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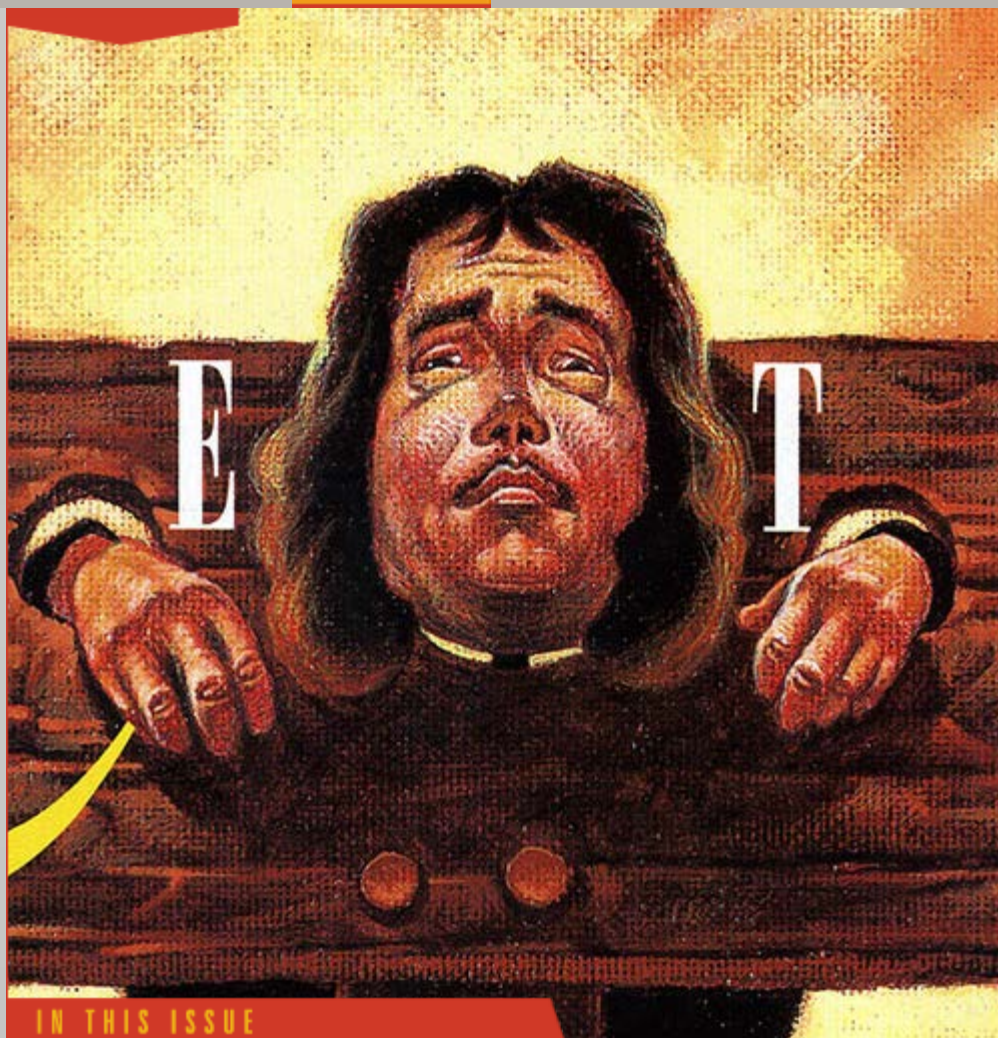
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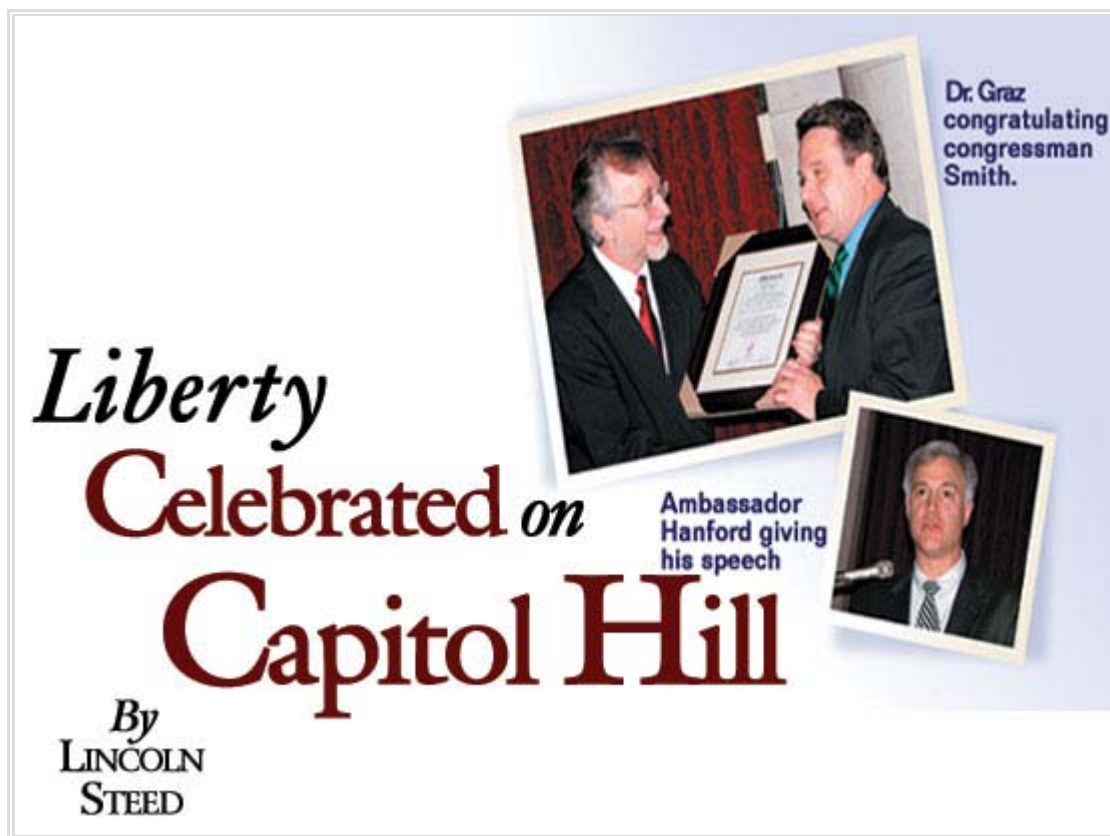
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Liberty Celebrated On Capitol Hill

The United States Senate Caucus Room Is The Sort Of Marble-floored, Wood-paneled Location One Associates With Events Of Great Moment. Indeed, It Was From This Room That John F. Kennedy Announced His Candidacy For The Presidency; It Was In This Room That T



The United States Senate caucus room is the sort of marble-floored, wood-paneled location one associates with events of great moment. Indeed, it was from this room that John F. Kennedy announced his candidacy for the presidency; it was in this room that the Watergate and Iran-Contra hearings were conducted; and it was here that staffers gathered for emergency instructions after the anthrax attacks on Senator Tom Daschle's office.

On the evening of April 2, 2003, nearly 200 dignitaries gathered in this historic room to celebrate religious liberty and the role that Liberty magazine plays in protecting it. The invitation event was the first Liberty awards banquet. In organizing the event, Liberty magazine cosponsored with the International Religious Liberty Association and its national chapter, the North American Religious Liberty Association (NARLA). The intent was to underline the importance of religious liberty, to show the role of Liberty magazine, and to honor a number of individuals from around the world and here in North America who have contributed in significant ways to religious liberty. And from this editor's perspective a very exciting subtext to the event was its function as a prelude to our 100th anniversary of the magazine's founding.

Attendees at the event included a number of members of the U.S. Congress, congressional and senate staffers, diplomats from over 30 nations, as varied as Vietnam and New Zealand, a wide group of representatives of nongovernmental organizations with religious liberty involvement, and various religious leaders, including, I am proud to say, a number from the world headquarters of my own Seventh-day Adventist Church.

Emcee for the evening was attorney James Standish, Executive Director of NARLA. He summarized the event well: "The purpose of the dinner is to bring representatives from the U.S. government, the international community, and the private sector together to celebrate the religious freedom enjoyed in the United States, to concentrate on measures necessary to expand religious freedom at home and abroad, and to recognize individuals who have made exceptional contributions to advancing the cause of freedom of conscience."

We were indeed honored to honor people such as Victor P. Krushenitsky, of Russia, for his landmark work there in creating coalitions for religious freedom; U.S. Congressman Christopher Smith for his activist love of religious liberty that was so evident in his acceptance comments; attorney Lee Boothby, who has argued a number of religious liberty cases before the U.S. Supreme Court and who donates so much of his time to international religious liberty work; Canadian attorney Gerald D. Chipeur, who combines political activism and religious liberty expertise in a nationally effective way; and Idaho state senator Grant R. Ipsen, lead sponsor of the Idaho Free Exercise of Religion Act of 2000. Other religious liberty greats honored included Ronald Flowers, Arthur E. Morgan, Daniel C. Robles, Penny Ancel, Lewis Stout, and Robert McCumber. A lifetime recognition award went to Dr. Adrian Westney, who still amazes with his religious liberty involvement, including a regular radio program heard by many in the Washington, D.C., area.

During the banquet itself we listened to an address by John Hanford, United States ambassador-at-large for international religious freedom. He spoke of the challenges we face around the globe, with most countries acknowledging the need for religious freedom, but so many applying the principles in restrictive ways. But he showed reason for optimism. And surely this event in itself, with so many diplomats present—and many of them from countries still grappling with how to implement religious freedom in effective ways—argues for optimism.

Early on in the program I shared with the distinguished guests a short "documentary" video we had prepared for mostly church-oriented sponsors of the magazine. I think they were impressed at the credentials of a magazine that was begun by a church shaped by the challenges of communicating faith in spite of legislative and societal difficulties; a magazine that has always stood for religious liberty for all; a magazine that is read by nearly 200,000 people each issue—a reading audience made up primarily of elected leaders, judiciary, lawyers, community leaders, and professionals. They know the value of religious freedom. And when the attendees saw the cameo by President George W. Bush on the video, and heard him acknowledge and recommit to religious freedom, they understood so well the reason for our coming together.

JULY / AUGUST 2009

Stand Fast

The United States Of America Has Long Been A Marvel In The Eyes Of The World For Its Successful Experiment In Religious Liberty. The First Amendment Has Often Been Copied But Seldom Implemented As Successfully As In This New World. While Americans Take Pr

BY: PAUL D. SIMMONS



Illustrations by Ralph Butler



The United States of America has long been a marvel in the eyes of the world for its successful experiment in religious liberty. The First Amendment has often been copied but seldom implemented as successfully as in this new world. While Americans take pride in our history of preserving such freedoms, we should never take them for granted. A brief history of religious liberty is a reminder of the tortured story of this treasured heritage. In understanding the intent and content of the First Amendment two points of reference stand out. First, the Inquisition, a 600-year war against religious dissenters that spread from Italy to the Netherlands. Pope Innocent III began a coordinated policy of inquisition for heresy. An enthusiasm for genuine piety and orthodox belief transmuted into a zeal for persecuting dissenters and ended by executing those who would not recant. The frenzy was fueled by Thomas Aquinas' dictum that heresy is a sin that merits excommunication and death—expanding Augustine's notion that false belief should meet "righteous persecution" conducted with secular assistance. The system was deeply corrupted by self-interest and hypocrisy. Zealotry was rewarded with confiscated property, the promise of absolution, and promotion to places of prominence. From 1184 to 1826 dissenters and unbelievers, Baptists, Jews, and deists, were imprisoned, tortured, or burned at the stake. The last victim of the Inquisition seems to have been a deist schoolmaster, who was hanged in 1826. The era did not end officially, however, until the Spanish Constitution embraced an edict of toleration in 1869.

The second story is that of dissent in England and the oppressive tactics of Archbishop William Laud in enforcing the Articles of

Conformity. King James I (1603-1625), horrified by the notion of religious liberty, declared, "It is the chiefest of kingly duties . . . to settle affairs of religion." When Thomas Helwys (1611), a Baptist, wrote saying that religious belief was none of the king's business, he was imprisoned at Newgate for the rest of his life. King Charles I (1625-1649) was inaugurated as "Supreme Governor of the Church." He led a violent persecution of dissenters, saying that all subjects were to be "in uniform profession" of the Church of England. The least differences from the Articles of Conformity were forbidden on pain of death.

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Separatists, Puritans, Baptists, and other dissenters were subjected to persecution, including the loss of properties, whippings, and imprisonments. Physical maiming was also meted out—such cruelties as cutting off ears and slitting the nose. Even today many remember John Bunyan, a Baptist, who was imprisoned for 14 years for insisting on freedom of conscience in religious matters. An official church and its "act of intolerance" forbade any religious witness not approved by the Crown.

Little wonder that Puritans and Pilgrims fled to the New World. The Puritans implemented a new dream following the sort of theocratic vision that guided Geneva under John Calvin. They wanted religious liberty for themselves, but not for others. The Massachusetts Bay Colony was a hotbed of religious fanaticism that fiercely prosecuted dissenters and destroyed witches, reflecting many of the same tactics and excesses of their European past. But religious liberty had its advocates. Nearly a century after the death of Bunyan, in the Commonwealth of Virginia, a dramatic conversation took place between neighbors in Orange

County. They were James Madison and John Leland. The subject was the established church of Virginia. The Baptists felt it unjust that they should be taxed to pay the salaries of Anglican priests and support the work of a church with whom they had strong religious differences.

A political agreement was apparently reached. Leland would withdraw his opposition to Madison, and Baptists would support the Jefferson-Madison efforts to disestablish religion in Virginia, and to assure religious liberty in the Constitutional Congress. Virginia approved a declaration of religious liberty in January 1786, and the Constitutional Congress followed suit under the leadership of Madison and Jefferson, who (later) spoke eloquently of a "wall of separation" that should exist between church and state.

A Free Church in a Free State

From the blood, tears, ashes, and prayers of those who had suffered so brutally for insisting on liberties of the mind and conscience, a new era came into being.

A new relation between church and state, without parallel in other countries of the world, was being implemented.

States slowly but wisely adopted the new amendment. Connecticut dropped its established church in 1818 and Massachusetts in 1833. The new vision taking hold in the community of states was to ensure that ancient patterns of oppression and false alliances would not be repeated in America.

Three patterns were clearly rejected.

First, in this republic there would be no dominant church over state. The Holy Roman Empire was dead. The evil collusion of religion and government would not extend into this country "conceived in liberty, and dedicated to the proposition that all [people] are created equal," as Lincoln so eloquently said.

Second, gone were the days when the king could control a subservient church. King Henry VIII had only reversed the political alliance he saw in Rome. With Thomas Hobbes he felt the state should control the church, which severely restricted the liberties of dissenters.

Third, the theocratic vision of Puritan New England was also rejected. In America citizenship would in no way be linked to orthodox religious belief, practice, or church membership.

A new vision had become a reality—a free church in a free state. An amendment was added to the Constitution attempting to assure the integrity of each without the encroachments or controls of the other: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

This simple but profoundly important amendment was intended to guarantee that:

- No religious group would be recognized as the established, favored, or official church for the nation.
- Congress would not meddle in religious or doctrinal disputes among the various groups as had the ancient councils.
- The various religious groups would be free to support their missions by their own constituents, but government funds would not be used to support religious causes or institutions.
- No religious dogma would be made law for everyone, nor would anyone be forced to live by any particular doctrine.
- Dissent on religious opinion could not become the basis of criminal prosecution.
- Government would not interfere with religious exercises. It would occupy itself with maintaining domestic tranquillity and defending the country against enemies both domestic and foreign.
- The people would be free to be religious or not religious. Religion was to be purely voluntary. Government could use its coercive powers only for the interests of state; it was not to be a religious body. Prayer and doctrine were not to be found in its jurisdiction.

*No dogma
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A new relation between religion and politics was established by this amendment. The task of government was to preserve and protect this arrangement of religious and secular affairs. The courts were appointed guardians to assure strict adherence to what Jefferson called a "wall of separation" that should exist between the powers of church and those of the state. Congress was carefully restricted in the types of law that could be imposed upon the citizenry—no dogma could be camouflaged as law, even under the guise of majority rule.

*The First
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Religious liberty was given birth. A witness was raised to all the world that drawing a firm line between the interests of government and those of institutional religion would best protect the uniqueness and value of each. Religious groups such as the Baptists and Methodists, and free thinkers such as Madison and Jefferson, believed that liberty in religion would better assure the freedoms of government and civil coexistence in a pluralistic society.

Freedom of Religion meant that government could not coerce people of faith to conform to regulations in doctrine, morals, or polity not of their church's own making. Freedom for Religion meant that religious leaders were free to speak their mind, even criticizing policies and practices of government, without fear of punishment or retribution.

Freedom from Religion candidly recognized that even atheists have rights of conscience in a free and pluralistic society. Public policy would also reflect the rights of those who professed no religion at all.

Religious Freedom—A Fragile Possession

A social contract of toleration, respect, and acceptance of various religious traditions and doctrinal persuasions was fashioned and accepted by all groups consenting to the new Constitution.

The covenant was dearly won. But religious liberty and the tolerance it requires between and among the various faith traditions was and is a fragile possession. Its protections lie in the First Amendment, an informed Supreme Court and judicial system, a friendly and supportive Congress and executive branch of government, and the mutual agreements of the various sects, religions, and denominations in America.

Now, more than 200 years after that precarious agreement, we are testing whether it can survive a new assault and ensure that our

children will enjoy the liberties assured by this fragile vision. New alliances have emerged that threaten the guarantees at the heart of the First Amendment. Religious liberty is under fire; the wall of separation seems about to fall away.

The "free church in a free state" idea has always been a minority opinion in America. Now the church-over-staters, the state-over-churchers, Puritan theocrats, and a variety of politicians who care little for religion but a great deal about power are working fervently to erase the protections and privileges of separating church from state.

Evangelical Christians, whose roots are in Puritan New England, are trying to exert newly organized political power. Many of them want America to be a theocracy with civil and religious morality intertwined. They are trying to impose their moral and doctrinal opinions on everyone.

The Puritan preacher was a stern moralist who believed that mere mortals could never decide rightly before God. Judging the laity and ordering the magistrate to pass laws to serve righteousness and assure doctrinal fidelity was the Puritan preacher's perceived role.

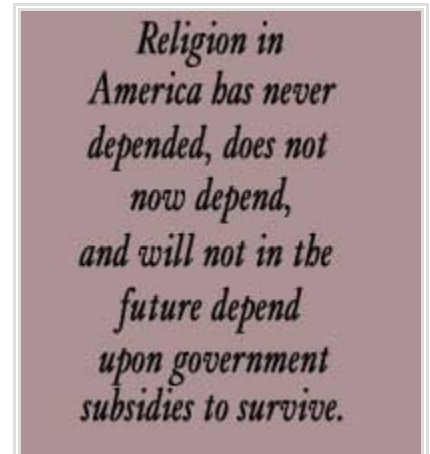
Religious Freedoms Under Fire

The long line from Cotton Mather and Jonathan Edwards now includes contemporary religious leaders who seek political power "in the name of God."

The effort to blend religion and politics is precisely what drove Roger Williams out of Massachusetts and into the wilderness with the Indians during the frigid winter of 1635. The land he purchased became the Colony of Rhode Island, the first great experiment in religious liberty among the Colonies. No matter whether one was Catholic, Jew, Protestant, Muslim, or an atheist; one was free to follow the dictates of one's own conscience. The First Amendment to the Constitution followed the Rhode Island example.

The theocrats among us would still suppress dissent, control our thoughts and freedom of expression, muzzle our minds, and ban our books. Oppressive religions we have with us always; they live to kill the freedom of the human spirit in the name of "Christian orthodoxy." Soul competence and freedom of conscience have never been tenets of Puritan theology. Politically zealous evangelicals are putting a battering ram against the wall of separation. A number of conservative Christians have organized into a powerful right-wing political movement, supporting ultraconservative causes and political leaders. The fiery rhetoric of "culture wars" and the belligerence of an absolutist mind-set typify the style and strategy of the Religious Right.

- Tuition tax credits and school vouchers are sought under the guise of "choice" and "quality education" but would in effect provide public funding for sectarian education.
- Efforts persist to pass an amendment to the Constitution declaring that America is a Christian nation.
- Requirements for mandated prayer in the public schools continue to be proposed at both state and national levels.



The Constitution assures us that Congress should make no law respecting an establishment of religion. Prayer is the business of the church; it is entirely voluntary and should not be used to badger or harass people with different religious perspectives. The coercive arm of government does not belong in the religious arena.

William Bennett, former secretary of education and now active in the Religious Right, argues that "freedom of religion is being destroyed" by those who oppose government-mandated prayers and tuition tax credits. His "values in education" agenda is strongly committed to breaking the wall of separation between church and state. He believes religion will not survive if government does not subsidize the educational and missionary enterprises of various churches. His perspective is totally contrary to the evidence—religion thrives best when it is free from government entanglement. Further, Bennett contradicts the observations of James Madison, who noted how a religion-government alliance works to the detriment of each.

Religion in America has never depended, does not now depend, and will not in the future depend upon government subsidies to survive. Only those theocrats and church-over-staters who believe government should finance religious affairs believe otherwise. Their ideology,

self-interest, and tradition seem clearly evident. The separation of church and state is not a secular idea. It was given birth and is strongly supported by those of the free church tradition.

The Religious Right has also engaged in harsh criticisms of the Supreme Court in recent years in efforts to further their cause. These are thinly disguised attacks on religious liberty itself. Former attorney general Edwin Meese advocated government-mandated prayer in good theocratic fashion, and screened candidates for federal judgeships who met his religious "litmus test." Judge Roy Moore, of Alabama, a Meese choice, posted the Ten Commandments in his courtroom in violation of Supreme Court decisions. He was joined in his crusade by then-governor Fob James, who threatened to call out the National Guard if anyone attempted to remove the Decalogue from the courtroom.

Bennett and others rightly say that the Judeo-Christian tradition has made a vital contribution to American government. But that contribution is best seen and experienced in one word—freedom. That includes freedom from coercion by government in religious matters; freedom from doctrinal orthodoxy imposed by legislative fiat; and freedom from state financial support for religious enterprises.

Politics and the First Amendment

The political process is both a major source of the damage to the wall and the hope that it might be preserved. Needing coalitions of voter groups tempts politicians to sacrifice a precious heritage for a mass of votes. Promising money for religious projects is another way to pander to various factions. Such expediency compromises principle for power.

The claim that "the Constitution guarantees freedom of, not freedom from, religion" was often heard in the 2000 presidential election campaign, by both Democratic and Republican candidates for president. This clever rhetoric betrays either a serious gap in knowledge or cynical political opportunism. James Madison once defended the rights of unbelievers by saying that "we cannot deny an equal freedom to those whose minds have not yielded to the evidence which has convinced us."

The cynical manipulation of the public among politicians is widespread. In Kentucky a candidate for the state senate based his campaign on his desire to post the Ten Commandments in every school. His pitch was that those who opposed the plan believed that the Ten Commandments were bad for schoolchildren! Such misrepresentations generate anger in the electorate and support for antiseparationist legislators.

James Madison refused such collusions, arguing it would be "a precedent for giving to religious societies as such a legal agency in carrying into effect a public and civil duty." He thought such actions would be incongruous, since freedom and voluntariness would be lost. Government operates by power; it is not an advisory agency. Madison felt that "every new and successful example therefore of a perfect separation between ecclesiastical and civil matters, is of importance."

Bush's nominee for U.S. Attorney General, John Ashcroft, is an avowed enemy of the wall of separation. On such issues as abortion he shows little insight into the problem of imposing a faith-based metaphysic upon all citizens through public policy that would forbid or severely restrict a woman's procreative choices. But he is enthusiastic about religion and the prospect that the coercive arm of government might make us a more moral people. Like Meese, he will be inclined to appoint like-minded federal judges who care more for their brand of conservative religion than for protecting all Americans' First Amendment rights.

All political leaders need a good course in American history exposure to the stories and thoughts of Roger Williams, Thomas Jefferson, James Madison, and a host of others whose lives and fortunes were put on the line for religious liberties. The text could be *The Federalist Papers*. Politicians should also learn from those who suffered, bled, and died to win the liberties assured by the First Amendment. They should learn from the horrible mistakes of the Inquisition and Puritan New England. They need to hear the voices from the graves of those who were imprisoned, tortured, or burned at the stake. They should know the stories of John Bunyan, Thomas Helwys, John Leland, Isaac Backus, and countless others!

Those who suffered for religious liberty did not need, and we do not want, kings or parliaments, presidents or Congress to require us to pray. Politicians need the tempering judgments of tolerance across religious lines in a pluralistic society. Their task is to protect both believers and unbelievers from actions or social policies that impose hindrances to the free exercise of conscience for all people. Their challenge is to overcome personal prejudice and the arrogant use of political power. When those in office embrace the stern lessons of voluntarism in religion, they will strengthen, not batter, the wall embedded in the First Amendment.

Until they do, those determined heirs of Williams, Leland, Jefferson, and Madison must band together, not only to pray for Congress, the president, and the Supreme Court, but to insist that they respect and protect our rights to religious liberty.

Thomas Jefferson once vowed to keep eternal vigilance and wage constant war against every tyranny over the human mind. He was speaking of misguided religion that attempted to exploit every political advantage over others. Our spirits, our consciences, and our minds are in danger from an old tyranny in a new disguise.

The great irony on the current scene is that those politicians and religious leaders speaking loudest about the danger to religious expression are proving themselves a threat to that precious freedom. James Madison rightly warned Americans that "it is proper to take alarm at the first experiment on our liberties."

Misguided politicians and the demagogic theocrats must not rule the day. The time has come to say no to further assaults on the wall of separation between church and state. With our cards and letters, our telephone calls, our personal influence, and the process of the ballot box, we should cast our vote for keeping a strong wall of separation between church and state. And there is Scripture for this. Hear the Word of God proclaimed by those who died for the right to be heard by presidents and parishioners alike: "For freedom Christ has set us free; stand fast therefore, and do not submit again to a yoke of slavery" (Galatians 5:1, RSV). *

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JULY / AUGUST 2009

GOD And The GREEN CARD SOLDIER

I Guess I Live In A Protected Environment. It's Called Middle-class America. It's A Good Place To Live—I'm Not Complaining! But Little From The Outside World Touches Us Here. We Express Our Opinions, We Work, We Live Our Lives, And We Watch The Rest

BY: MIKE LENO

I guess I live in a protected environment. It's called middle-class America. It's a good place to live—I'm not complaining! But little from the outside world touches us here. We express our opinions, we work, we live our lives, and we watch the rest of the world on television while eating dinner. We hardly ever see firsthand the effects of war. Then last weekend the war in Iraq became a real-life tragedy for us, right here at home.

When my cell phone rang that Sabbath afternoon my wife, Sondra, and I were in the living room, relaxing after participating in the morning's religious services. The broken, urgent voice on the phone suddenly extracted me from my little cocoon of safety and introduced me to the hell of war's fury. "They've killed my son! They've killed my son!" the voice sobbed loudly. Jorge Rincon was so upset he could not give me intelligible directions to his house. Later, after talking to his neighbor, we found our way to his house in a relatively new subdivision. Walking down the driveway, we heard the sound of wailing.

For the next several hours my wife and I were immersed in a grief so profound and intense, I doubt that I will ever watch media war coverage in quite the same way. No longer will suicide bombings and war casualties be just abstract numbers. No longer will the video and still pictures from war correspondents feel like action scenarios in a television war drama.

And no longer will I cheer on the troops in the same way one would cheer for a favorite football team. I support the troops. And I feel as patriotic as anyone. But giddy, happy cheering might have to wait for a while. This was not entertainment, even though the most terrible news is often packaged that way in the media. This was real life—and real death.

Jorge Rincon came to the United States from his native Colombia 14 years ago. His memory of the dangers there remains vivid. He remembers leaving his children in a parking lot because he was not allowed to take them into a government building. Once in the building he had to evacuate his children from the parking lot because of a bomb threat. And a little later someone succeeded in detonating a bomb on that very spot.

Jorge left a land in the throes of conflict with the Medellín drug cartel and started a new life for his family in Georgia, U.S.A. Now he works hard in the carpet-cleaning business. His wife home-schools their two younger children. And they have a good life. "America has given me so much!" Jorge says. And he gives back through his strong work ethic, devotion to his family, and patriotism for his new country.

Son Diego, just 5 when the family left Colombia, became an American young man interested in the usual high school stuff—sports, cars, and girls. He also participated in his high school drama productions, including "A Piece of My Heart," a story set during the Vietnam War. Ironically, Diego played the part of a soldier who died during that conflict.

After Diego finished high school, Jorge and Yolanda Rincon sent their secondborn son off to defend their adopted homeland. After the attacks on September 11, Jorge says he went with Diego to the recruitment office. At the swearing-in ceremony, Jorge asked if he too could join the United States Army. "They wouldn't let me enlist," he says, "because I was 40 years old!" The Rincons are as patriotic as any native-born U.S. citizens. Maybe that's because they've seen the other side—the dark side of pervasive corruption and violence. Their American family home remains festooned with U.S. flags and yellow ribbons. And Jorge's van has a front plate that reads "Army Dad."

After boot camp Diego was stationed at Fort Stewart, Georgia, and became part of the Third Infantry Division. Sent to the Gulf region, his division became the "tip of the spear"—the American forces leading the way from Kuwait toward Baghdad.

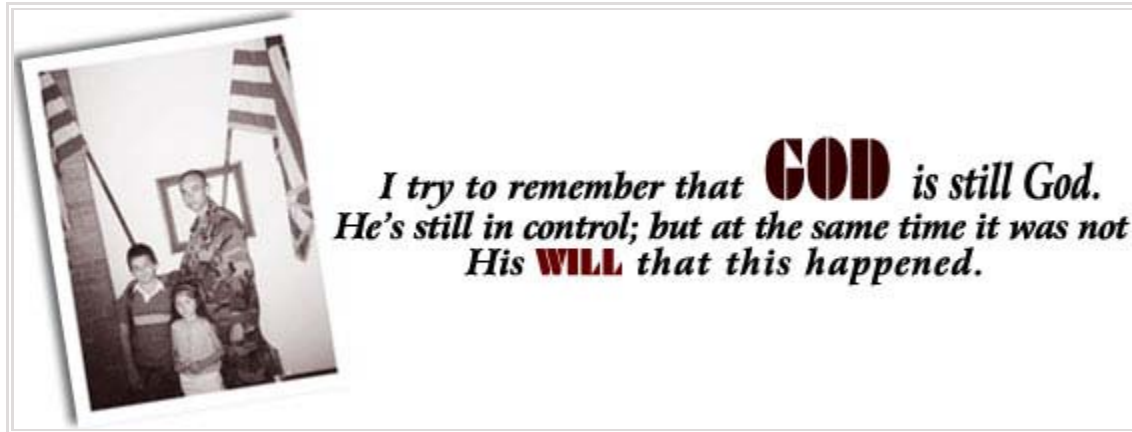
Then on March 29, as Diego and three other young soldiers stood near a security checkpoint, a man posing as a taxi driver beckoned to them for assistance. When they were close enough to the car, the driver detonated a bomb, killing all four soldiers as well as himself.

Details remain sketchy. But according to one theory supported by a Shiite cleric, Hussein's thugs ordered the driver of the car to blow himself up at the checkpoint. If he didn't, they would be sure to kill his wife and children.

The car bombing in Iraq took place about 7:30 in the morning, Eastern time, U.S.A. At 9:30 a.m. I am participating in a World Sabbath program, a program that celebrates mission work around the world.

A church member approaches my front-row location, saying, "Pastor, can I speak with you a minute?"

"No," I whisper emphatically. *To myself I think, Surely this can wait until the break before the worship service!*



But she hands me a card with a picture on it. It's a young soldier in front of an American flag. Handwritten on the card is a request from the Rincon family. They want us to have prayer for their soldier son who is in Iraq. His name is Diego, and he hardly looks old enough to shave. Humbled, I give the card to the elder who will have the morning prayer during the worship service. As the elder presents the request, Jorge Rincon and his wife and two younger children rise from their seats in the congregation. Jorge introduces his family and asks that we have prayer for their son.

After church my wife finds the family in the parking lot, and we visit with them. They seem eager to reconnect with the church. But mostly they are desperately looking for assurance about their son. In spite of the serious request for prayer, this seems like a happy reunion of sorts. Others join the conversation. It's a pleasant, seemingly chance meeting with nice people. None of us has any idea that on the other side of the world, Diego is already dead.

That afternoon in their home my wife and I move from family member to family member, trying to console. Mostly, all I can do is put my arm around someone. The grief is heavy. It descends like a dark suffocating mist, blocking out the light and preventing clear thought. Real conversation is impossible.

Later Jorge describes how he had been upstairs earlier that afternoon. He happened to look out the window and watched with feelings of terror as a U.S. government vehicle parked in front of his house. Two solemn uniformed men got out and approached his door. Instantly he knew why they were there. They came bearing the worst news he could possibly imagine.

Later that evening the doorbell rings again. I approach the door with Jorge. A uniformed woman identifies herself as Sergeant Jones. She is the Army's liaison for the family. Jorge instinctively extends his arm around her neck and cries briefly on her shoulder. She keeps her professional military demeanor, but I see her quickly wipe a tear from her eye. She confides to me later that this is a new assignment and her first call of this type.

On the kitchen table I find a letter dated February 22, 2003. Diego wrote it to his mother just before heading into Iraq with the Third Infantry. He will be riding in a Bradley, he writes, which I later learn is an armored combat vehicle, sort of a combination tank and battle taxi. He knows he may not be able to send or receive mail for a while. He also knows this could be the last letter he will ever write. He concludes with words I can't imagine a 19-year-old ever having to put on paper:

"I'm living my life one day at a time, sitting here picturing home with a small tear in my eyes, spending time with my brothers, who will hold my life in their hands. I try not to think of what may happen in the future, but I can't stand seeing it in my eyes. There's going to be murders, funerals, and tears rolling down everybody's eyes. But the only thing I can do is keep my head up and try to keep the faith and pray for better days. All this will pass. I believe God has a path for me. Whether I make it or not, it's all part of the plan. It can't be

changed, only completed.

"Mother' will be the last word I'll say. Your face will be the last picture that goes through my eyes. I'm not trying to scare you, but it's reality. The time is here to see the plan laid out. And, hopefully, I'll be at home in it. I don't know what I'm talking about or why I'm writing it down. Maybe I just want someone to know what goes through my head. It's probably good not keeping it all inside.

"I just hope that you're proud of what I'm doing and have faith in my decisions. I will try hard and not give up. I just want to say [I'm] sorry for anything I have ever done wrong. And I'm doing it all for you, Mom. I love you.

"P.S. Very Important Document.

"Your son,

"Diego Rincon"

The letter haunts me. I know it haunts the family. Diego's mother weeps uncontrollably. They take some comfort, however, in the fact that Diego was baptized a Christian during boot camp. Solemnly I gather the family for prayer. I wish I knew the perfect words to say on occasions like this. But I don't. I remember that Job's friends in the Bible were at their best when they kept their mouths shut. So I say very little and just try to "be there," whatever that means.

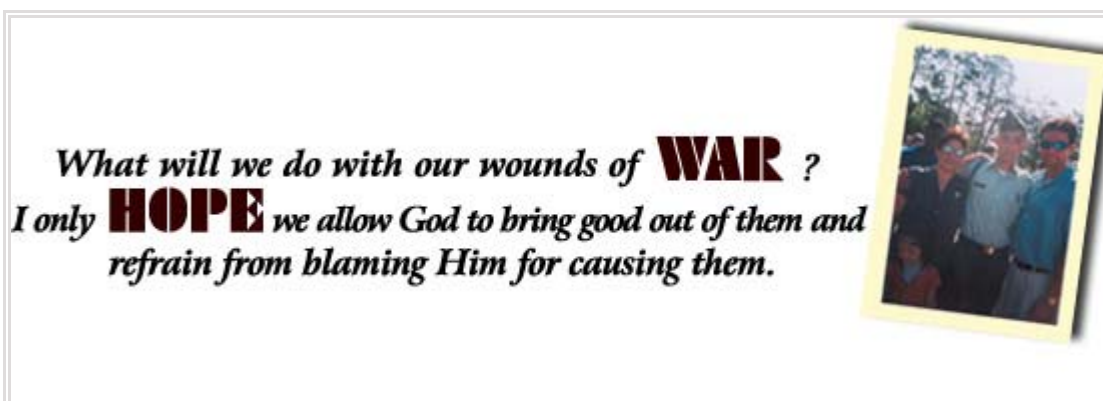
I try to remember that God is still God. He's still in control; but at the same time it was not His will that this happened. I hope no well-meaning Christian says something stupid, such as "Maybe God allowed this to happen so that the family would be closer to God"! I resent the implications we sometimes give—as if God went around arranging killings and suicide attacks just so someone would go to church! I might hate a God like that. I wish I were better able to represent what God is really like. It reminds me of the PR problem American forces have when resented for their best efforts and blamed for someone else's violence. God gets blamed for a lot of things for which He is not responsible!

Monday evening I attend what I think is going to be a small candlelight prayer service in the Rincon home. As I enter the neighborhood I see many vehicles lining both sides of the street. There are several huge television trucks with satellite dishes pointed skyward. I remember what Sergeant Jones said about the possibility of media interference. Another fallen soldier's family she knows had to vacate their home every night in order to avoid the media camped outside. As I approach the house, however, everything appears quiet and respectful. Chip, the helpful neighbor, is there and tells me that Jorge had made a statement to the media already and had asked that there be no questions. The reporters and camera crew respect his wishes, and everything is now proceeding with the utmost respect, even reverence.

The vigil proceeds in the front yard with about 100 neighbors and friends singing, crying, and holding candles. Another pastor and I offer prayers and struggle to find words of encouragement. Jorge wears his son's military ID tag and, although tearful, seems glad to tell his son's story to everyone, including the media. His youngest son, Jorge Junior, sports Diego's cap and sweatshirt. Diego's bright-yellow Mustang is parked in the driveway and is quickly covered in flowers, balloons, and messages of love and support.

So this is what war is like! It doesn't just impact a soldier. It wreaks havoc on their family, their friends, their neighbors and community. No, I don't pretend to have seen the things that leave soldiers shell-shocked and veterans subject to flashbacks and regular visits to rehabilitation centers. But I now see firsthand the ripple effects of what happens on the battlefield. The pain of death is relatively short for the soldier. But it continues to engulf in ever-widening and unending circles the family and friends of the fallen.

I also realize, however, another casualty of war—compassion for those I don't know or understand. Instead of compassion, I feel a numbness toward what I know must be even greater suffering on the part of Iraqis and others around the world who have lived their entire lives in an area of conflict.



I am determined not to become like the old man I met in an auto repair garage about 20 years ago. I was a young pastor just learning the ropes in a small town near Eugene, Oregon. One day when my Honda Accord broke down, a friend and I managed to push it into this little town and into a parking lot next to a repair garage. The owner stood defiantly at the entrance and gestured for me to keep my foreign car off of his property. When I innocently asked why, he explained angrily that he had lost a son in World War II. He was not about to work on a Japanese car! In shock and surprise I blurted out, "But that was another generation!"

"That was my generation!" he growled.

I wonder if the effects of the Iraqi war will extend to future generations. Of course it will. Hatred is taught. It is cherished and handed down from father and mother to son and daughter, to grandson and granddaughter. The fact of hatred becomes tradition, and finally doctrine. I suspect that is how many in the Middle East came to hate us. But how long will we be willing to suffer with our own hatred? To be honest, I don't really care right now. Intellectually I do, but not in my gut. In the aftermath of the suicide bombing, my gut sympathizes with those who just want to "kick butt," although I don't want to admit thinking it. It scares me that it's so incredibly easy to hate. The anger, kept in control but nursed through satisfaction at the sight of bunker buster bombs and decimated Iraqi militia, allows a certain self-righteous "loving of your enemies" while rejoicing in their deaths at the same time.

I'm not protesting the war. I'm protesting hate. I'm not questioning the political and military decisions that went into waging the war. I'm a preacher, not a political activist. But I am protesting the tradition of hate on a personal level, no matter what legitimate beginning it may have had. The war will end. But the wounds will still be there.

What will we do with our wounds of war? I only hope that we allow God to bring good out of them and refrain from blaming Him for causing them. And I hope that we don't go on perpetuating a hatred for which another generation will have to pay.

As I write this, we are planning a community prayer service at the church to support the Rincon family and all the other families of military personnel at war. And again I will struggle to represent a God who is not like the person His enemies say He is. I will talk about a God who went up against the terrorist regime of the universe, the evil empire of Satan himself.

But Jesus' life, though short here on earth, has demonstrated to the world what God is really like. And the forces of evil found their very own weapons turned against them. The cross became a symbol of victory, not defeat. All who put their faith in Him will be saved. Like the three Hebrews in the fiery furnace, they will be saved in the fire, not from the fire. But finally, like Jesus before them, those with faith in the God of love will be resurrected.

And then God will put an absolute, final end to evil. But (and this is a big "but") God's wrath is not hatred. It is not a self-serving supernatural temper tantrum resulting in a revengeful effort to "kick butt." It is an unfathomed, infinite sorrow on the part of the Almighty for those who by their evil bring evil upon themselves. The biblical book of Revelation demonstrates that in the end even the forces of nature will testify to the reality that evil reaps evil, and good reaps good. The liars will reap the results of lying. The torturers will reap the results of torturing. The oppressors of good, the perverters of truth, and the killers of the righteous will find that the natural results of evil cannot be anything else but evil. The notion that good guys finish last will ultimately be unveiled as a lie. The final, unalterable law of the universe is the law of love.

And in the end God "will wipe every tear from their eyes. There will be no more death or mourning or crying or pain, for the old order of things has passed away" (Revelation 21:4, NIV). And then it will all be worth it!

One final bit of irony: Diego Rincon's U.S. citizenship will be awarded to him posthumously. He had permanent resident status in the United States, the so-called green card, which allows a person to enlist in the Army. But he did not receive full citizenship before he died. As of this writing, Jorge Rincon expects President Bush to sign an executive order granting Diego full citizenship. Meanwhile, there may soon be a bill introduced in Georgia that automatically grants citizenship to anyone who dies in the service of this country.

Let us not forget, our citizenship is in heaven already (Philippians 3:20). This was granted at the cross and will be fully realized after all is fulfilled—when Jesus comes the second time. In the meantime, we are sustained and saved by His grace.

"He who testifies to these things says, 'Yes, I am coming soon.' Amen. Come, Lord Jesus" (Revelation 22:20, NIV).*

Mike Leno is pastor of Conyers Seventh-day Adventist Church in Conyers, Georgia

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JULY / AUGUST 2009

Letters



Protesting the Protesters

As a Seventh-day Adventist reader of Liberty I have to say that I respectfully disagree with the logic behind statements in your "War and Peace" issue. You align yourselves with the anti-war protesters and make them out to be the voice of reason amid the angry booming of war drums. You are eager to point out the way they are labeled (by some) as unpatriotic, yet you do not even give a hint of notice to the fact that they falsely accuse America of invading Iraq in order to steal its oil. If this were true, we could have just taken it in 1991.

Some anti-war protesters call George W. Bush a warmonger and a murderer. Did Bush ever use poisonous gas on thousands of innocent people? Does Bush order beheadings in public squares and force women and children to view them? Does Bush kill conscientious objectors? If someone calls another unpatriotic, it is just their opinion, but to make the claims about Bush and America that some of these people make is downright slanderous and, yes, unpatriotic at best.

One article calls the protesters the "meek" and the "peacemakers." I think the violence and mayhem at their rallies speak for themselves. Granted, many are sincere and courteous, but their radical base, the ones who organize these things, are the extreme life-wingers, the hippies and Greenpeace-type environmentalists, and feminists. Many of the demonstrators don't even know what they are protesting against, except for what they think they know, which is "War is bad, and peace is good." I don't even call them anti-war protesters anymore. I call them anti-Bush, anti-Republican protesters, because their "voice of reason" was noticeably silent when President Bill Clinton fired more missiles into Iraq than were used during the entire Gulf War, or when Clinton sent us into Kosovo, Bosnia, and Haiti (without United Nations approval, I might add). Some think the French and German governments are peacemakers. It is because of the French that Hussein has nuclear capabilities at all. If it were not for an Israeli air raid on a French-supplied reactor in 1981, he probably would have had an A-bomb before now. The French have major financial interests at stake in Iraq, and are largely responsible for Saddam's obscene wealth. The Germans supplied him with mobile biological labs, which he did not account for to the inspectors. The Germans wanted more time for the inspectors, yet they are well aware of the fact that he has these labs and that he moves them around. I do not call these governments "peacemakers"; I call them "enablers."

You quoted Jesus as saying that we should "turn the other [cheek]" and "Love your enemies," but He was talking to His disciples and those who sought to follow Him, not to government leaders whose duty it is to protect its citizens from danger. Liberty magazine rightly embraces the separation of church and state, so why do you imply that our nation's leaders should apply Christian principles meant for individual disciples to the offices of state and foreign affairs? Indeed, the only Bible verses that I saw that you used to support your position are those intended for the individual Christian. You completely forgot about the more pertinent texts, such as Romans 13:3,4: "For rulers are not a terror to good works, but to the evil. . . . For he is the minister of God to thee for good. But if thou do that which is evil, be afraid; for he beareth not the sword in vain: for he is the minister of God, a revenger to execute wrath upon him that doeth evil." And 1 Peter 2:13, 14: "Submit yourselves to every ordinance of man for the Lord's sake: whether it be to the king, as supreme; or unto governors, as unto them that are sent by him for the punishment of evildoers, and for the praise of them that do well."

I am all in favor of one's right to be a conscientious objector, but let us not forget that that right was bought and paid for with the blood of those who were not such objectors. Every right and freedom that we enjoy we have because someone fought a war for us and won. And as for the early Christians being conscientious objectors, let's not forget that they lived in the Roman Empire. I would not have fought for Caesar's selfish interests, either, but I would fight for America's.

PAUL FILINOVICH

Downers Grove, Ill.

We can thank God that there is still freedom for each of us to express our views on topics as decisive as political activity and war. Paul Filinovich may have conflated Liberty articles upholding the right and history of pacifism and noncombatancy with some of the public statements and actions of current anti-war activities. Certainly we can only be troubled by much that is said in opposing the war and challenging duly appointed authority.

In outlining the murky self-interest of various states that contributed to the need for the war in Iraq, Mr. Filinovich himself reveals why a person of deep religious faith should hesitate long before declaring any human violence as innately moral.

It is too easy to take the few comments of the apostle Paul to confirm state action. In context, Paul and his Lord Jesus Christ advocated disengagement from the state, not complicity in its actions, however correct they might seem. Christians are called to be exemplary citizens—of whatever state they live in, but always of the kingdom of grace they are joined to.

I dare not shout down anyone's deeply held opinions, but I must point out the irony in the letter's last sentence. Clearly the apostle Paul was not endorsing all the actions of Caesar. And so the analogy breaks down. Western society long ago forsook the concept of the divine right of kings, which gained some of its traction from loose application of such verses. When we say "God bless America," it can be operative only as our nation exemplifies the highest moral principles, and is not a blanket approval of all human/state actions. Editor.

JULY / AUGUST 2003

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"It is the policy of Liberty magazine to support religious liberty for all law-abiding people of faith and judge none negatively. If we have ever appeared to do otherwise, it was unintentional and we regret our failure to clearly promote freedom and fairness to all."

JULY / AUGUST 2009

Editorial - Body And Spirit

Way back in the wobbly days before the operation to free Iraq from Saddam Hussein I read a rather confident essay by a nationally syndicated columnist: a man who has written for Liberty on more than one occasion.

Agreeing with his characterization of the Iraqi regime but a little taken aback at the readiness to send in the troops, I sent him a teasing e-mail warning that Crusaders might soon be marching in downtown Baghdad.

His answer shot back almost immediately: "Not Crusaders, Liberators." To which I rejoined that "we need to make sure that we do not liberate the Iraqis from a secular tyranny and leave them to a fundamentalist one."

Some of the post-Saddam news seems to suggest just such a possibility. I pray that people now free to think for themselves will establish a society that allows all religions to coexist, even as the spiritual energy of that long-repressed society regenerates.

We are living in amazing times. Cruise missiles, GPX-guided weaponry creating the illusion that even war is a sanitized, logical, even surgically precise enterprise. Then the statues fall, the human tide floods in a frenzy of acquisition, and suddenly we are face-to-face with an auto-da-fé of mass flagellation.

Here at home some of us try to breathe life into the historically rich construct of a separation of church and state. But on the level of human behavior we know that it is even more difficult to pin down. Is the body an empty vessel that obeys its secular needs while the mind ranges above and dreams of immortality?

John Milton, known for long-winded but matchless expression, put into the mouth of his antihero Lucifer, just cast out from heaven, the following words: "The mind is its own place, and in itself can make a heaven of hell, a hell of heaven" (Paradise Lost).

And it matters not what I think of your practice of religion, your hologram of the infinite. Within that spiritual reality you will find the parameters to define your interaction with the physical reality of the body—the secular state. It does matter, though, that we each allow the other to seek God—without reaching down into the physical realm and, like Saddam, forcing a confession of sameness.

So we know from real experience that the spiritual state of mind cannot be hidden away from the body of the mechanical. In fact, we know too well that the fabric of the mind cannot exist without the body it directs. There is no separation of body and spirit.

Pursuing this rather esoteric exercise it might be possible to acknowledge that on the personal, organic level there is no separation of church and state. In fact, "where there is no vision the people perish" (Proverbs 29:18). But my deduction is that precisely because these two elements of existence intertwine in a powerful way, we must ensure that in our social structure we protect each from the fire of another's certainty. And in a sense we must set a priority: the spiritual life transcendent for the individual—and therefore removed from the control of the state; the state ensuring that the individual is protected both physically and spiritually. And in this manner a true functional separation of church and state will naturally result.

Can this happen even as the state projects its power in ways that resonate with religious agenda? Are we simply freeing from tyranny? Will we allow a resurgence of a religious expression whose very vehemence we might fear? Will we require of these newly empowered people that they respect the faith of others—even as they suspect that some of us might see them as actors on some unique religious tableau that we might want to construct in their backyard? Tolerance, religious freedom, separation of church and state are as needful there as here, and we must model them on this universal level.

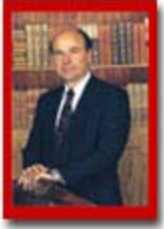
Here at home we seem not willing to allow a public figure to speak of inner values if it crosses another's agenda. Senator Rick Santorum spoke a moral truism when he commented that laws against bigamy and adultery are inconsistent with a laissez-faire attitude to any homosexual behavior. I would not want anyone to presume to force him to change his moral view. His view will either resonate with a constituency and work its way through constitutional means to regulate our secular interaction—or it will be swept away as his own very legitimate opinion. This should be allowed to flourish under a legal separation of church and state, because we cannot divide the man. But we can regulate the laws to consciously honor and protect the spiritual journey of all.

We have come a long way. The United States may have blustered a little, and dissembled a little on official motives, but I think the majority of its citizens have a bright-eyed optimism for what they can do to free others from any tyranny—statism or religious fanaticism.

Fundamentalism may yet wither in a nascent Iraq. Christian missions may yet find open minds who can weigh all forms of spirituality

before choosing a path. I know that if there is any substance to a Crusade, it lies in this manner. But conducted on the open cultural exchange of spiritual vision, why should anyone, anywhere object? Unless they fear that we have united church and state, that we have joined sword to Holy Book and brought the spiritual down to the level of dictum. Never let that be said. It was wrong in the past, whether by the sword of Islam, the bloody cross of the Crusader, the imperial use of conversion to subjugate, the stocks for religious independents, or blue laws to placate the doctrinaire.

Heaven will come in Heaven's own time. Let us never confuse the realm of body and spirit to such an extent that we only allow or even require another's "own place" to be like ours. Religious freedom is not mechanical; it is the unleashing of the human potential.



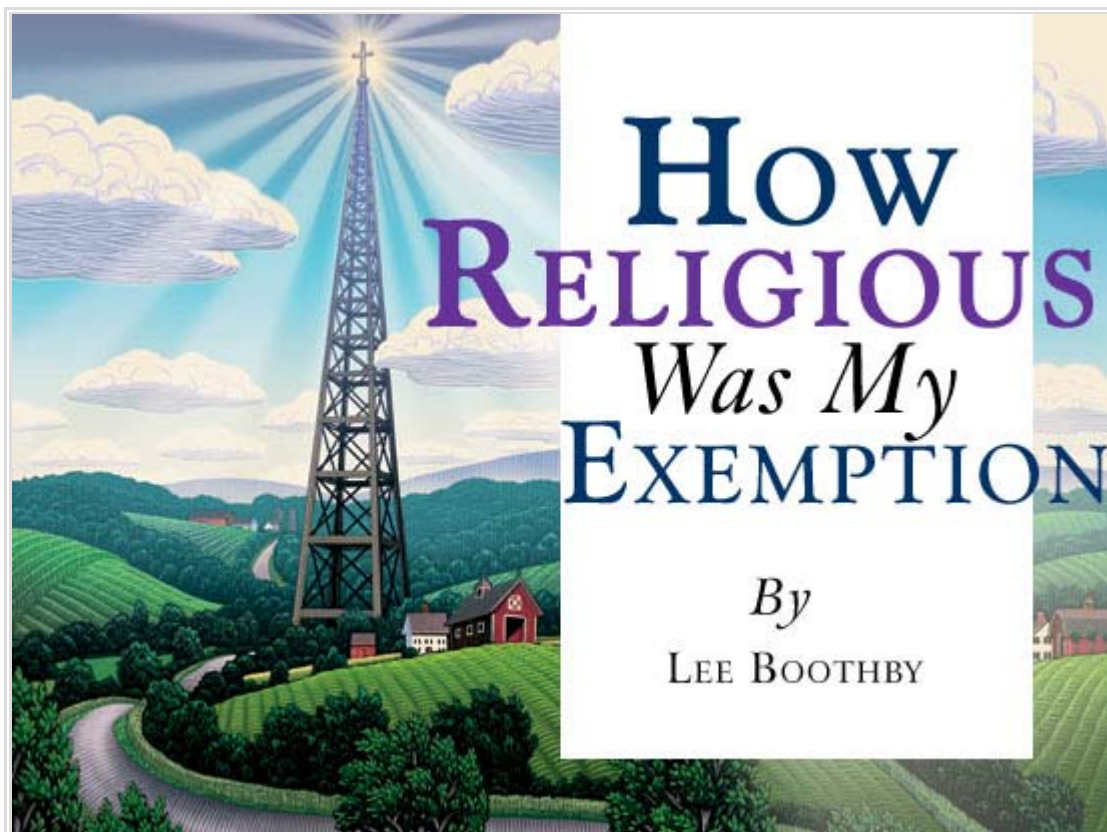
A handwritten signature in black ink, appearing to read "L. L. L." or similar, written in a cursive style.

JULY / AUGUST 2009

How Religious Was My Tax Exemption

Three Angels Broadcasting Network Is The Realized Dream Of Danny Shelton And His Wife, Linda. Today 3ABN, As It Is Known, Is A 24-hour Christian Television/satellite And Radio Network That Began In 1984 When Danny Was Impressed To Build A Religious Telev

BY: LEE BOOTHBY

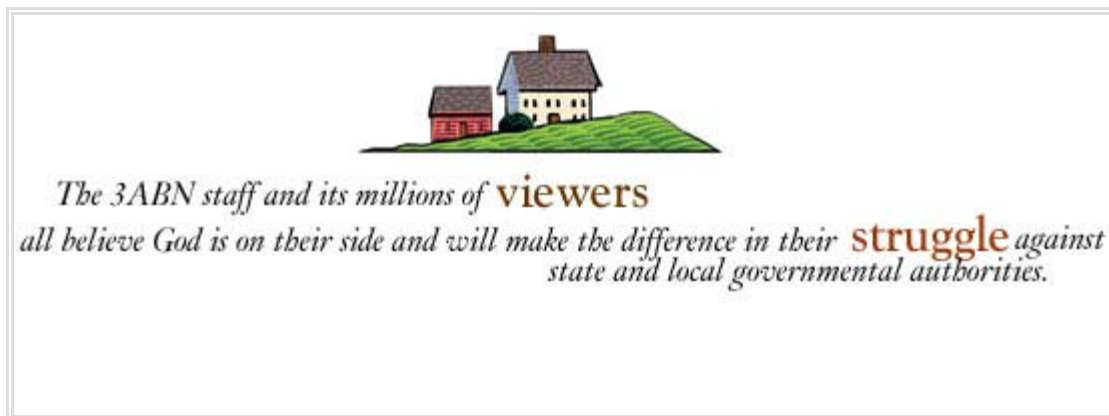


Illustrations by John MacDonald



Three Angels Broadcasting Network is the realized dream of Danny Shelton and his wife, Linda. Today 3ABN, as it is known, is a 24-hour Christian television/satellite and radio network that began in 1984 when Danny was impressed to build a religious television station that would reach the world. From Thompsonville, Illinois, its ministry now reaches across North, Central, and South America, Europe, the Middle East, Africa, Asia, and Australia.

During the small hours of that November 1984 morning, a sleepless Danny Shelton was impressed to start a television network to serve his faith. But a more unlikely candidate than this Seventh-day Adventist layperson would be difficult to find. With only a high school education he was a carpenter who had neither money nor property.



Today 3ABN operates a religious television network and is active in other evangelistic and missionary activities. Not only does it maintain a pastoral staff on site, but its evangelistic team is involved in direct evangelism resulting in many baptisms, including 15,000 in India and similar numbers in Russia in recent years.

Even though all of 3ABN's programming is religious and designed to be consistent with the teachings of the Adventist Church, the Illinois Department of Revenue and the elementary and high school districts (Thompsonville Community High School District No. 112 and Thompsonville School District No. 62) now claim that because it is a television facility, its operation is secular. So 3ABN is in a legal challenge with the Illinois taxing authorities, the ultimate outcome of which may well have a major impact on religious ministries not only in Illinois but across the country. But Danny and Linda Shelton, the 3ABN staff, and its millions of viewers all believe God is on their side and will make the difference in their struggle against state and local governmental authorities.

All 50 states and the federal government provide tax exemptions for charitable organizations, including churches. The United States Supreme Court has observed that "few concepts are more deeply embedded in the fabric of our national life, beginning with pre-Revolutionary colonial times, than for the government to exercise at the very least this kind of benevolent neutrality toward churches and religious exercise generally so long as none was favored over others and none suffered interference."¹ But the Illinois Department of Revenue both attempts to limit the plain wording of the exemption statute and ignores its constitutional obligation of religious neutrality.

The Illinois Revenue Code exempts "all property used exclusively for religious purposes . . . and not leased or otherwise used with a view to a profit."² One early Illinois court decision interpreted the exemption statute's "religious purpose" proviso as limited to "public worship, Sunday schools, and religious instruction."³

But later decisions broadened the definition of "religious purpose." One decision exempted the administrative and office buildings of a publishing house printing and distributing religious books and materials.⁴ In another case the court held that an organization established to organize Christian student groups, which also published religious literature, was engaged in a religious purpose under the exemption statute.⁵ A later court decision held that an organization formed by various Christian schools to produce print, audio visual, and other materials to train Christian educators was entitled to a tax exemption.⁶ But in spite of these other cases, the Illinois Department of Revenue and school districts argue that any exemption should be restricted to religious worship.

Shortly after its incorporation 3ABN was granted by the United States Internal Revenue Service a 501(c)(3) tax exemption as a not-for-profit religious and charitable organization. It was even given a sales tax exemption by the Illinois Department of Revenue, the same state agency that has denied its claim to real property tax exemption.

In October of 2000 the Thompsonville school board, the mayor of the village of Thompsonville, and members of the Thompsonville Village Council requested that the Franklin County, Illinois, Board of Review deny 3ABN's claim for tax exemption. Particularly curious is the motivation of the village of Thompsonville to object to 3ABN's tax exemption status. The 3ABN property in question is not even located in the village. Although 3ABN does own a couple of parcels within the village, property taxes have always been paid on those parcels of land.

Three Angels Broadcasting has installed its own water and sewer system, maintains its own lighting, and has paid to Franklin County several thousands of dollars through the years to oil and chip county roads adjacent to 3ABN properties. The network has paid nearly 0,000 in property taxes over the past five years on real estate it owns but does not claim a tax exemption for.

According to 3ABN, the taxing units urging denial of its tax-exempt status are shortsighted. With more than 100 3ABN employees living

in the county, it is estimated that the 3ABN payroll brings in more than million a year in revenue to the community. In addition, the property acquired by 3ABN has had the effect of raising the tax base on other properties in the area.

Some think if 3ABN were owned and operated by one of the church groups representing a larger segment of the Franklin County community, there would be no objection to its religious tax exemption. But the County Board of Review disregarded the logic and apparent, clear wording of the state law providing real property tax exemption for organizations organized and operated for religious purposes. And the Illinois Department of Revenue denied 3ABN's claim to a real property tax exemption.

This return to a very restrictive application of the Illinois religious exemption provision could very well be the result of a recent budget crunch being experienced in Illinois as well as in other state and local governments coast to coast. It is no secret that almost all states, municipalities, and school districts are finding themselves with a severe deficit in their coffers as a result of an economic downturn.

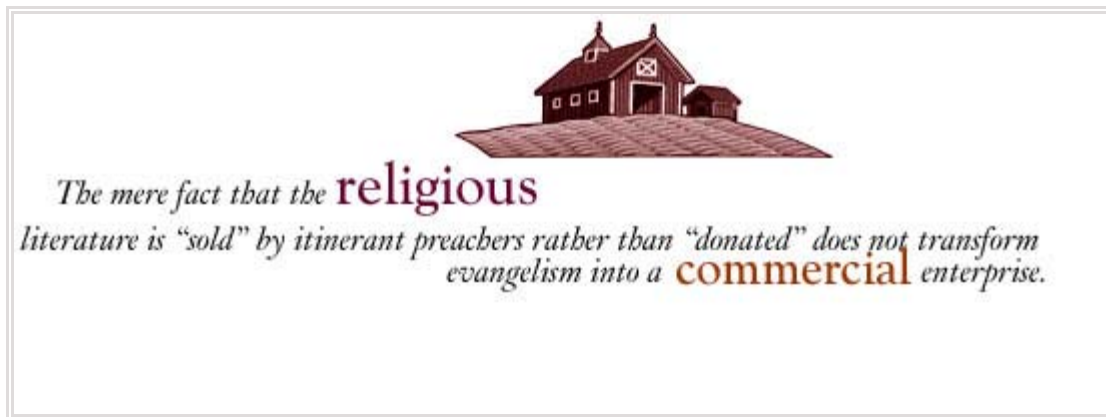
Tax-exempt nonprofit organizations provide a tempting possibility for additional tax resources.

Both state and local governments have attempted to increase revenues by reducing tax exemptions for churches. Proposed legislation in Colorado seeks to make it easier for the state to challenge an organization's religious mission and purpose, on which a tax exemption claim is based.⁷

A recent ballot referendum in Colorado sought to eliminate any property tax exemption for real property used for religious purposes. It was argued that fairness dictates that everyone who uses public services should share the cost of paying for such services. Also, supporters argued that the separation of church and state requires the elimination of tax exemptions for churches.⁸

Opponents of the ballot issue argued that if the tax exemption were eliminated, people who donate to churches would be indirectly taxed, because their donations would be diverted from providing for the religious ministry to paying property taxes to the state. It was also claimed that it could lead to excessive church-state entanglement by the state in religious activities.

In at least three other states having property tax exemption provisions similar to those in Illinois, taxing authorities have challenged the right of television ministries to qualify as a religious or church use. In Minnesota⁹ and Texas¹⁰ courts have ruled that property associated with the furtherance and support of such ministries is tax-exempt. A lawsuit was also filed by a Christian ministry, Good Friends, Inc., of Avondale, in 2002 that charged that the Arizona Department of Revenue acted improperly when it refused to grant tax-exempt status to the television and production facilities owned by that television ministry. The dispute was resolved when the taxes were refunded.¹¹



In a landmark 1970 decision, *Walz v. Tax Commission of New York City*,¹² the Supreme Court held that a New York State statute that included an exemption from real property taxes by associations organized and used exclusively for religious purposes did not violate the First Amendment's establishment clause. Under the New York tax exemption statute religious organizations were included among a broad group of charitable organizations.

The *Walz* decision observed that "government grants exemptions to religious organizations because they contribute to the pluralism of American society by their religious activities."¹³ The Court stated that "government may properly include religious institutions among the variety of private, nonprofit groups that receive tax exemptions, for each group contributes to the diversity of association, viewpoint, and enterprise essential to a vigorous pluralistic society."¹⁴

Former Justice William Brennan, who consistently championed the principle of church-state separation, agreed that the statute did not violate the First Amendment. He stated that "by diverting funds otherwise available for religion or public service purposes to the support of the government, taxation would necessarily affect the extent of church support for the enterprises that they now promote. . . . In short, the cessation of exemptions would have a significant impact on religious organizations."¹⁵

At the beginning the challenge to 3ABN's claim to tax exemption was that the Department of Revenue now and the courts later may judge whether 3ABN's programming—consistent with Adventist teachings as to vegetarian cooking, healthful diets, smoking cessation, and Christian stewardship—falls outside of the state's concept of what is a "religious purpose" within the meaning of the statute. 3ABN responded that the state and its "courts should not undertake to dissect religious beliefs."¹⁶ In fact, a New York case, *Holy Spirit Assn. for Unification of World Christianity v. Tax Commission of New York*,¹⁷ agreed that civil courts are not competent to decide which activities that a religious organization engages in are religious.

Holy Spirit stated that the task in tax exemption cases is restricted to two inquiries: (1) Does the religious organization assert that the challenged purposes and activities are religious; and (2) Is that assertion bona fide or, in other words, sincere?¹⁸ *Holy Spirit* stated: "Neither the courts nor the administrative agencies of the state or its subdivisions may go behind the declared content of religious beliefs any more than they may examine into their validity."¹⁹

One Illinois court has subsequently adopted the *Holy Spirit* decision completely.²⁰ But the Department of Revenue and school districts in the 3ABN case nonetheless want to inquire into the 3ABN programming content to ascertain if its activities primarily involve what the state deems to be traditional religious activities (i.e., baptisms, weddings, worship services, etc.). But Justice John Harlan in *Walz* said the administration of an exemption statute must "not entail judicial inquiry into dogma and belief."²¹

All of 3ABN's programming is religious in content and is permeated with Adventist teachings. Also, 3ABN distributes videos of its programs and CDs of religious music, as well as religious books and literature. The items are either given away free to viewers or sold at or below cost. Any money received from sales is used to maintain the ministry's operations. Most of its revenue is provided by donations from many thousands of 3ABN supporters. In fact, 3ABN could never operate without the support of its contributors.

But the school districts nevertheless argue that because 3ABN is "primarily a radio and television and television/satellite broadcasting, sales, and publishing corporation," its activities are secular rather than religious.²² And the Department of Revenue has bought into this argument as well.

In spite of the fact that the programming produced and aired—as well as the books, videos, CDs, and other materials distributed—is all completely religious in content, the school districts argue that 3ABN's purpose and use is not religious. They claim "that no portions of the subject properties are dedicated to traditional worship services open to the public."²³

The Department of Revenue and school districts also argue that some of the videos, CDs, and books are sold rather than given free of charge, and that therefore it is a commercial enterprise. The state and school districts' position is similar to that of the government in *Murdock v. Pennsylvania*,²⁴ a case dealing with a solicitation law providing for a licensing tax. The law had been applied to itinerant religious booksellers. The *Murdock* Court flatly declared: "But the mere fact that the religious literature is 'sold' by itinerant preachers rather than 'donated' does not transform evangelism into a commercial enterprise."²⁵

In 3ABN's case, there are no stockholders, and no claim has been made or could be made that 3ABN officers or staff receive anything but very modest salaries. Its board of directors also serve without pay and provide their own travel expenses. Most of the board, in fact, have been continuing financial contributors to the 3ABN ministry.

The Supreme Court in *Murdock* rejected the idea, similar to that advanced by the Department of Revenue and school districts in the 3ABN case, that First Amendment protection of religious activities includes only church services, religious services, and prayers. *Murdock* concluded that the spreading of religious beliefs was equally protected, stating:

"The constitutional rights of those spreading their religious beliefs through the spoken and printed word are not to be gauged by standards governing retailers or wholesalers of books. The right to use the press for expressing one's views is not to be measured by the protection afforded commercial handbills. It should be remembered that the pamphlets of Thomas Paine were not distributed free of charge. It is plain that a religious organization needs funds to remain a going concern. But an itinerant evangelist, however misguided or intolerant he may be, does not become a mere book agent by selling the Bible or religious tracts to help defray his expenses or to sustain him. Freedom of speech, freedom of the press, freedom of religion are available to all, not merely to those who can pay their own way."²⁶

Certainly this argues that 3ABN, when distributing satellite dishes to view its religious programs and providing videos, CDs, and books, does not forfeit its equal treatment right underscored by the reality that state-imposed tax burdens are not being placed on other religious ministries. *Murdock* observed: "This form of religious activity occupies the same high estate under the First Amendment as do worship in the churches and preaching from the pulpits. It has the same claim to protection as the more orthodox and conventional exercises of religion. It also has the same claim as the others to the guarantees of freedom of speech and freedom of the press."²⁷

That 3ABN is producing and distributing programming with the aim of carrying out its television ministry is the twenty-first century's

variant of evangelism, which was the subject of *Murdock*.

It would violate religion clause principles to hold that religious organizations that require funds to carry on and expand their ministries should lose the tax exemption provided to other religious ministries not needing or seeking funds. Such an interpretation would violate neutrality principles.

The Supreme Court in a 1989 decision agreed with the New York *Holy Spirit* decision that there exists an "overriding interest in keeping the government—whether it be the legislature or the courts—out of the business of evaluating the relative merits of differing religious claims. The risk that governmental approval of some and disapproval of others will be perceived as favoring one religion over another is an important risk the establishment clause was designed to preclude."²⁸

Attempts by the state to divide 3ABN's programming into "religious" and "secular" categories will inevitably result in a definition of religion oriented toward what the majority views as "religious." The Supreme Court recognized the pitfalls of this in *Walz v. Tax Commission* when, in upholding the constitutionality of tax exemptions for religious organizations, it noted that the government should not be partial to any one religious group and that the Court would "survey meticulously the circumstances of governmental categories to eliminate, as it were, religious gerrymanders."²⁹

If, on a case-by-case basis, a claim to tax exemption because of a religious purpose and activity may be picked apart by those challenging the exemption, while popular religious groups' tax exemptions for their selected activities go unchallenged, the danger to religious neutrality becomes obvious. For the state to inquire into what activities are religious, contrary to the assertion of the religious organization, is fraught with constitutional dangers of governmental entanglement with religion. Justice Harlan's concurrence in *Walz*³⁰ noted that "the more discriminating and complicated the basis of classification for an exemption—even a neutral one—the greater the potential for state involvement in evaluating the character of the organizations."

The 3ABN ministry asserts that all its activities on the property in question relate directly to the religious purposes and activities of 3ABN. The school districts challenged this assertion and undertook significant discovery on issues such as the number of employees at 3ABN who are "ministers" or who are employed in directly "spiritual" tasks, such as praying, preaching, or baptizing. The school districts also made searching inquiries into the square footage of the buildings that is used for preaching or pastoral purposes as compared to the square footage that relates to administration, accounting, mailing and printing services, engineering, computer graphics and media services.

These adversaries seem to argue that "worship activities" are the only truly religious activities occurring at 3ABN and that because "worship activities are only a part of what takes place on the property, the tax exemption must be denied." But such a narrow view, in addition to denying many activities that most people believe to be religious, would place Illinois tax exemption for churches and religious organizations in constitutional jeopardy. This is because churches themselves contain facilities and carry out operations that can be labeled as secular.

As Justice Brennan observed in *Walz*, that "appellant assumes, apparently, that church-owned property is used for exclusively religious purposes if it does not house a hospital, orphanage, weekday school or the like."³¹

Justice Brennan then perceptively added: "Any assumption that a church building itself is used for exclusively religious activities, however, rests on a simplistic view of ordinary church operations. . . . Even during formal worship services, churches frequently collect the funds used to finance their secular operations and make decisions regarding their nature."³²

But the carrying out of these "secular operations" should not jeopardize the tax-exempt nature of the organization, as they are done in furtherance of the religious purpose. Similarly, the "secular" components of 3ABN's operations at the subject property should not call into question its property tax exemption. If this were to occur, all churches operating religious schools would have no basis for a religious property tax exemption for such activities, because much of their curriculum is not directly "religious," as in Bible or doctrinal classes, but includes topics such as math, science, spelling, and physical education.

But, as New York's highest court noted: "The fact that part of the curriculum includes secular subjects does not mean that the [school] facilities are being partly devoted to non-religious purposes. . . . Here the teaching of secular subjects by a religious school is an integral part of the church's belief that knowledge of the world should be conveyed and considered in a religious context."³³

In that case the court focused on the fact that there "the teaching of religious beliefs is the paramount objective and that it pervades all subjects whether secular or religious."³⁴

The Department of Revenue and school districts argued that a state-of-the-art television production studio and media distribution center, regardless of its religious content, is not entitled to real property tax exemption. It is disturbing that in this case evidence was excluded that the Department of Revenue had previously granted tax exemption to an almost identical Christian television network in an adjacent county. It was argued that such evidence was irrelevant to the issue of whether 3ABN's use of its property qualified it for the religious property tax exemption. The Department of Revenue claimed that "the Department and the State are not bound by their prior decisions with regard to other applicants."³⁵

But 3ABN responded that in denying tax exemption to it while granting exemption to another television ministry, the Illinois Department of Revenue is guilty of "selective taxation." The network argued that a governmental entity may not pick and choose which religious messages of television ministries are entitled to tax-exempt status and which are not.

The Department of Revenue surprisingly argued that "there is little indication that the courts have meant to declare that government neutrality means equality of treatment." According to the Department of Revenue, "generally, the courts have usually discussed neutrality as the government's behavior vis-a-vis religion rather than government treatment of one religious entity vis-a-vis another."³⁶

But the Supreme Court in *Walz* concluded that tax exemption for religious organizations did not violate the establishment clause only when one religious organization was not favored over another. It is constitutionally impermissible for the Department of Revenue to troll through 3ABN's religious programming and to refuse to acknowledge the constitutional requirement of the neutral administration of a statute in a way that does not result in selective determination of tax exemptions for the same religious activities.

In *Corporation of Presiding Bishop v. Amos*,³⁷ the United States Supreme Court flatly stated that "laws discriminating among religions are subject to strict scrutiny." The Court clearly applied this principle to tax-exempt cases, stating that "government may neither compel affirmation of a repugnant belief, nor penalize or discriminate against individuals or groups because they hold religious views abhorrent to the authorities, nor employ the taxing power to inhibit the dissemination of particular religious views."³⁸

In another Supreme Court decision, *Hernandez v. Commissioner of Internal Revenue*,³⁹ Justice Sandra Day O'Connor in her dissent warned against the government's drawing a line between "taxable and immune" when "drawn with an unsteady hand."⁴⁰ This, she concluded, would occur when there is "the differential application of a standard based on constitutionally impermissible differences drawn by government among religions."⁴¹ If, 3ABN argues, the Illinois Department of Revenue ultimately denies its tax exemption appeal after sifting through its programming without any fixed standard of distinguishing sacred from secular programming while the Christian television network in the next county enjoys tax exemption, the line between tax-exempt and taxable clearly will have been drawn with an unsteady hand.



A critical issue in the 3ABN case is how the Illinois Department of Revenue treats similarly situated religious media ministries. The Supreme Court has with great clarity spoken against the failure of the state to be religiously neutral. The Court stated that "facial neutrality is not determinative. The free exercise clause, like the establishment clause, extends beyond facial discrimination. The clause forbids subtle departures from neutrality."⁴²

But, of course, the reason behind the attack on 3ABN's claimed religious activities presents a much larger concern. The arguments presented against this worldwide television and radio network ministry are simply derived from the government's hunger for more money. If 3ABN loses its fight, other religious ministries involving more than television and radio will surely be challenged not only in Illinois but everywhere in this country. Society will be much poorer if the state wins these battles. There is no better expression of the concerns posed in this fight than that expressed by the Supreme Court in *Walz* when it stated:

"Governments have not always been tolerant of religious activity, and hostility toward religion has taken many shapes and forms—economic, political, and sometimes harshly oppressive. Grants of exemption historically reflect the concern of authors of constitutions and statutes as to the latent dangers inherent in the imposition of property taxes; exemption constitutes a reasonable and balanced attempt to guard against those dangers."⁴³

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¹ Walz v. Tax Commission of New York City, 397 U.S. 664, 676,677 (1970).

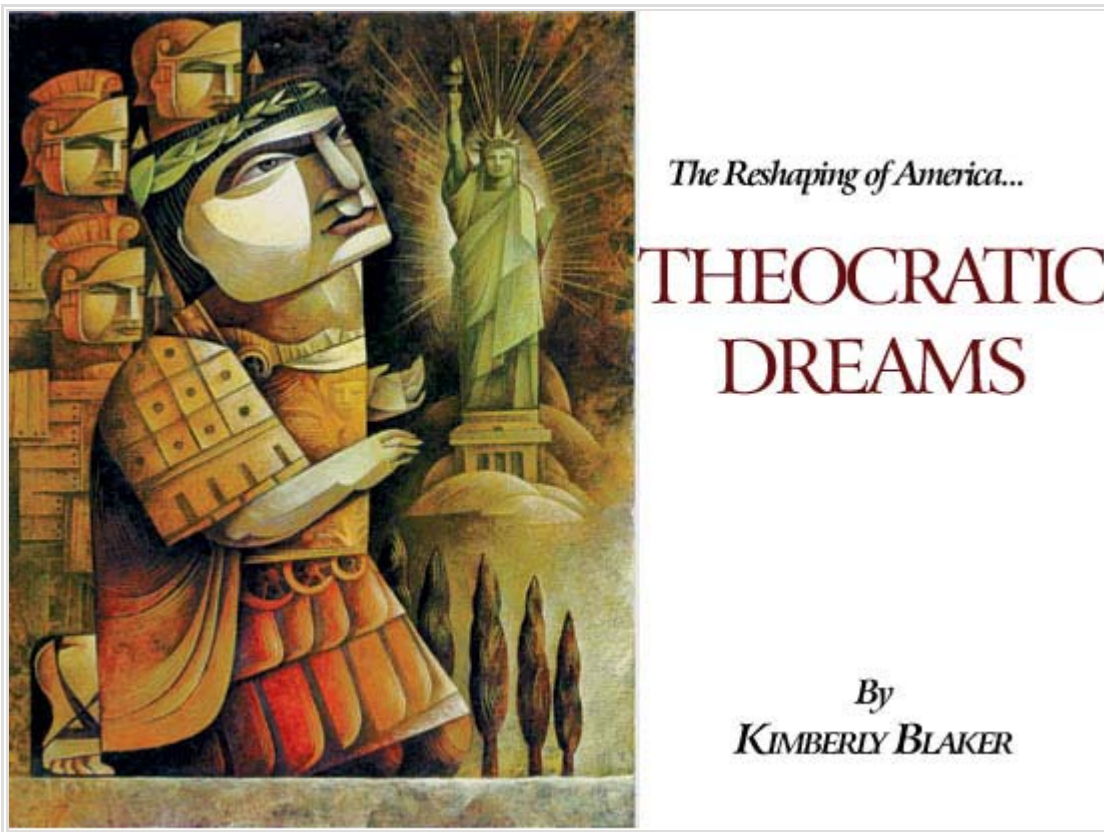
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JULY / AUGUST 2009

The Reshaping Of America...Theocratic Dreams

Last July At A Gathering Organized By The Center For Christian Statesmanship, House Majority Whip Tom DeLay (Now House Majority Leader) Declared, "I Know There Are Some People That Are Worried About The Faith-based Initiative That The President Supports.

BY: KIMBERLY BLAKER



Illustrations by Sara Tyson



Last July at a gathering organized by the Center for Christian Statesmanship, House majority whip Tom DeLay (now House majority leader) declared, "I know there are some people that are worried about the faith-based initiative that the president supports. And most of the distress is . . . that 'we don't want the federal government coming into our business.' Well, my answer to that is Don't accept the money. But I see it as a great opportunity to bring God back into the public institutions of the country. God has been removed from all of our public institutions."

"You see," he further divulged, "I don't believe there is a separation of church and state. I think the Constitution is very clear. We have the right and the freedom to exercise our religion, no matter what it is, anywhere we choose to do it. We have an opportunity to once again get back into the public arena."

To a degree DeLay is correct. Americans do have the right to practice their religion anywhere they choose—so long as they neither trammel the freedoms of others nor violate our Constitution in doing so. But what DeLay and many others seem to fail to recognize is

that the freedom to practice religion is not extended to our government bodies. Moreover, he makes abundantly clear a motivation behind the initiative in his admission that it is a way of "standing up and rebuking this notion of separation of church and state."

While most Americans, Christian or otherwise, recognize the importance of church and state separation, whether for the protection of church from the government or government from the church, a large and increasingly powerful minority is coming to despise freedom of religion in its truest sense: the freedom to practice any religion, or no religion, according to the dictates of one's own conscience.



It is difficult to conceive of our democratic, pluralistic nation (at least in theory, if not always in practice) ever giving way to the type of fundamentalism in Afghanistan or other turbulent state.

Since September 11, 2001, Americans of all beliefs have decried Islamic fundamentalism, vowing to protect themselves from such extremism and the terrorism it lends itself to. Yet the short years since have proved detrimental to religious freedom and liberty in general, leading to the nagging question: Could America slip into a fundamentalist mode that parallels those of the nations we are desperately seeking to defend ourselves against?

The events of September 11 have paradoxically played right into the hands of fundamentalism here in America. This in spite of the obvious lessons of Osama bin Laden's jihad. Moreover, American theocrats have even managed to draw support from many moderates, as extreme right politicians have further fused God and Jesus with government, patriotism, and the warding off of Islamic fundamentalist evils.

It is difficult to conceive of our democratic, pluralistic nation (at least in theory, if not always in practice) ever giving way to the type of fundamentalism seen in Afghanistan or other turbulent states. Benjamin Beit-Hallahmi, professor of psychology at the University of Haifa in Israel, points out that in societies

in which fundamentalism has taken control, the societies had never become fully secularized before fundamentalism took hold. So on the face of it fear of fundamentalist transformation here might seem to border on delusion. Yet there may, remotely, be some warrant to such paranoia.

R. Scott Appleby and Martin E. Marty wrote in *Foreign Policy* that, "deadly violence does occur, however, when brands of fundamentalism clash." (January/February 2002). As scholars of the Fundamentalism Project they point to cases of various fundamentalism colliding with each other within specific confines, such as in Pakistan or Africa. There may be some parallels, given the fact that many of those Americans most in favor of war with Iraq have been conservative, and particularly fundamentalist, Christians. While Saddam and his regime might not have been fundamentalist, America's association of the Middle East with Islamic fundamentalism, along with the fact that many Christian fundamentalists see war with the Middle East as a necessary prelude to the tribulation, introduces a disquieting element to our current conflict.

Seventy-nine of the world's 82 armed conflicts during the brief period of 1989 to 1992 were internal disputes rather than between countries. The implications are profound. Karen Armstrong, one of the foremost commentators on religious affairs in the U.S. and Great Britain, says in *The Battle for God* that it is improbable that any sort of militant extremist fundamentalism could gain enough popularity in the U.S. to threaten the public order. Nonetheless, she acknowledges that in an emergency state, such as economic or environmental catastrophe, such a force could gravely change the face of our nation. Says Armstrong: "Christianity, after all, was able to adapt to capitalism, which was alien to many of the teachings of Jesus. It could also be used to back a fascist ideology that, in drastically changed circumstances, might be necessary to maintain public order."

An emergency state is perhaps what should concern us at this particular moment in American history. To a degree, we have been in such since September 11. Similar to what Armstrong suggests, support for a politically militant Religious Right movement has dramatically increased since that fatal day, and religious conservatism has increasingly been played out in the public square. Should America fall victim to another significant terrorist assault in the not-so-distant future, given the significant erosion of the wall between church and state and the ravaging of constitutional protections since September 11, Armstrong's prediction could, though implausible, become reality. When people feel threatened, they simplify, or regress, says psychoanalyst Robert M. Young. They "eliminate the middle ground" and divide "the world into safe and threat, good and evil, life and death." We have been told that "every nation in every region

now has a decision to make. Either you are with us, or you are with the terrorists." Our country has divided the whole world into good and evil, black and white; no gray can exist.

The ramifications of our war with Iraq, regardless of its outcome, are sobering. Should the war aims backfire, our economy, foreign relations, and our own safety are all at risk; and depending on the severity of any crisis, it could ultimately lead to serious reaction from America's fundamentalists. Scholars commonly refer to them as reactionary; their predictably unpredictable nature could pose real danger.

In contrast, if the war and Iraqi rehabilitation are successful, much of the present agenda will gain the support of a larger segment of mainstream Americans and could prove fatal to many hitherto cherished American liberties, most particularly true religious freedom.

The implications beseech us to examine how to protect faith, freedom, and security in America and to act resolutely in doing so. The solutions, while seemingly simple, will not be easy to actuate. These would be to convince all Americans of their duty to participate in the political process by deeply familiarizing themselves with candidates' backgrounds before voting, and then getting to the voting booths; convincing politicians to uphold our Constitution and Bill of Rights, even when a majority of the population (or seeming majority) is in opposition, and especially during times of high national security; and finally, exercising the necessary civic duty of convincing those religious conservatives inclined to do so that dismantling the wall between church and state most surely would result in their own loss of religious freedom. We must insist on the right to practice Christianity according to our own beliefs, versus being required to adhere to any particular faction that believes its particular doctrines and interpretations are correct and desires to be the controlling religious force in America.

George Grant, a conservative activist, noted in a revealing moment that "since only about 60 percent of the people are registered to vote and only about 35 percent of those actually bother to go to the polls, a candidate only needs to get the support of a small elite group of citizens to win." It is imperative that Christians, Jews, Muslims, Hindus, atheists, and all other faiths make a concerted effort to uphold religious liberty and diffuse the efforts of those dedicated to a more narrow religio-political agenda.

Unfortunately, secularization, that which freedom and democracy are dependent upon, also stimulates fundamentalism. We are in the ultimate catch-22. Religious extremism will not go away, so we and future generations must stringently strive to maintain both the wall between church and state and all other American freedoms, lest our more than two-century-old democracy fade into the annals of history.

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Kimberly Blaker writes provocatively but with considerable insight into the dangerous political and religious dynamic of our present situation. Liberty holds it a Christian's duty to obey civil authorities in all civil concerns and to honor God in all matters of conscience. We cannot be party to personal attacks on our leaders and do no service to God by personally attacking fellow believers, even if they are acting rashly. This and other articles commenting on current developments are offered by way of analysis and in the hope that tendencies to deny constitutional norms of religious liberty may be reversed, and that the many people of good faith rushing to advance religion against an undoubted threat may see the inherent danger in our present course.—Editor.