean Oliver stood before the judge. She was praying hard.

And with good reason. Having pleaded guilty to a drug trafficking charge, she faced a maximum three years in a federal penitentiary and $250,000 fine—a whopping figure for a $250-a-week laundromat worker.

Towering over her, U.S. district judge David O. Belew, Jr., read her sentence. Five years’ probation, with one important stipulation: she and her children must attend her father’s church services without fail each Sunday for the year. Their attendance would be heavily monitored by a government probation officer and only death, injury, or illness were suitable excuses to miss a week.
Time

In The Pews

Emma Jean and her children in church: It's better than prison.
"We're just not going to go running around all day Sunday without paying respect to the Lord," Judge Belew said. "Do you understand that?"

"Yes, sir," she replied.

The 74-year-old judge then leaned his six-foot-three-inch, 225-pound body over the bench, peered down at Oliver, and said things seldom, if ever, spoken by a federal judge in his own court:

"If you get those kids in church and in Sunday school, you won't be doing—what you did. You wandered away. The devil got you. And that's all that's going on out there; Satan is looking for somebody to get on to. So I expect you there each Sunday with the children."

He wasn't finished.

"Now the reason I wanted you to go to church is I think if everybody went and got right with the Lord, it would stop all this dope and all this shooting and all this nonsense that's going on. The shooting at 7-Eleven stores and the passage of dope take place because people are not paying attention to the Lord. And I thought about it, and I want you to pay attention to God, for me, OK?"

"OK," she answered.

Belew's sentence of Emma Jean Oliver in the Fort Worth federal courthouse last February shocked the judicial community, riled civil libertarians, and caused many among the Religious Right to jump with glee. Belew's action prompted a controversy that stretched across the country. He was sought out for interviews by various newspapers, including the New York Times. Television's Good Morning America and other national talk shows were in pursuit as well.

As news spread of the unusual court decision, however, letters poured into Belew's chambers, most from elated churchgoers who offered their wholehearted—and spiritual—support. Some began with exaltations like "Amen!" "Praise the Lord!" "Yes! Yes! Yes! Good for you!"

"Finally a man of power with some common sense," wrote a supporter from West Virginia. A Longview, Texas, man told the judge: "Praise the Lord! At last there is someone in high office with enough faith to turn our country back to God."

Judge Ronald L. Walker, chief justice of the ninth district of the Texas Court of Appeals, wrote: "Thank you for your courage, an uncommon courage, a valiant courage, to stand face-to-face with those secularists who desperately preach an inherent conflict between the Free Exercise Clause and the Establishment Clause of our Constitution's First Amendment."

One of the few critical letters began: "Your Honor: Forcing your religious point of view on a woman with four children by sentencing them to church services is unconstitutional."

Belew didn't seem too concerned about the constitutional outcry he caused. He treated the case differently because of her children, because she seemed like a good woman and mother, and because she did not have a criminal past.

"I thought that if she got those kids in
church, it would be much better than sending her off to the penitentiary and turning the kids over to the state."

However good Belew's motives were in sentencing Oliver to a year in prison, it does raise serious questions about its constitutionality. Church and state are supposed to be separate in America, and sentencing a convicted felon to church—where she will be monitored by the government to see that she attends—could be perceived as a serious breach of the separation principle.

"The whole thing just reeks of an inappropriate linkage between government and religion," said Derek Davis, professor at Baylor University's J. M. Dawson Institute of Church-State Studies in Waco. Davis said he would have been less bothered if Oliver had been given several choices on what her sentence should be and if the government were not watching her every move as a churchgoer.

Davis said he was troubled, too, that she was ordered to a church whose religion is similar to that of the judge's.

"I would like to see more people go to church and become Christians myself," Davis said. "However, if Belew is going to engage her in spiritual enrichment . . . I doubt that he would have approved a Jewish synagogue or a Muslim mosque."

Even more adamant that a miscarriage of justice had been committed was Joe Conn of Americans United for Separation of Church and State, a watchdog group in Washington, D.C.

"This judge clearly has gone beyond the bounds of his authority," said Conn. "The great danger here, ironically, is to religion because our history has proven the country does best when religion is separated from government. Most religious groups believe that religion has to be voluntary, and heartfelt, for it to be legitimate. You're in effect sullied religion, because the government is seeing religion only as the means to government ends, and that's not what religion is all about."

Predictably, Emma Jean Oliver—who could easily be behind bars and facing hundreds of thousands of dollars in fines—wasn't too concerned about constitutional issues involved in her case. She was just happy not to be in jail. Several months after her sentencing, she said that neither she nor her children have missed a Sunday at the Progressive Baptist Church where her father pastors. It's a rickety, clapboard building, surrounded by an impoverished neighborhood—easy to fill when the congregation of about 60 worshipers file in. Oliver is also participating in programs at other churches throughout Wichita Falls.

"I enjoy every moment of it," she said. "The people I socialize with now, they're church persons. Church people, when they're really, truly Christians, they don't mix with the other people like drug dealers."

She's especially grateful to Judge Belew.

"I don't know if anybody else would be as kind as Judge Belew was to let me stay out here with my children," she said. "To me, it was like he gave me a second chance on life. I mean, you can't ask for no more than that."
FOUR MORE YEARS!

Why Pat Robertson Should
Vote for Bill Clinton

ILLUSTRATION BY RAY DRIVER
Who has been the greatest asset to the Religious Right in the past few years?

Pat Robertson? Bill Bennett? Jesse Helms? Pat Buchanan?

Would you believe—Bill Clinton?

Indeed, while deploring the fact that Clinton "has not focused his administration to the people of faith," Mike Russell, communication director for Pat Robertson's Christian Coalition, says that since Clinton came to office, the organization has had a steady increase in new members, sometimes averaging "as many as 8,000 to 10,000 new members or activists in a single week... and that has been fairly consistent."

Author and radio speaker James C. Dobson and his Focus on the Family organization has been growing by leaps and bounds. Paul Hetrick, vice president of Focus on the Family, says a big increase started "just prior to the election and then especially just after the election... in both the donations and also the number of people wanting to be added to our mailing list."

Family Research Council, the conservative think tank and lobbying group headed by Gary Bauer and closely associated with Dobson's Focus on the Family, has also had a big increase since Clinton moved into the White House. The 1992-1993 fiscal year brought a bonanza of funds, more than doubling their budget of $3 million the previous year to $7 million. Bauer, former domestic policy advisor to Ronald Reagan, said that the increase came "without us really doing any of the things that other conservative groups do. In other words, we didn't rent any massive mailing lists and do cold mailings. We just continued to do our work here in Washington and found that the interest in what we are doing increased enough that we more than doubled our budget." Bauer said that his organization used to receive about 5,400 pieces of mail a month, but since Bill Clinton's election, "we get 15,000 a month."

It hasn't been just the Religious Right that has benefited. Shortly after Clinton took office, Republican National Committee chair Haley Barbour said, "Bill Clinton's done more to unite the Republicans in four months than I'll do in four years."

"Clinton," wrote Fred Barnes in the New Republic, "has touched the hot button of every ilk of conservatives—free market purists, social issue conservatives, right-to-lifers, anti-tax crusaders, the Christian Right, deficit hawks. The result is an explosion of right-wing activism, coupled with a surge of support for Republican candidates and growing public support for some conservative positions."

Even the National Rifle Association added 350,000 new members within less than a year of the inaugural.

Prior to the 1992 election some New Right leaders anticipated that Clinton in the White House might be to their advantage. They had no idea. However much the New Right might decry his politics, his morals, and his views on separation of church and state, Bill Clinton has become their top recruiter and fund-raiser.

The New Right will, no doubt, continue to oppose Clinton right up through the 1996 election. Yet Pat Robertson and other New Right leaders must realize that if the president has been able to increase their budgets, drive up membership, and increase interest in many of the issues it deems important—why should they want him out?

Though Religious Right leaders wouldn't say it publicly, they must at least be thinking: Four more years! Four more years!
Did the Government Try to Ban Religion on the Job?

FOLLOWING Jesus’ admonition to “go ye into all the world, and preach the gospel” (Mark 16:15), James Meltebeke believes he must witness to everyone, including employees of his painting business. In response, the Oregon Bureau of Labor and Industries filed charges of “religious harassment” against him.

Katzenberger, complained that his boss’s twice-a-week invitations to church were offensive. Katzenberger also complained that Meltebeke had warned that Katzenberger and his fiancée were living in sin and would go to hell if they did...
not get married and go to church.

"I don't see anything wrong with encouraging my employees to attend church," Meltebeke explains. "They can take it or leave it. I just planted the seed. That's what we're mandated to do."

Mandated or not, the bureau ruled that Meltebeke created an "intimidating and offensive working environment." It said that "proselytizing" was a physical act that could be regulated by the state. Witnessing could be forbidden if found "in violation of important social duties or subversive of good order." The bureau levied a $3,000 damage payment on Mr. Meltebeke, ordered him to cease from similar activities, and required him to post in a prominent place at his worksite the Oregon regulations against discrimination.

"I was penalized," he said, "for doing what my religion requires me to do."

Meltebeke's situation ex-
E

Even if a court rules that the wearing of a crucifix or the displaying of a Bible at an employee’s desk is not “hostile” or “offensive,” few employers would want to spend the time and money litigating such cases.

emphases what could have become a national problem if the Equal Employment Opportunity Commission’s (EEOC) had proposed that religious harassment guidelines become federal law. Because of the public furor, a broad coalition of concerned groups—from the Christian Legal Society to the American Civil Liberties Union—lobbied Congress to have the guidelines altered, or to have the category of “religion” dropped altogether. In June the Senate voted to recommend that religion be dropped from guidelines on workplace harassment. In September, the EEOC withdrew the guidelines completely. Americans should be glad it did.

“The only sure course for an employer seeking to avoid liability for religious harassment under the original guidelines,” warned labor attorney Dudley C. Rochelle of Atlanta, “would be to prohibit any discussion or expression of religion in the workplace, i.e., to institute a ‘religion-free workplace.’

In Meltebeke’s case, an Oregon state court overturned the bureau’s decision. The bureau has appealed, and the case is pending before the Oregon Supreme Court.

Meanwhile, labor lawyers were advising that clients might have to “sanitize” their workplaces from religious expression if the guidelines passed. Rochelle warned that employers would be able to express their personal religious convictions only “at tremendous risk of liability and potential loss of the business. . . . It is very likely that private employers would have engaged in strict workplace censorship if the guidelines had passed.

Noting that employees cannot claim constitutional speech and religion protection against private employers, Rochelle said that “Title VII, which does apply to private employers, protects expressive activities much more weakly than does the First Amendment.” The result is that if the guidelines had passed, “employers would have been able to restrict or forbid the religious speech of its employees with little or no legal consequence.”

R. W. Beckette of R. W. Beckette Corporation spearheaded the campaign to get Congress to alter the guidelines. He is a Christian and runs his oil burner company according to Christian principles. Employees at his 200-worker facility hold a voluntary, twice-a-week Bible study, prayers are offered before company events, and recently posters were hung in his facility advertising a Billy Graham crusade in Cleveland.

“Even if the guidelines had passed, I would not have changed a thing,” he says. “I know that may not make sense legally, but I have strong convictions about speaking out about my faith. I have a strong belief in the principles of religious liberty and freedom of this country.”

Beckette tells about a businessman who feels he can no longer allow religious carols to be sung at his company’s Christmas gatherings.

“Somebody complained one year,” Beckette explains, “and my friend didn't want to take chances, so they stick to ‘Jingle Bells’ and the like. He says that he probably should have taken a stand, but wonders what he can do about it now.”

This situation illustrates the fear that large employers could have been forced to impose blanket rules prohibiting any religious expression in the workplace. Of course, it is difficult, if not impossible, for employers to control or monitor individual religious discussions so they do not cross into “offensive” or “hostile” exchanges. Large employers have learned to play defensively. Even if a court rules that the wearing of a crucifix or the displaying of a Bible at an employee’s desk is not “hostile” or “offensive,” few employers would want to spend the time and money litigating such cases.

Could atheists or agnostics have brought suits against employers who display religious art, symbols, or literature in their offices, or who allow employees to discuss religion or even pray over their meals? One complaint has already been lodged against the display of mistletoe, which a woman said created an abusive environment. It would be much easier for an employer to keep the mistletoe off the wall than deal with the potential headaches of lawsuits.

Recently Patrick, a young associate in a large law firm in the Northwest, invited his secretary and a coworker to a weekend series at his church. He plans to give his agnostic boss a copy of C. S. Lewis’ Mere Christianity. Last year he helped organize a workplace Bible study that included secretaries, staff, and other attorneys. He also passed out Christian literature.

Could these activities have been prohibited
By making the workplace equal for all, the EEOC came dangerously close to making it free for none. At what price will we have politeness for all? Is the cost banishment of argument, and even discussion, about the most profound question of human existence?

if the guidelines had passed? Might they have been viewed as “denigrating” to those with atheistic, Jewish, Islamic, or New Age world-views? Which of these activities would Patrick’s law firm have prohibited just to play it safe?

Eric runs a sports card stand at a mall in Idaho. Beneath the picture frame holding Ken Griffey, Jr., baseball cards, a hand-lettered sign reads “Thou shalt not steal—Exodus 20:15.” On the other side of the stand, underneath the cards of the Dallas Cowboys, is another sign: “If we don’t catch you, He will.” Eric says that some of his youthful customers think the “He” in the message refers to Emmitt Smith, the Cowboys’ star running back. Eric uses the moment to tell his customers that “He” is the One in the universe even greater than Emmitt Smith, who will one day judge the world. Since Eric has put the signs up, nothing has been stolen. Might Eric, under EEOC guidelines, have had to change his signs to read “We would appreciate it if you did not steal” and “If we don’t catch you, Emmitt Smith will”?

Vincent Blasi, First Amendment expert at Columbia University School of Law, considers the original guidelines to have significant free speech implications. He notes that courts have viewed workplace speech as subject to greater levels of regulation than speech in public places, such as parks or sidewalks.

“In a workplace you are dealing with a captive audience,” he says. “People can’t choose to get up and leave like they can in a park or on a street.”

Nevertheless, he feels that the regulations, as originally presented, were overly broad, and did threaten freedom of speech.

“We spend half our waking life in the workplace; work is an identity for many people. Can we ask people to leave behind their strongest opinions and most cherished values when they punch their time card or walk into the office? What does freedom of speech mean for society if we cannot exercise it where we spend the greatest portion of our time and have our widest contact with other people?”

He suggests that the guidelines were a form of political self-assertion, an attempt by various “victim groups” to gain societal respect and legitimacy.

Of course, workplace harassment is a problem, but how far should a society that values freedom of speech and religious expression go to prevent it? Former Supreme Court Justice Louis D. Brandeis argued that the “fear of serious injury cannot alone justify suppression of free speech and assembly. Men feared witches and burned women. It is the function of speech to free men from the bondage of irrational fears.” The EEOC had apparently chosen to give a different answer to this problem.

“A society that puts equality . . . ahead of freedom,” warned economist Milton Friedman, “will end up with neither equality nor freedom.”

By making the workplace equal for all, the EEOC came dangerously close to making it free for none. At what price will we have politeness for all? Is the cost banishment of argument, and even discussion, about the most profound question of human existence?

Goethe said, “The conflict of faith and unbelief remains the proper, the only, the deepest theme of the history of the world and mankind, to which all others are secondary.”

Fortunately, the guidelines were withdrawn. Otherwise, any workplace—such as James Meltebeke’s painting business—might have become one place where this “deepest theme” would be excluded.
earing that the EEOC proposed guidelines on workplace religious harassment would convert America's workplaces into religion-free zones, the Senate (94 to 0) and the House (366 to 37) warned the agency against banning such routine religious practices as reading the Bible at lunch or wearing a cross or a Star of David.

Caving under the pressure, the EEOC voted 3 to 0 in September to withdraw from further consideration any guidelines.

Representative Taylor, the floor manager of the House measure, said that the scope of the prohibited religious harassment guidelines was so broad and rested on such subjective factors that "constitutionally protected religious expression should be easily declared illicit harassment and punished."

Taylor, expressing the concerns of his constituents, wondered if the guidelines would have barred NASCAR drivers from holding prayer services before putting their lives at risk in a race. Or if they would have led to banning prayer by military personnel on the battlefield lest someone be offended.

Some argued, however, that the actual problem of workplace harassment based on religion is very small—less than one third of 1 percent of reported cases—and adequately dealt with under prevailing practices.

Also, the EEOC's rules applied to religious harassment the same standards and language as sexual harassment, which translated some of the most controversial aspects of sexual harassment law into religion cases as well. For example, sexual expression is presumed to lack a legitimate place in the work environment, and to be so offensive as to be suspect, except under limited circumstances. Should the same be said about religion, and does the government have the authority to compel such a view on private employers?

The EEOC countered that it wasn't creating new law, just applying established cases in a new format. But critics argued that the attempt to apply the sex guidelines to religion was, indeed, making new law.

Typical of the burden imposed by the application of the sex standards to religion is that offensive conduct would not be judged by prevailing community norms, but by the reasonable practitioner of the faith claiming to be offended. This is a nightmare standard for employers who may not be aware of the faiths of the employees let alone of what would constitute a reasonable sensitivity to some obscure sect. Confronted with this requirement, some employers were already adopting policies to ban all religious expression in order to avoid the risk and costs involved in regulating behavior.

The agency's friends in Congress insisted the controversy was a tempest in a teapot provoked by broadcast ministers stirring up their congregation for fund-raising purposes. They insisted that congressional action was meaningless because the
agency was not overreaching and had adequate authority under Title VII, which prohibits workplace discrimination based on religion.

But concern about potential ill effects of the rules went far beyond conservatives. Groups as diverse as the American Civil Liberties Union and the Christian Coalition opposed the guidelines. People for the American Way warned that the guidelines “could be misinterpreted by employers to impose unduly harsh and possibly illegal restrictions on free expression by employees and others in the workplace.”

Further, representatives from a wide range of religious organizations—Catholic, Protestant, and Jewish—expressed concern over the sweep and vagueness of the guidelines’ language. Typical concerns were expressed by the U.S. Catholic Conference, which said that the guidelines appeared to prohibit religious operations, such as stopping soup kitchens or homeless shelters from giving a religious message.

The Catholic Conference was concerned that the EEOC had failed to address the role of religious institutions both as operations and employers.

Similar fears about the potential of the guidelines to suppress religious expression were voiced by the American Jewish Congress and the Southern Baptist Convention. The ACLU saw the proposed rules as vague and subject to abuse. Bob Peck, testifying for the ACLU, warned a senate committee that the rules could have been read to require a religion-free workplace. Nevertheless, Peck felt that appropriately worded guidelines were needed to reaffirm a commitment to a workplace free of intolerance. Some opponents questioned the need for any guidelines, feeling that case-by-case determination was more appropriate. They felt the guidelines reflected a liberal bias against religion and were justified by neither the past case law nor any exigent circumstances.

According to J. Brent Walker, general counsel of the Baptist Joint Committee, deleting religion from the guidelines would have no ill effects because Title VII still bars harassment.

Other critics saw the episode as reflective of a larger pattern of antireligious bias prevalent in the Clinton administration. Had not Clinton’s HUD been involved in attempting to ban church-operated nursing and retirement homes from advertising their religious affiliation? While the agency claimed its efforts were misinterpreted, both church groups and yellow-page publishers had interpreted HUD communications as banning the use of religious names and symbols from ads for nursing and retirement homes. Had not both the AIDS czar and the surgeon general been highly critical of “Christian morality,” branding it as backward and dangerous for children?

These groups saw the EEOC rules as part of a broader pattern that emerged in the 1992 presidential campaign when Clinton fought the Christian Right, and that appeared to resurface in the 1994 congressional campaign. Some say the Democrats geared up not so much against Republicans but against Christians.

The guidelines were published in October 1993 without much fanfare. But the firestorm erupted after a labor lawyer advised his clients to bar all workplace expressions of faith in order to avoid possible EEOC enforcement actions or private law suits. The warning was picked up by the Traditional Values Coalition, which alerted other conservative and family values groups. Soon, the Family Research Council and other conservative groups circulated policy papers against the guidelines. Religious broadcasters like Pat Robertson and Jerry Falwell warned listeners about the rules. Other conservative commentators were critical, too. Within days tens of thousands of comments were flowing into the EEOC and Congress—the largest response, allegedly, in EEOC history.

The rest, of course, is history.
The Need for EEOC Guidelines on Harassment

BY MITCHELL A. TYNER

I n the federal government out to bar employees from inviting a fellow employee to a church service or ban the reading of the Bible? Nicholas Miller and Joseph Broadus seem to think so. So do many Religious Right leaders who have used the issue to promote partisan politics, not religious freedom.

Joseph Broadus, for instance, argues that the guidelines show the "anti-religious bias prevalent in the Clinton administration," but he doesn't mention that the current Equal Employment Opportunity Commission is all Bush administration holdovers. Broadus argues that "Democrats are gearing up not so much against Republicans as against Christians." From my viewpoint, it appears that the Christian Right is gearing up, not against dilution of religious freedom, but against Democrats.

Curiously, the guidelines in question were first aired in the Federal Register on October 1, 1993, but didn't cause a stir until Jerry Falwell sent out a fund-raising letter in March 1994, alleging that under the guidelines "you could be terminated for saying a prayer over your lunch."

Said Falwell, "You could even be fired if you wear a cross . . . or post your favorite Bible verse above your desk."

Though many seem to believe Jerry Falwell, I don't—and here's why.

First, religious discrimination is a problem. I've represented its victims, like the steel mill worker who wanted to trade shifts with other employees in order to avoid work on his Sabbath. A foreman, with the full knowledge of management, admonished the other workers over the public-address system, "Don't anybody trade with that Bible-thumper!"

After asking for accommodation of their religious practices, numerous clients have been subjected to prolonged lectures designed not to find an accommodation, as the law requires, but to change their views on biblical interpretation.

It gets worse. One worker was derided by fellow employees as a "puss-gutted Catholic" for eating fish on Friday. A Jewish employee was taunted by a supervisor as a "Christ killer" and "Jew faggot." Surely Falwell and those writing for Liberty would not advocate such conduct.

Nicholas Miller is bothered that the state of Oregon charged James Meltebeke with harassment of an employee. But Meltebeke didn't just invite his employee to church. He also told him that if he didn't live according to his employer's moral standards, he was going to burn in hell! Should employees be forced to endure that sort of treatment in order to retain their jobs?

As Joseph Broadus correctly observes, these cases are a small fraction of the entire EEOC caseload. But even a small part of the hundreds of thousands of complaints received by the agency each year represents an unacceptable level of illegal activity. And every incident is a major problem to the victim.

Second, religious harassment would not have been made illegal by the guidelines—it already is. Since Title VII of the Civil Rights Act was passed in 1964, it has been illegal to subject employees to different and hostile working conditions because of their religion, among
other things. The EEOC already had issued guidelines on sexual and national origin harassment, but none on harassment based on race, color, or religion. The intent of the guidelines was to help employers understand existing law.

Such guidelines do not have the force of law; they merely explicate the position of the federal agency charged with the enforcement of Title VII as to what the statute means. The function of the EEOC is not to make law, but to enforce it and help the public understand it.

Because this conduct is already illegal, lawsuits will be filed alleging religious harassment. Our choice was thus to file those actions either with or without guidance from the Equal Employment Opportunity Commission.

Third, not all offensive conduct violates the law. Title VII requires that conduct, to constitute harassment, must be objectionable to a reasonable person. Thus, according to the EEOC, “reasonable people would not deem a statement of one’s own affiliation, by itself, to amount to severe or pervasive hostility to those who do not share the same belief. Nor could it reasonably be deemed to be hostile to another’s belief to wear a cross or a yarmulke. It is one thing to express one’s own beliefs; another to disparage the religion or beliefs of another.” Does that sound like an agency out to enforce a religion-free workplace?

No, the guidelines were meant to enhance religious freedom by clarifying current law.

What those attacking the guidelines don’t say is that religious expression at work is already protected. Title VII requires an employer to accommodate religiously motivated conduct by employees, unless to do so would be an undue hardship. Employees have a right to witness, say prayers, have religious materials at their desks, wear beards, yarmulkes, etc., unless it would be an undue hardship on the business. The guidelines would have had no effect on that right.

I believe, too, that dumping the guidelines has sent the wrong signal. It will be seen as an indication that harassment because of religion is not as important as other types of harassment. Removing religion from the guidelines will only keep employers in the dark as to religious rights. That’s a surefire prescription for more prejudice and litigation, not less. Giving employers more information and guidance will promote a more tolerant workplace. That, in turn, guarantees greater religious freedom.

Also, the opposition is tainted with majoritarianism.

Miller asks, “Could atheists and agnostics have brought suits against employers?” Of course they could. The law must protect everyone or no one. Christians, or any other majority, have no right to special exemptions. Why not ask if Christians could bring suit against nonbelieving employers? Or would that not seem so objectionable?

Falwell’s fund-raiser says that the guidelines “don’t protect people like you and me.” Sorry, Jerry, but the law applies to you the same way it applies to everyone else. You can’t protect Christians from atheists without protecting atheists from Christians. We protect our own rights most effectively by demanding those same rights for others with whom we disagree. Finally, it’s argued that the guidelines were flawed.

They were, which is why they were sent back to the drawing board. The flaw was in their failure to clearly delineate between conduct that is constitutionally protected free exercise of religion on one hand, and conduct that steps over the line and becomes coercive and harassing on the other. The EEOC’s statements, as cited above, indicate an awareness and appreciation of the difference, but it needed to be said more clearly in the guidelines themselves.

In the heat of the debate, Barry Lynn, executive director of Americans United, said it well: “At their core the proposed EEOC guidelines are a protection of religious liberty, not an incentive for a ‘religion-free’ workplace. They will not ban one Bible or eliminate one invitation to attend worship services. They will ban patterns of religiously motivated harassment and eliminate continuous pressure for employees to conform to employers’ religious values.”

Not now they won’t.
overing the 1993 assembly of the Southern Baptist Convention in Houston, Texas, *U.S. News & World Report* observed that this was the first time the nation's two highest offices have been held by Baptists, yet neither President Clinton nor Vice President Gore was invited to address the gathering. Instead, the 17,000 delegates rebuked the president for his stand on abortion and gay rights, and admonished him "to affirm biblical morality in exercising his public office."

"We are like the father," said a Georgia minister, "waiting for the prodigal son to come home."

Baptist history, however, makes it obvious that—as far as civil and religious freedom are concerned—it is harder to see Bill Clinton as a prodigal son than to see the Southern Baptist Convention as a prodigal denomination. The history of the Baptist Church in America is fraught with courage, persecution, and a passion for liberty. The banishment of Roger Williams by the Puritan leaders of Massachusetts was only the beginning. In 1644 the colony's general court passed a law banishing all Baptists—or Anabaptists, as they were called at the time. Despite growing protest at such measures from England and elsewhere, John Cotton, Massachusetts' leading Puritan minister, claimed that no one was suffering persecution, that only "disturbers of the peace" were being punished—meaning anyone, of course, who disagreed with the established church. Responding to the argument that such measures turned individuals into hypocrites, Cotton replied, "Better hypocrites than profane persons. Hypocrites give God His due in an outward form at least."

Not only was Roger Williams expelled from Massachusetts, but his memory and writings were suppressed for nearly 100 years. When the Bay Colony's first Baptist church was organized in Charlestown, in 1663, the Puritan authorities prepared further repression, only to be forestalled by a petition from 66 prominent citizens requesting that the Baptists be tolerated because of their exemplary character. Nevertheless, persecution continued with varying degrees until the adoption of the Constitution and the Bill of Rights.

Many American Christians today hold that the "wall of separation" between church and state is the brainchild of atheists and agnostics. In fact, this terminology was first used by Roger Williams, who in 1644 wrote that this wall existed to preserve the purity of religion through the exclusion of corrupting influences: "First, the faithful labors of many witnesses of Jesus Christ, extant in the world, abundantly proving that the church of the Jews under the Old Testament in the type and the church of the Christians under the New Testament in the antitype were both separate from the world; and that when they have opened a gap in the hedge or wall of separation between the garden of the church and the wilderness of the world, God hath ever broke down the wall itself, removed the candlestick, and made His garden a wilderness."

Constitutional scholar Leonard Levy wrote that "to Christian fundamentalists of the Framers' time the wall of separation derived from the biblical injunction that Christ's kingdom is not of this world."

That idea didn't go down easy. Citizens in the pre-Revolution colonies were required to pay taxes that supported the ministers of the established churches—generally Anglicans, Congregationalists, and Puritans. Repeatedly the Baptists joined forces with the Quakers to avoid payment. As the eighteenth century progressed, it gradually became possible for Baptists and others to be exempted, less because of a growing respect for liberty than because of mounting criticism from fellow religious in the mother country.

Moreover, even members of the established churches eventually realized that once they lost
their governing majority, they too were forced to pay taxes for the support of beliefs that they denied.

The memory and teachings of Roger Williams were revived in the 1770s by Isaac Backus, a Baptist minister and one of America’s leading pioneers of religious liberty. It was he who enunciated what would become a trademark of Baptist conviction on this subject for decades—that “religion must at all times be a matter between God and individuals.”

Some argue that Backus and Williams were hardly civil libertarians of the modern sort, because both supported the ostracism of Jews and Catholics from public office, and that Backus himself supported compulsory church attendance. These incidents supposedly prove that the “original intent” of America’s Founders bore little resemblance to the convictions of liberty’s modern representatives. Yet one might just as accurately point out that the democracy of the Roman republic was not what we today would consider ideal, that Thomas Jefferson was a slaveowner, and that the Wright brothers didn’t produce a jumbo jet. Ideas take time, through the course of history, to evolve. Men such as Roger Williams and Isaac Backus may have indeed failed to understand the full implication of their stand on religious liberty, but they laid the groundwork for a developing concept whose parameters are still not fully perceived.

In a speech to Jerry Falwell’s Liberty Baptist College in the fall of 1983, Senator Edward Kennedy urged his conservative audience that morning to remember that “today’s Moral Majority can easily become tomorrow’s persecuted minority.”

The reverse seems to have been true in Baptist history. As the late 1970s witnessed the emergence of the conservative cultural revolution in America, Southern Baptists began to forget the convictions of their Founders and the persecution they suffered, in time developing the notion that the separation of church and state was the child of secular humanists determined to destroy Christianity. The simultaneous takeover of the Southern Baptist Convention by fundamentalists was as much a reaction to liberal politics as to the perceived encroachments of liberal theology. Members of this denomination now play a leading role in the establishment and growth of the New Christian Right. Despite their longtime opposition to educational vouchers intended for the support of private schools—a stand with roots in the colonial opposition to tax-supported churches—the 1992 Southern Baptist Convention voted to “restudy” the issue.

Commenting on this trend toward church-state “accommodation” as distinct from separation, Baptist scholar G. Hugh Wamble has written: “One reason for my opposition to the SBC-CLC’s [Southern Baptist Convention-Christian Life Commission] recently announced attack on constitutional interpretation and its unabashed advocacy of accommodation between ecclesiastics and civil officials is my conviction that it represents a distortion, if not betrayal, of our Baptist ancestors’ experience and is a step toward restoring accommodation between church and state, or accommodation between ecclesiastics and civil officials, which can lead us back to the Dark Ages in church-state relations. . . .

At the beginning of the 1990s, moderate Baptists, weary of perennial defeats at the annual SBC gatherings and desirous of preserving their historic stand for religious freedom, formed the Cooperative Baptist Fellowship, a coalition separate from the Southern Baptist Convention. The result was an unabashed display of religio-political harmony at the 1991 Southern Baptist Convention annual gathering. The 20,000 flag-waving delegates voted to withdraw financial support from the Washington-based Baptist Joint Committee on Public Affairs, the parent organization of Americans United for Separation of Church and State. (See next article.) Among the convention’s other highlights was a speech by Oliver North, who denounced the nation’s capital as a modern-day “Sodom and Gomorrah” and urged the assembled delegates to unite in their efforts to use government as a means for changing such conditions.

Perhaps the Southern Baptists and their featured speaker that year would do well to remember the words of Christ, who declared that the day of final judgment would be more lenient with Sodom and Gomorrah than for the self-righteous cities of Capernaum and Bethsaida (Matthew 11:21-24). The modern Baptist party line seems less in harmony with Roger Williams than with John Cotton. One can only imagine the response of Jesus, who rebuked pharisaic hypocrisy far more strongly than open sin, to such sentiments from Christian lips. The Southern Baptist Convention has indeed become a prodigal wanderer, not only from the teachings of its past, but from those of Christ Himself.
The Baptist Joint Committee (BJC) on Public Affairs was marked early for takeover by fundamentalists within the Southern Baptist Convention (SBC) who have seized control of the nation's largest Protestant body.

Founded in 1936 by the Southern Baptist Convention and Northern Baptist Convention, the Capitol Hill-based Baptist Joint Committee has represented the church-state interests of these and seven other Baptist bodies in the United States and Canada for more than half a century.

Southern Baptist pastor-theologian Herschel H. Hobbs once called religious liberty "the mother of all true freedom." That is why, despite differences on other public policy issues, these Baptist groups joined efforts in Washington for the preservation of the first principle of the Baptist movement from its beginnings in the seventeenth century: religious liberty and its constitutional corollary, separation of church and state.

Whether liberal or conservative in other national debates, Baptists always could be counted on by the Washington establishment to be united on issues impacting religious liberty.

No longer. In fact, positions central to Baptists' church-state views since the early 1600s have been largely set aside by the new Southern Baptist Convention establishment. The SBC agency now empowered to speak for Southern Baptists in Washington, the Christian Life Commission, openly advocates state-sponsored religious devotions in public schools and lobbies for direct and indirect tax subsidies for churches.

How did such a denial of Baptists' first principles come about? The answers lie in the larger effort by a fundamentalist party with both a theological and political agenda to wrest control of the Southern Baptist Convention away from an older, more moderate establishment.

Beyond this movement's allegedly primary objective, namely, the purging of Southern Baptist institutions of theological "liberalism," the new fundamentalist establishment tried since the late 1970s to make the SBC a reliable source of support for an ultraconservative national political agenda.

By the mid-1980s, fundamentalist leader Paige Patterson publicly warned that future employment in the SBC would be conditioned, not only on a commitment to the narrowest possible definition of biblical inerrancy, but on support of the new establishment's antiabortion, pro-school prayer positions as well.

This national political agenda, Patterson said, would "go over nearly as well as the inerrancy thing."

The rise of the fundamentalist party to power in the SBC was another manifestation of the rise of the Religious Right. Like the SBC inerrancy party, this movement began to exert its muscle in the late 1970s, with the birth of Jerry Falwell's Moral Majority and the Religious Roundtable.

This latter organization was founded by Southern Baptist layman Edward E. McAteer, a member of Bellevue Baptist Church in Memphis, whose pastor Adrian Rogers was the first avowedly inerrancy party candidate to be elected SBC president. Indeed, several of the fundamentalist SBC presidents elected over the past
15 years have been involved with the Religious Right.

As early as 1980, McAteer claimed that right-wing activists—Paul Weyrich, Howard Phillips, and Richard Viguerie—had him ask Falwell, Rogers, and other conservative religious luminaries to get involved in national politics, initially to elect Ronald Reagan. McAteer was described in Viguerie’s Conservative Digest as the “point man” in the “preachers-into-politics” movement.

One of the nation’s foremost historians of fundamentalism, George Marsden, wrote in 1988, “It is clear that an important revolution has taken place in the inerrancy camp over the past decade, so that now it is wed to a national political program.”

Besides the involvement of several recent SBC presidents in partisan political activities—including current Baptist Sunday school board president Draper’s campaign activities on behalf of Pat Robertson—fundamentalist architects Patterson and Paul Pressler have belonged to the Council for National Policy, a highly secretive, ultraconservative think tank.

This background is essential to understanding why Pressler, Patterson, and other SBC fundamentalist leaders wanted to rid the convention of the Baptist Joint Committee, whose colorful executive director, James M. Dunn, was more than an annoyance. Dunn and his BJC colleagues represented a formidable obstacle to the fundamentalists’ desire to transform the Southern Baptist Convention into a de facto political action committee for the national Republican Party.

Unlike all the other SBC agencies and institutions, however, the Baptist Joint Committee could not be taken over by the standard Pressler-Patterson methodology of stacking boards of directors with a working majority of fundamentalists, because Southern Baptists represented only about a third of the governing board of the Baptist Joint Committee, the other two thirds of seats being held by representatives of the other eight member bodies.

But Pressler was not deterred. Using his own seat on the most powerful of all Southern Baptist entities, the Nashville-based executive committee, Pressler instigated a series of hostile investigations of the BJC, including an inquiry that resulted in an increase in power for the SBC Public Affairs Committee, the formal name given SBC representatives on the BJC. Thereafter, this subpanel had new authority to take positions on church-state questions contrary to those of the BJC itself.

Pressler used these investigations to precipitate a series of budget crises for the Baptist Joint Committee, which for years had received upwards of three quarters of its operating monies from the SBC’s centralized budget. Pressler succeeded in leading the executive committee to recommend the withdrawal of funds from the Baptist Joint Committee in three stages. In 1992 the convention formally disaffiliated itself from the BJC.

In addition to breaking the 56-year tie with the BJC, the convention took a series of actions investing in the Southern Baptist Christian Life Commission the religious liberty agenda previously assigned to the BJC.

This move represented the consolidation of Southern Baptists’ two public policy organizations into a single unit that could represent the convention’s entire right-wing agenda. Gone would be the days of Southern Baptists’ contending for a strict separation of church and state.

In the new order, the Southern Baptist Convention, having discarded the BJC, would seek governmental sponsorship of religious activities and public tax support for churches and their institutions—propositions and practices deemed anathema and unthinkable to true Baptists.

Indeed, Herschel Hobbs once wrote that “church and state are mutually exclusive. Neither should seek to control the other or to use it in filling its peculiar role. Neither should propose to tell the other how to discharge its responsibility. The church should not seek to use the state for its purposes. The state should not commandeer the church for political ends. The churches should not receive tax funds for use in discharging their educational, healing, or spiritual responsibility.”

Thus, by abandoning the “mother of all true freedom,” the SBC leaders have abandoned the Baptist soul as well.
outhern Baptists are about 5 percent to the right and 5 percent to the left of center,” said Southern Baptist radio preacher Herschel Hobbs. “But 90 percent are right down the middle of the road, where Southern Baptists have always been.”

Because Hobbs is correct, the Southern Baptist Convention (SBC) broke ties with the Baptist Joint Committee on Public Affairs (BJC).

Our complaints are many. For starters, we marvel at the BJC’s claim to speak for our Baptist heritage, especially when that heritage is so manifestly at odds with the extremism of the BJC’s current agenda. The more extreme the BJC positions, the more indistinguishable it became from the aggressively secular American Civil Liberties Union and Americans United for Separation of Church and State, the more alienated it became from true Southern Baptist sentiment. The result is that the Christian Life Commission (CLC) is now the SBC voice in Washington.

Also, though we gave the BJC more money than all the other participating denominations combined, they repeatedly ignored our resolutions and took positions contrary to the convention’s will. One could give them marks for courage, but the Southern Baptist Convention felt no compulsion to fund courage per se in the capital. More than courage, we wanted discernment, and we found that lacking in many BJC positions.

Recently the BJC lobbied for and rejoiced in the Supreme Court decision (Lee v. Weisman) that censured a Rhode Island middle school for inviting a rabbi to pray at graduation. The CLC, in contrast, supported the school’s right to schedule such prayer, suggesting that we were making the word “God” a proscribed “higher order obscenity” in our schools. On this matter the CLC, not the BJC, represented mainstream Southern Baptist sentiment.

The BJC is also upset that throughout U.S. history some presidents have issued proclamations for national days of prayer. The BJC sees these as affronts to separation of church and state. Mainstream Southern Baptists see these proclamations as healthy, nonbinding expressions of national humility before the Creator.

The BJC’s persistent claim to represent our heritage is puzzling, first, because it is false, and second, because they feel free to improve on our heritage in other contexts. Their leaders identify with Southern Baptists who champion the feminist and homosexual rights agendas. They favor “progress,” and apologize for our track record in these areas. Why, then, can’t they admit that they are attempting to break new ground in the area of church-state separation?

When the Gideons in the 1950s passed out Bibles in public schools throughout the Bible Belt—smack dab in the middle of millions of Southern Baptists—there was no cry from Southern Baptist churches.

Mark Coppenger is vice president for convention relations, Southern Baptist Executive Committee.

ILLUSTRATION BY WHITNEY SHERMAN
In public schools in the 1950s the Bible was read, prayers were said, and Christmas parties were held—again with no complaint by Southern Baptists.

Before football games local ministers were invited to the press box mike to intercede for the teams, asking God to spare them injury and bitterness. From the Southern Baptist churches, no objections again.

At high school graduations, classes gathered for baccalaureate services at Baptist churches all across the nation, where preachers lifted up God and urged students to seek His will and follow His ways. All this without the type of outcry coming today from the BJC.

Southern Baptists have consistently objected to government monies for parochial (read “Catholic”) schools, but we saw no problem in the GI bill, which poured millions of dollars into Southern Baptist colleges. This post-World War II “voucher plan” seemed perfectly sound.

We were silent when the Reynolds’ case outlawed Mormon polygamy, when “In God We Trust” was added to U.S. coins, when Peter Marshall offered godly prayers to launch sessions of Congress, when “under God” was added to the Pledge of Allegiance, and when a Christmas tree appeared at the White House.

Southern Baptists have always been comfortable with some measure of state appreciation of the Judeo-Christian heritage, so long as that appreciation did not rob other faith groups of their freedom to worship and express themselves. That is our heritage, not the radical separationist agenda of the BJC.

The U.S. government funded Baptist schools on the Cherokee Indian reservations in the 1820s. We read of the gratefully accepted nurture that Denmark provided Baptist missionary William Carey in India, of John Leland’s sermon to members of Congress gathered in Jefferson’s White House, of Spurgeon’s sermon to the Dutch court. Were these compromised, slumming Baptists, or perfectly ordinary Baptists who saw no wickedness in the circumstances?

Southern Baptists are alarmed at the erosion of religious influence in government, and they are not alone. Though he differs radically from Southern Baptists on abortion, feminism, and homosexuality, Yale law professor Stephen Carter joins them in dismay at the callous treatment religion has suffered in recent days: “There may have been times in our history when we as a nation have tilted too far in one direction, allowing too much religious sway over politics. But in late-twentieth-century America, despite some loud fears about the influence of the weak and divided Christian Right, we are upsetting the balance afresh by tilting too far in the other direction—and the courts are assisting in the effort.”

Traditional Southern Baptists have witnessed this tilt and cried out in protest. This has nothing to do with party politics, and those who say it does are casting red herrings beside the trail. Whether Democrat or Republican, if you appoint an ambassador to a religious institution such as the Vatican, traditional Southern Baptists will object. Whether Clinton or Bush, if you countenance the use of public funds for blasphemous art, you will suffer our rebuke, as both did in convention resolutions. This is not party politics; it’s traditional Southern Baptist sentiment.

Oppose abortion, you win our applause; advance it, you are criticized. Appoint Boy Scout-persecuting homosexuals to high government posts or lift the gay ban in the military, and you hear our protest. Support the ban, and you win our appreciation.

In church-state matters, most Baptists have sought the middle road. They want no part of the state church look of England. Neither do they desire a state that looks on God with indifference or disdain. They despise the Saudi imposed restrictions our troops faced during Desert Storm, but they grant the state the right to enforce fire codes on religious day-care centers.

Again, Herschel Hobbs expressed it well. “I don’t know whether you ever fed hogs or not,” he said. “But you go out with a basketful of shucked corn and call up the hogs. You throw it down, and there is enough there for all the hogs to eat, and more. Invariably, one old hog will grab an ear of corn and run way off down to the corner of the hog lot and eat it, as if every other hog was trying to get its ear of corn, when there is more corn up there than they can all eat. So you have people that will take a doctrine, one little facet, and run off with it and go to an extreme one way or the other. But the masses of Southern Baptists have always been a middle-of-the-road people.”

So the Southern Baptist Convention stands where we have been, “for a free church in a free state.” Not for an utterly godless state, and a politically impotent church. We trust that our Christian Life Commission will maintain this centuries-old walk, squarely in the middle of the road, especially as the BJC runs off in the corner with its husks.
I

n a modest basement room dominated by a metal desk and high single bed, framed saints look down on stacked boxes filled with remnants of the occupant's seven-year battle with the British Columbia government over her right to exercise freedom of conscience and religion.

Tall, spare, 33-year-old Cecilia Moore meets questions with the unself-conscious manner of a veteran witness—which is what the shy, devout Roman Catholic was forced to become after she was fired by British Columbia Social Services for refusing to request abortion funding for a client.

“I was naive,” says Moore. Thinking she could rely on departmental guidelines and the Criminal Code, Moore refused the request on policy grounds.

When the applicant appealed, Moore’s supervisor ordered her to approve the funding. Moore explained her secular reasons for denial: in February 1985, procuring an abortion—except where the life or health of the woman was in danger—was a criminal offense. Accordingly, British Columbia regulations specified that abortion funding requests be supported by a doctor’s recommendation.

In this case the client’s doctor declined recommendation because of his patient’s guilt over a prior abortion and her fear of dying under anesthesia. The client had also confided to Moore that she believed abortion was wrong, but being single and in her 20s, she saw no alternative. Moore consulted a more experienced and openly pro-choice colleague, who agreed that the client didn’t qualify for assistance. None of this concerned the supervisor. He ordered Moore to approve the funding.

Moore was stunned. “I thought my supervisor had lost his mind. . . . I thought we could all be charged!” Believing he’d rethink his decision, Moore didn’t raise her religious qualms until it became apparent she was going to be forced to sign. She didn’t know that such applications were routinely approved regardless of the regulations, and that her boss considered conscience a fatal flaw in an employee.

In his evaluation of Moore’s work, the supervisor stated: “On reviewing the appeal [with Cecilia] . . . the issue was based on her objection to abortion on moral grounds.” His report and Moore’s written refusal to participate “in the surgical holocaust of human life” drew the irrevocable battle lines.

Moore suggested that she take extra files from coworkers in exchange for an exemption from working on abortion applications, a request supported by her shop steward. The supervisor refused, insisting that it was Moore’s “duty” to carry out his orders. Her only option was to “work first, grieve later.”

Intimidated by the possibility of losing her job, Moore rationalized that merely signing a paper was not performing an abortion. She decided to save her job and consign the blood of the unborn to the doctor who would perform the operation.

But morning wasn’t bright for the usually buoyant Moore. “I
experienced the darkness of rejecting Jesus and this tiny unborn child,” she recalls. “I felt a gnawing on my conscience—that I would forever have to live with this dead baby on my conscience.”

The feeling was vivid, as vivid as the illustration on the card peering from the glassed-in bookcase at her back. The card, designed for Moore by an AIDS patient to whom she ministered as chaplain, depicts a double crucifixion: Christ in agony, behind a huddled fetus, stretches out His omnipotent but helpless arms over the unborn who shares His cross.

The darkness was too much. Cecilia decided that she could not, whatever the cost, abandon that child. “I made a promise to God that if I ever got fired—and I never believed that I would—I would fight this case.”

When she was fired, it was a shock, and she tried to talk herself out of fighting her dismissal. “I said to God, ‘I’m too shy! I don’t know anything about court; I don’t have much money.’” But when, after four months, no relenting voice was forthcoming from the heavens, Moore swallowed her fears, filed a religious discrimination complaint with the British Columbia Human Rights Commission, and sought a lawyer.

“Perhaps my naivete helped,” says Moore with a half smile. “It could have been quite overwhelming to consider that I might have a debt of $90,000 built up over seven years, or that I’d have to fight in so many courts, testify so many times.”

Procedural questions dogged the case, stretching Moore’s six-month timetable into seven years. Her lawyer, Humphrey Waldock, advised her to take the case to a superior court rather than the Human Rights tribunal so that it could be heard on a wider basis. The federal Charter of Rights and Freedoms promises freedom of conscience, in addition to the freedom of religion protected by the province’s legislation. Moore and her lawyer also decided to confront the thorny question of abortion head-on. The decision was costly.

The British Columbia Supreme Court ruled that Moore should pursue her remedy under the provincial act, which guarantees protection from religious discrimination, or her union’s collective agreement (her union had refused to take up her complaint of unfair dismissal). The court added that if a charter remedy was sought, an arbitration board could hear that argument and apply the charter.

Waldock was shocked by this then-new view of the ability of tribunals to apply the charter, and appealed. The British Columbia Court of Appeals affirmed the lower court.

Next they applied for leave to appeal to the Supreme Court of Canada. But by this time one of their grounds for demanding a superior court hearing, abortion, had been removed from the Criminal Code, making that portion of the appeal moot. Canada’s highest and heavily backlogged court turned down the appeal request.

Having been jobless for four years (prospective employers sometimes telling her that she was a security threat, untrustworthy, or a troublemaker), Moore, to save legal costs, drafted and compiled most of the 20 volumes of documentation eventually submitted to the Human Rights Commission at the six-day hearing. Waldock would review her work, and she would revise. For more than a year Moore sat up nights writing, rewriting, binding documents, learning more about the law. When she took the stand in 1991, she was directing the member of the commission designated to hear the case, Lorna Barr, by volume and page number to the answers contained in her submissions.

“You were like the judge, cross-examiner, witness, and lawyer all rolled into one!” Barr laughingly told Moore later.

During Moore’s three grueling days as a witness, Barr found her to be entirely credible. She determined that Moore had been discriminated against on religious grounds. Though her employer claimed she was unsuitable for the position and insubordinate, the employer’s logical but unspoken assertion was that Moore was unsuitable because of her beliefs.

The argument, says Waldock, was ludicrous. “Anyone who doesn’t have morals is unsuitable!”

After nine months of deliberation, Barr in June 1992 ruled that Moore’s employer had a duty—to the point of undue hardship—to work out a situation that would accommodate her beliefs.* Barr also noted, however, that

* The British Columbia Supreme Court had already ruled that Moore’s employer had a duty to accommodate her beliefs. Moore’s employer appealed to the Supreme Court of Canada, which affirmed the lower court’s decision.
Moore should have at the outset disqualified herself from acting on the file because, though the regulations allowed for such funding, Moore’s conscience prevented her from considering or applying all the lawful options.

Moore and Waldock considered appealing the comment about voluntary disqualification, feeling that it turned religion into a “museum piece” rather than an active belief system to practice. But in the end, they did not appeal.

After the award of six months’ wages, interest, and Cdn$1,000 for hurt feelings (Cdn$12,000 total), as well as a Cdn$30,000 “Dollar Drive” engineered by a supporter and her own and other private donations, Moore’s legal bill has been whittled from Cdn$90,000 to Cdn$25,000.

Not one to let conviction gather dust, shortly after her firing in May 1985 Cecilia and two friends started what has become Vancouver’s 20-counselor street counseling program for women contemplating abortion but open to alternatives. On their first visit they went to a local hospital. Moore was still so shy she sent her friends while she stayed in the shadows. “I figured if they didn’t get arrested, then I’d go!” she jokes. The police did come to observe as the counselors engaged individual women at the abortion entrance in low-key conversation.

Now an accomplished public speaker and part-time hospital chaplain, Moore volunteers countless hours as a coworker of the Mother Teresa Order, which organizes dinners for the needy and housing for pregnant women. She works also as a consultant for numerous organizations, and general beacon for troubled mothers and their pregnant daughters across Canada.

“My name seems to have become synonymous with crisis pregnancy!” she says. The well-known connection has gotten her named as a party in contempt of court hearings involving a “rescue” blockade at an abortion clinic, though her support was strictly arm’s-length (the charge was thrown out).

Moore grows serious when asked how she found the strength to face not only the lengthy legal battle but also a long job search and the will to translate personal conviction into concrete assistance for women in crisis.

“I felt it was a calling from God. Anything I’ve done I can take no credit for . . . I’ve seen and witnessed much more incredible courage in people who have no support.

“What a gift this whole case has been! It’s put me in touch with people I never thought I’d meet, doing things I never thought I could do. If you change the word problem to gift, you’ll see an opportunity in every struggle.”

A sketch of Mother Teresa sits in the bookcase behind her, another gift from Moore’s AIDS artist/friend patient. “You don’t have to do anything great. You just have to do the things of your everyday life with great love and service for Jesus—in whatever faith you are.”

* In a similar case concerning dismissal for Sabbath observance, Renaud v. Board of School Trustees and Canadian Union of Public Employees, the Supreme Court of Canada in the fall of 1992 rejected the “undue hardship” test as too low a threshold for measuring an employer’s duty to accommodate employee convictions and held Renaud’s union as well as the employer responsible for working out an accommodation.
"Just like what Nazi Germany did to the Jews, so liberal America is now doing to evangelical Christians."—Pat Robertson.

"Between 450 and 500 persons were crowded into a chamber measuring 125 square feet in Treblinka. Parents carried their children in vain hope of saving them from death. On their way to doom they were pushed and beaten with rifle butts and gas pipes. Dogs were set on them, barking, biting, and tearing them. It lasted a short while. Then the doors were shut tightly with a bang. Twenty-five minutes later everybody was dead and they stood lifeless; there being no free space, they just leaned against each other."—Yankel Wiernik, Holocaust survivor.

If the Bible says that "all who live godly in Christ Jesus shall suffer persecution," why all the whining about "persecution" in America? Pat Buchanan bemoans the "Christian-bashing." An advertisement by Pat Robertson's American Center for Law and Justice (ACLJ) asks, "Have we won the cold war only to lose our own freedom?" Jerry Falwell fears that "Bible-believing Christianity" has been "outlawed" in America. William Bennett reports that it's "open season" on Christians. The Rutherford Institute writes about "religious apartheid" against Christians. Chuck Colson says that Christians have become a "persecuted minority." New Right lawyer Keith Fournier explains: "Day after day the news media brings us horrific reports from the Balkans, Africa, and other foreign countries of ethnic-based attacks all-too reminiscent of the infamous Holocaust. And yet a similar insanity is being perpetrated before our eyes in our own country. But ethnic origin isn't the target. It's religion and those who embrace it."

What indignities—reminiscent of the Balkan and African carnage—do "those who embrace" religion (i.e., conservative Christians) face in America today? Hollywood doesn't portray Christians nicely. The media says mean things about them. They can't display religious symbols on government property. Representative Vic Fazio and President Bill Clinton have criticized their political activities. They can't get government money to fund parochial education. They're not allowed to teach creationism in public schools. The New York Times doesn't count Christian books on its best-seller list. Christians are stopped from instituting public prayer at graduation ceremonies. And, in warning about the greatest threat to Christians since Nero used them for street lamps, an ACLJ tract said that "a standup comic relates a tasteless joke about evangelists, as the talk show host guffaws his approval."

How, for example, does media mogul Pat Robertson—founder and chairman of the Christian Broadcasting Network, founder and chairman of American Media Corporation, founder and chairman of International Family Entertainment, Inc., chairman of NorthStar Entertainment, Inc., chairman of Regent's University, and presidential candidate—find the courage to press ahead amid an environment as hostile to him as Nazi Europe was to the Jews?

Such commitment, for example, makes the sufferings of Richard Wurmbrand, who spent 14 years in Communist prisons, seem benig. "Christians were hung," he wrote, "upside down on ropes and beaten so severely that their bodies swung back and forth under the blows. Christians were put in ice-
box 'refrigerator cells' which were so cold, frost and ice covered the inside. I was thrown in one with very little clothing on. Prison doctors would watch through an opening until they saw the symptoms of freezing to death; then they would give a warning and guards would rush in to take us out and make us warm. When we were finally warmed, we would immediately be put back in the ice box cells to freeze—over and over. . . . Even today sometimes I can’t bear to open a refrigerator.”

What would Christian martyrs—those fed to lions, burned at the stake, buried alive, beaten to death, shot, exiled, and imprisoned—think about all the “persecution” of Christians in America today? How would the apostle Paul—eventually to face martyrdom—view the whining, especially as he (from a Roman prison!) could write: “I count all things but loss for the excellency of the knowledge of Christ Jesus my Lord: for whom I suffered the loss of all things, and do count them but dung” (Philippians 3:8).

“Some conservative Christian activists,” wrote Stephen Bates of the Annenberg Washington Program, “deem the victimization trend unscriptural. They note that the Bible tells Christians to expect persecution. ‘The apostle Paul would have never done such a thing,’ one activist says of the victimization rhetoric. ‘When the whole early church was being fed to the lions, they weren’t whining.’”

How did the poor, suffering, outlawed Christians pressure the U.S. House and Senate into voting, overwhelmingly, against EEOC religious harassment guidelines? Some persecuted minority.

Every Sunday Christians of every stripe and hue file into churches situated on millions of dollars’ worth of land that the hostile government lets them own tax-free. From their printing presses and publishing houses, from their radio and TV stations, from their schools, colleges, and seminaries, from their books, tracts, and magazines—Christians not only have been able to promote their religious views, but the anti-Christian government has even made laws to ensure that they are not discriminated against because of those views.

Of course some bias against Christianity exists in America. But bias isn’t persecution, any more than a Jewish joke is the Holocaust—and for these Christians to portray themselves as victims of persecution makes a mockery of Christians in other lands who truly are.

No nation in history has given people the freedoms Christians still enjoy in America (but that truth doesn’t make for good fund-raising).

The Bible’s statement “all who live godly in Christ Jesus shall suffer persecution” proves why—despite their rhetoric—the whiners haven’t faced persecution at all.
while there is yet time, we turn to Justice and obey her, if we trust Liberty and follow her, the dangers that now threaten must disappear, the forces that now menace will turn to agencies of elevation. Think of the powers now wasted; of the infinite fields of knowledge yet to be explored; of the possibilities of which the wondrous inventions of this century give us but a hint. With want destroyed, with greed changed to noble passions, with the fraternity that is born of equality taking the place of the jealousy and fear that now array men against each other, with mental power loosened by conditions that give to the humblest comfort and leisure, who shall measure the heights to which our civilization may soar?

*Henry George, American economist, reformer, champion of the single tax (1839-1897)*