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WHEN RIGHTS CLASH

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The REVOLUTION of 1800

By GREG HAMILTON

When reflecting on his election to the presidency in 1800, Thomas Jefferson was pleased with how quickly the nation had adapted to the peaceful transfer of political power from one party to another. ★ Republicans had narrowly defeated the Federalists; John Adams, the incumbent president, had quietly stepped down; and unlike the radical and bloody outcome of the French Revolution, the American constitutional experiment had found resistance in the worst of feelings bitterly dividing the two parties. ★ Two weeks after his inaugural address, Jefferson referred to this first constitutional test as the “revolution of 1800.” It was an election that had been decided by the voice of the people under the rules of the Constitution. In the history of nations this was indeed revolutionary. It was a new era, and it needed someone with Thomas Jefferson’s experience and wisdom to cultivate and sustain it further.

*Jefferson
and
the Puritan
Assault
on the
Constitution*

Greg Hamilton, who holds a degree in church-state studies from Baylor University, Waco, Texas, is president of the Northwest Religious Liberty Association. He writes from Portland, Oregon.

THE THREAT One of the lessons arising out of this particular election involved the priceless constitutional value of keeping one's personal religious freedom intact in the midst of heated political debate. Candidates were to be free of having religious tests imposed upon them as a prequalification for public office.

The Framers believed that anything less constituted harassment—puritanical harassment—and was of such a personal nature that it was not in the best interests of the country. Article VI, section 3, clearly stated—as it does today—that “no religious test shall ever be required as a qualification to any office or public trust under the United States.”

While there were no Christian Coalition voter guides to speak of in those days, or a Federal Elections Commission to monitor such activities, many were not ready to concede that it was unlawful to put candidates running for public office under the scrutiny of litmus tests over matters of “faith.” To trash a candidate's particular set of core beliefs or nonbeliefs in an effort to alter the outcome of the election, was a tactic freely used, and without apology, by religious leaders sympathetic to the Federalist Party.

On this point Jefferson perceived a critical threat to the Constitution. Partisan squabbles that manifested themselves in the development of two rival political parties was one thing. But to let Puritans control elective outcomes through the use of religious tests and the use of the Federalist Party as its mouthpiece was another. It was not only a questionable violation of Article VI, section 3, of the Constitution, but it essentially sanctioned a return to the Calvinist model of encouraging the clerical supervision of the civil magistrate for religious, cultural, and legislative purposes.

THE CHALLENGE

In his first inaugural address President Thomas Jefferson skillfully reflected on the need for Americans to be vigilant in preserving freedom of religious and political expression.

Americans had gained little, he said, if, after “having banished from our land that religious intolerance under which mankind so long bled and suffered . . . we countenance a political intolerance as despotic, as wicked, and capable of as bitter and bloody persecutions.” Then, as if speaking to the Federalists and their Puritan allies, he said: “If there be any among us who would wish to dissolve this Union or change its republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated and where reason is left free to combat it.”

For Jefferson, this was the best check against those who might at any time in the nation's history interpret the new Constitution in a manner that favored their own religion at the expense of the people's choice for religious pluralism and democracy.

THE ASSAULT During the election of 1800 Jefferson had his own encounter with the Religious Right. According to Eugene Sheridan, in his classic introduction to Jefferson's *Extracts from the Gospels*, “the Federalist Party and their ministerial allies arraigned Jefferson before the bar of public opinion as an unbeliever who was unworthy to serve as chief magistrate of a Christian nation.”

Pastor Timothy Dwight, president of Yale University, was a prime example of those detractors. During the campaign Dwight took advantage of his pulpit to rain fire and brimstone on Jefferson. He said, “Can serious and reflecting men look about them and doubt that, if Jefferson is elected, those morals which protect our lives from the knife of the assassin, which guard the chastity of our wives and daughters from seduction and violence, defend our property from plunder and devastation and shield our religion from contempt and profanation, will not be trampled upon? For what end? That our churches may become temples of reason, the Bible cast into a bonfire, and that we may see our wives and daughters the victims of legal prostitution?”

The written attacks were just as vicious. For example, the *Gazette of the United States*, the flagship paper of the Federalist Party, urged voters to lay their hands on their hearts and ask themselves: “Shall I continue in allegiance to God, and a religious president, or impiously declare for Jefferson and no God!”

Curiously, John Adams, the incumbent president, had once castigated the idea of Christ's divinity as an “awful blasphemy.”

Yet Adams—favorite son of Massachusetts—was given a pass. It was Jefferson who was accused of being an infidel unworthy of the office. For some, to vote for Jefferson was to sin against God and be forever lost! Using the “God” card, along with rumor and innuendo, was justified if it kept Jefferson out of office.

As Jefferson historian Willard Randall puts it, no presidential campaign “has more brutally combined these tactics than the 1800 campaign, which left Jefferson stunned and the country deeply divided for years.”

THE MAN Even though Jefferson was called a “scoundrel” and an “atheist,” he was neither. Late in his life

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Jefferson actually ended up professing that he was a “Unitarian” Christian.

Like Adams, Jefferson rejected the divinity of Christ. This was because of his view that Christ’s miracles were not possible and likely were embellishments of the Gospel authors. But Jefferson read the Bible daily and even composed his own commentary of the four Gospels from the Greek, French, Latin, and English. He wrote “The Philosophy of Jesus” during his first term as president in 1804, and then “The Life and Morals of Jesus” in 1820. In the midst of the campaign in 1800 Jefferson expressed in a letter to Dr. Benjamin Rush that he possessed “a view of the subject which ought to displease neither the rational Christian nor Deist; and would reconcile many to a character they have too hastily rejected.”

Jefferson had repeatedly read Joseph Priestly’s *History of the Corruptions of Christianity* and as a result would never fully accept the doctrines of the Trinity, soul immortality, the divinity of Jesus, and eternal punishment. He abhorred the pagan concept of a nonmaterial immortality because he believed it encouraged a reckless lifestyle and laundered a corrupt payoff for priests. Jefferson admired Jesus for teaching a literal resurrection, because it meant that someday he would be reunited with his beloved wife and children. In sum, while Jefferson obviously held religious views unacceptable to many, he was a religious man and much attracted to the moral principles of Christianity.

THE EXCHANGE Jefferson’s religious growth, combined with his experience in establishing religious freedom in Virginia, seemed to make him more keenly aware that a quiet hostility continued to flourish against the idea of religious freedom, even among the ruling class.

In a letter to Jefferson dated August 22, 1800, Dr. Benjamin Rush wrote that he had “always considered Christianity as the strong ground of Republicanism.” He then suggested that it was “necessary for Republicanism to ally itself to the Christian religion [in order] to overturn all the corrupted political and religious institutions in the world.” Appalled that his physician friend would equate Christianity with Republicanism and advocate an unholy alliance between church and state—with the motive of overthrowing religious and political institutions whose practices Dr. Rush disagreed with—Jefferson responded by reminding him that such an alliance already existed in America and was working its ill effects on the Constitution and its citizens.


Jefferson pointed out that the opposition he was receiving involved the joint efforts of Alexander Hamilton, the Federalist Party, and specific New England clerics who fostered a “very favorite hope of obtaining an establishment of a particular form of Christianity thro’ the U.S.” This led Jefferson in the same letter to express eloquently his now-famous line: “For I have sworn upon the altar of God eternal hostility against every form of tyranny over the mind of man.”

Dumas Malone, the Pulitzer Prize-winning biographer of Jefferson, points out that “the long-lived conflict which the dominant clergy of that region waged against this apostle of religious freedom” continued because Jefferson refused to disclose his personal religious views in a manner that satisfied their insatiable appetite for religious and political power, and because he believed that his religious views were an entirely private matter.

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THE BARRIER To many New England clerics, the idea that American citizens were free to worship or not worship, and to hold views in accordance with the dictates of their own consciences, remained unacceptable and bordered on blasphemy! So during the election of 1800 the Puritan ideals of the past rose up in seeming desperation to challenge a new egalitarian age of enlightenment, tolerance, and freedom of conscience. Here, the most sacred values of the past—faith, family, community, and the rule of law—were about to merge with secular and liberal notions of individualism. But not without a fight!

THE LESSON This perhaps explains why the presidential election of 1800 was such an important turning point in our nation’s history. Successful constitutional processes were at stake, especially when adapting to (1) an emerging two-party system, and (2) the ban on religious tests for those seeking public office, as expressed in Article VI, section 3, of the Constitution.

In the new democratic republic, Jefferson understood that the Constitution must be entrusted with the people and not just with theologians who might claim to speak on behalf of God. Indeed, America’s constitutional experiment was founded on the “We the people,” and not on God’s expressed authority. This is the fundamental difference between the Puritan and Constitutional foundations. That is why the Constitution remains the fundamental obstacle to the present and future success of the Religious Right in the twenty-first century. 

For an interesting “in their own words” view of the tensions and issues leading up to the election of 1800, see Richard N. Rosenfeld, *American Aurora* (New York: St. Martin’s Press).

Congressional Religious Makeup

According to the *Religion and Ethics Newsweekly*, 150 Catholics, 72 Baptists, and 65 Methodists were present when the 107th Congress convened in January. Thirty-seven Jews, 15 Mormons, and six members of Eastern Orthodox churches made up the balance of those who responded to a question about their religious preference. Republicans are overwhelmingly Protestant with 190 members; 59 Republicans are Catholic. Democrats claim 122 Protestant members and 91 Catholic. Thirty-three Democrats and three Republicans are Jewish. If the numbers don't add up, we must assume that some members claim no religious affiliation at all. —*Religion and Ethics Newsweekly*, Jan. 5, 2001.

A Voucher by Any Other Name

According to an article in *Education Week*, when President George W. Bush first introduced Rod Paige, his nominee for education secretary, at a December 29, 2000, televised press conference, he said Paige "believes parents ought to be trusted in making decisions for their children." Although the then president-elect never used the word voucher, most people knew what he was talking about. From the beginning Bush and his supporters have carefully avoided using the V-word. They prefer parental choice. When Superintendent Paige introduced a 1996 voucher-like program into the Houston Independent Public School District, he called it "educational contracting."

The Houston program does differ from the other voucher programs in that it doesn't

allow religious schools to serve as alternatives. And Paige wisely avoids questions of charges of upholding the constitutional prohibition on a government establishment of religion. But according to critics, including the president of the Houston Council of PTAs, "it all boils down to vouchers."

—*Education Week*, Jan. 10, 2001.

Religious Gold

Several religious leaders were awarded medals by the U. S. House and Senate and by outgoing president Bill Clinton in January. House speaker Dennis Hastert and a delegation from Congress traveled to Rome to present the Congressional Gold Medal, the highest civilian honor Congress awards, to Pope John Paul II at the Vatican. Clinton awarded the Presidential Citizens Medal to a another Catholic, a Jew, and a Protestant. The medals, which honor outstanding deeds of service to the nation, were awarded to Sister Carol Coston, founder of Network, a Catholic social justice lobbying group; Rabbi Arthur Schneier, founder and president of the Appeal of Conscience Foundation, an international religious freedom and human rights organization; and Reverend Fred Shuttlesworth, who helped found the Southern Christian Leadership Conference, a civil rights organization.

—*Religion and Ethics Newsweekly*, Jan. 13, 2001.

Ecumenical Protest?

An assortment of religious denominations including Baptists, Catholics, Jews, Lutherans, Presbyterians, United Methodists, and Seventh-day Adventists filed briefs supporting members of a Massachusetts Mormon church (the Church of Jesus Christ of Latter-day Saints) in a local zoning battle, according to the *Boston Globe*.

Neighbors of the Mormon Temple, which opened last October in Belmont, Massachusetts, wanted the 70,000-square-foot structure removed. They argued in court that allowing the building in a residential neighborhood, despite zoning rules that would have prohibited other buildings of similar size, violated a constitutional prohibition against the government establishment of religion.

They also argued that the Dover Amendment, a 1950 Massachusetts provision that limits local governments from restricting land use by religious and educational institutions, gives these institutions an unfair advantage in zoning matters. Both the U. S. district court and the Court of Appeals for the First Circuit rejected the argument. The U. S. Supreme Court rubber-stamped these decisions by refusing to take the case.

Still the neighbors haven't given up their fight, according to the *Globe*. They are arguing now that the 67-foot steeple and 12-foot statue of an angel the Mormons want to build atop the 60-foot-tall building is too high. The temple occupies nine acres at the top of Belmont Hill. So far, a Massachusetts Superior Court judge has sided with the neighbors. After the Mormons appeal, the case goes to the Massachusetts Supreme Judicial Court.

Attempts to modify the Dover Amendment have all been thwarted in the past. The religious groups involved will carefully track two new pieces of legislation to do so.

The article quotes one church leader saying, "Churches have a right to control their own property."

Indeed.

—Boston *Globe*, Jan. 9, 2001.

Office of Charitable Choice

His second week in office President George W. Bush switched his focus from education to charitable choice. He announced he would submit a proposal to give religious institutions such as churches, synagogues, and mosques billions of dollars over the next 10 years to provide services such as drug treatment, after-school programs, and prison ministries. He also announced the establishment of an office that will promote the integration of religious groups into federally financed social services, according to *The New York Times*. The office is headed by John J. DiIulio Jr., a University of Pennsylvania political science professor, a Catholic who identifies himself as a New Democrat.

Although religious groups would have to bid for providing services, the plans have caused some concerns. Critics fear that Bush is chipping away at the wall between church and state with the proposal. Faith-based groups fear the strings that may be attached to the money.

The article did note that Mr. Bush has said some of the groups with the best results for rehabilitating prisoners or fighting drug abuse are ones that take religious and spiritual approaches. He has also said the government should not hesitate to give money to these groups, as long as secular groups that provide similar services are also available.

—*The New York Times*, Jan. 29, 2001.

How We Think

Although religion and politics are controversial and topics to be avoided in polite conversation, they are increasingly linked in our public dialogue, according to a study by Public Agenda, a New York City-based nonpartisan, nonprofit public opinion research and citizen education organization. The study, titled *For Goodness' Sake*, sends clear messages about several areas, but also underscores the ambiguity Americans sometimes feel when religion and politics intersect. Some of the findings:

■ Religion is seen as an antidote to the moral decline of the nation. Social problems could be mitigated if people were more religious.

■ Religious tolerance is an important and expected part of life and should be reflected in our conduct.

■ Political leaders should be more religious as individuals because it reflects on their characters, but it is wrong to consider a candidate's religious affiliation when voting. In turn, a devout politician may need to make pragmatic compromises on divisive issues. Politicians who wear their religion on their sleeve are viewed with suspicion.

The study also found that people responded differently according to their religion or lack of it. Jewish and nonreligious

Americans are much more unnerved by the prospect of mixing religion and politics. Evangelicals are much more likely to believe devout politicians would craft better policies and would be less willing to compromise on key issues. While 80 percent of Jews say they still have to be vigilant against anti-Semitism, more than two-thirds of evangelicals say there "is a lot of prejudice against them."

On the issue of school prayer, most Americans think the nation has gone too far in removing religion from public schools, but only 6 percent call for school prayer tailored to the Christian majority. They feel that students of different faiths might feel isolated and their parents' rights infringed upon with this type of prayer. A suggested compromise for all is a moment of silence.

—*For Goodness' Sake*; www.publicagenda.org

Having It Both Ways

Can a man of faith serve both God and country and keep them apart? That was at the center of the debate about whether Missouri governor John Ashcroft was fit to serve as attorney general of the United States.

Ashcroft had been quoted as saying in a 1998 speech to a civic group in Detroit, "We must embrace the power of faith, but we must never confuse politics and piety." Time will tell if he is someone who will be diligent in defending the wall of separation between church and state. Stay tuned.

No right is absolute. Nor is any power, governmental or other, in our system Equally certain is it that under "a government of laws and not of men" such as we possess, power must be exercised according to law; and government, including the courts, as well as the governed, must move within its limitations.

SUPREME COURT CHIEF JUSTICE FRED M. VINSON, *United States v. United Mine Workers* (1947)

Rebbecca Corneau's first son, Jeremiah, died just minutes after birth when she and her husband refused to suction fluid from his mouth and throat. They attributed the child's choking to "God's will." Rebecca and her husband are members of the Attleboro cult, a group that refuses medical attention. The same year the son of two fellow cult members died after being placed on a special "diet." They essentially starved him to death.

Rebecca became pregnant again that same year (1999). Authorities became concerned that this child too might die of neglect. In August

ney, summed up the group's position, saying, "The law does not require parents to undergo medical procedures to benefit their born children. It certainly cannot force a pregnant woman to be treated on behalf of her fetus." Furthermore: "The state could not order a father, for example, to donate a kidney to his 12-year-old daughter; the state could not order a mother to donate bone marrow to her 3-year-old son; nor does the state have the authority to order a pregnant woman to undergo any kind of prenatal medical examinations or care on behalf of herself or her fetus."

Andi Mullin, president of the Boston chapter of the National Organization for Women (NOW), told

WHEN

A Juvenile Judge Takes an Unpopular Stand to Save a Child's Life

By
JOHN W. WHITEHEAD

RIGHT

2000 Massachusetts Juvenile Court judge Kenneth P. Nasif ordered the eight-and-a-half-month-pregnant mother to submit to a medical exam to ensure the safety of her second child. After she refused, Judge Nasif ordered her to remain in state custody until the child was born. In handing down the order, Nasif said he knew what the unborn fetus would say to him: "I don't want to die like my brother."

Judge Nasif's ruling unleashed a wave of protests throughout the state. Women's groups claimed that Nasif was unduly interfering with reproductive freedom. Civil liberties groups objected to the ruling on religious liberty grounds. The American Civil Liberties Union (ACLU) went so far as to submit a friend-of-the-court brief. Sarah Wunsch, an ACLU attor-

the Boston *Herald* that Corneau has the right to "make any decision about health care that she wants to make" and called Judge Nasif's ruling "un-American."

BALANCING RIGHTS

In recognizing the interest of the life of an unborn child in the face of religious liberty and privacy concerns, Judge Nasif has illustrated a longstanding dilemma of constitutional law—what to do when two competing interests, both legitimate under the Constitution, collide. Of course, critics of the decision are unwilling to admit any more than a token concern for the life of the unborn child. But in so doing, they miss the fundamental import of Judge Nasif's decision.



AP/Wide World Photos

TS CLASH

In general, the criticism of such groups as the ACLU and NOW does not recognize that no constitutional right is absolute. Their positions imply that Rebecca's privacy right cannot be restricted or trumped by any other person or entity's interest. But a simple analysis of the historic treatment of the various rights guaranteed by the Constitution—in addition to the Supreme Court's own jurisprudence on a woman's right to privacy—reveals the shallowness of this position.

Initially let's consider the First Amendment. The Supreme Court has historically recognized numerous interests that may legitimately compete with the right of free speech. Even its mode of analysis suggests that free speech is not always free. The Court's forum doctrine varies the level

of protection afforded, depending on the type of forum in which the speech occurs. Public parks, for example, receive the highest level of protection, while other public facilities and sponsored events receive varying degrees of protection, ranging from the limited public forum to the nonpublic forum. Depending on the forum in which one finds oneself, the limits on speech can range from simple decibel restrictions to broad-based content barriers.

In the course of its free speech jurisprudence, the Court has allowed reasonable "time, place, and manner" restrictions on speech. It

Constitutional attorney and author John W. Whitehead is founder and president of the Rutherford Institute.

The Supreme Court continually recognizes that there is a need to balance, for example, the interests of preserving a safe and orderly society with the interests protected by the Bill of Rights.

has restricted student speech when that speech has been deemed "disruptive" by public school officials and has refused to hear cases in which seemingly innocent speech has been banned by so-called zero-tolerance policies.

The Court's attitude toward the religion clauses has been similarly flexible. In 1990 the Court in *Employment Division v. Smith* (494 U.S. 872) ruled that laws of general applicability are not suspect under the First Amendment, even when they restrict the religious faith of a particular individual or group. More recently the Court has upheld a public entity's policy of contributing instructional material to sectarian private schools, despite the possible establishment clause violation involved.

The Second Amendment has met a similar fate. While the Supreme Court has yet to rule on the precise contours of its protections, legislation to restrict the sale, ownership, and use of guns not only exists but is vigorously enforced by both liberal and conservative administrations. A key feature of the recent presidential campaign was Al Gore's promise to promote more gun laws and George W. Bush's assertion that already existing laws should be enforced more uniformly.

Virtually every single constitutional freedom is treated in this flexible manner. The Supreme Court continually recognizes that there is a need to balance, for example, the interests of preserving a safe and orderly society with the interests protected by the Bill of Rights. Clearly there are instances in which the Court's balancing agenda weighs too heavily against the Constitution. One such example is the *Smith* decision, noted above for its restriction on the free exercise of religion. The mere fact that the Court at times reaches the wrong decision, however, does not undermine a basic truth of constitutional law. That is, constitutional rights do not exist in a vacuum; they must be balanced against the interests of third parties who will inevitably be affected by a particular citizen's exercise of his or her rights.

In fact, this point is drilled home by the Supreme Court's own jurisprudence in the area of a woman's right to privacy. Consider this line from the plurality opinion in *Planned Parenthood v. Casey* (505 U.S. 833 [1992]): "The woman's liberty is not so unlimited . . . that from the outset the state cannot show its concern for the life of the unborn, and at a later

point in the fetal development the state's interest in life has sufficient force so that the right of the woman to terminate the pregnancy can be restricted." The Court then stated that "sufficient force" occurs when the fetus reaches the stage of viability.

But the Court didn't stop with this assertion. Apparently concerned that its message might be muddled by future spin doctors, it reiterated the balancing point. "It must be remembered," said the Court, "that *Roe v. Wade* speaks with clarity in establishing not only the woman's liberty but also the state's 'important and legitimate interest in potential life.'"

The Court went on to reject *Roe's* trimester framework, which it felt didn't give states enough flexibility in legislating restrictions on abortion. In the words of the Court, *Roe* "undervalues the state's interest in the potential life within the woman."

These statements, lifted directly from the most important abortion decision since *Roe* itself, clearly illustrate the Court's dedication to respecting a state's interest in the life and potential life of unborn children.

Seen in light of these precedents, Judge Nasif's decision is an appropriate response to a very difficult situation. He first attempted to have a nurse visit Rebecca. When this failed, he attempted to have her submit to a medical examination and ultimately concluded that the only sure course that would protect the life of her fetus was to keep her in the custody of state health-care officials.

Thus, the position of groups such as the ACLU obscures the true nature of the situation. The crux of the matter is that Judge Nasif recognized the life of the fetus as a balancing interest. This in itself is highly unusual. Despite the Supreme Court's clear direction, very few judges are willing to make decisions that truly protect the life of an unborn child. This is not to say that judges should always intervene. There are clearly situations in which the evidence simply isn't clear enough to warrant the drastic measures taken in this case. The mere chance that a fetus may not emerge healthy from the womb is not sufficient for government intervention. In this case, however, two children had already died, and others had been taken into state custody for their own protection.

In this sense Judge Nasif was merely committing the child to state custody before it was

abused or allowed to die. Since Rebecca was eight and a half months pregnant, the child had clearly reached the point of viability—that critical stage at which the Supreme Court has recognized that states may take long steps toward preserving the life of its citizens. By this light, Judge Nasif is not a conservative meddler into the private decisions of a woman, but a liberal defender of the rights of abused children.

It is clear that Judge Nasif would intervene to protect the child should its life be in danger after leaving the womb. It simply doesn't make sense to say that he should restrain from intervening when the child is still a few weeks away from breathing on its own—and the danger to its continuing existence has been so conclusively established.

STATE INTERVENTION TO PROTECT LIFE

Despite the focus on Rebecca's right to privacy, the most difficult part of the decision involved its infringement on her religious liberty. She and her husband clearly have sincere religious beliefs regarding the appropriate use of medical care. Much like the decisions involving Christian Scientists and their refusal to seek medical attention for their children, this case raises a stark challenge to our own beliefs in the free exercise clause of the First Amendment.

One might be tempted to excuse this case on the grounds that its radical nature justifies intervention by the state. But the obvious rebuttal is that the Bill of Rights is most needed in just such radical situations—one might not need a First Amendment if all cases were easy.

Again, though, constitutional rights—even the right to religious liberty—are not absolute. Regardless of the strength of my beliefs, I may not take my neighbor's property or interfere with their rights in any way. This argument essentially turns on the same point as that involving a woman's right to privacy—the state has a clear interest in preserving the life of its citizens. Sacrificing one's child, even when based on sincere religious beliefs, is simply not acceptable. It isn't acceptable, because it involves a third party—the child—whose interests have to be considered as well. Thus, when the state intervenes to protect life, its actions are justified.


This argument could lead down a slippery slope. First the state simply intervenes to protect life from being abused or killed. One day, however, it might intervene to protect life from being

nurtured in a social environment different from the prevailing norms of society—for example, restricting home schooling. That's why a crucial distinction must be made—life is to be preserved for its own sake, not for any benefit or detriment it might bestow on society at large.

ONE DIM LIGHT FOR HUMAN LIFE

This is a crucial time in our nation's history. While the very concept of life is being challenged by new technologies, such as cloning and other genetic engineering, life as we currently know it has been seriously devalued. The death penalty is zealously pursued in a number of states. The federal government has endorsed lab experiments involving human embryos. While the abortion rate had reached a plateau and even begun to decline in recent years, the introduction of RU-486 threatens to reverse that trend forever. Neither of the major political parties is dedicated to pursuing life-protecting policies. Even what is supposedly a conservative Supreme Court struck down the ban on an abortion procedure that is performed on a live, partially delivered child. *Roe v. Wade* is a firmly entrenched precedent, and even if it weren't, it seems unlikely that the waning anti-abortion movement would be able to prevent abortion from being adopted in most states.

Judge Nasif's ruling in this case represents one dim light still burning for human life in this country. His decision to protect a child is surrounded by an uproar that reveals just how far our society has fallen. A lone juvenile court judge struck a nerve simply by declaring that he wouldn't let an unborn child die from willful lack of medical care.

None of this should be interpreted to mean that this isn't a difficult case. As noted, there are serious questions about the tension between religious citizens practicing their faith as they see fit and the government's duty to protect helpless members of society. Judge Nasif had to balance these competing freedoms in the best way he knew how. But the simple fact that he recognized unborn life as a weight on the scales of justice offers some hope. There is no reason to think that this decision will become the norm in America. But there is some room to hope that other judges, legislators, and presidents will recognize that life still has meaning under the Constitution and that while its value may be diminished, its heart continues to beat. 

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Tolerance the

The case of Congress

In post-war America in the early 1950s, an undistinguished senator from Appleton, Wisconsin, Joseph R. McCarthy, emerged to the forefront of public view as the self-proclaimed guardian of Americanism.

In the midst of the 2000 presidential primaries Congress took an extraordinary action that generated barely a blip on the radar screen of media coverage. Democrats in Washington proposed resolutions that signaled a surprising level of religious intolerance—by a political party that traditionally prides itself on being the champion of tolerance. The resolutions denounced Bob Jones University's ban on interracial dating and its disdain for Catholicism, views made much of after George W. Bush's campaign visit to the fundamentalist Christian university in February 2000. Nearly all the other presidential candidates, Republican and Democrat alike, vigorously criticized Bush for not chastising university officials for their "intolerant" policies.

While the presidential campaign moved on, Bob Jones University and its ultra-conservative religious beliefs continued to stick in the craw of certain politicians. With few persons in Congress willing to stand up and defend the university's rights to maintain and publish its religious beliefs—however much they may have been out of the mainstream—BJU once again (BJU lost its tax-exempt status in 1983 because of its controversial stand on interracial marriage) became the target of government censure.

Ang Intolerant

By
DEREK H. DAVIS AND
SUSAN KELLEY-CLAYBROOK

misguided censure of Bob Jones University

The Congressional Resolutions

In late February 2000, as the national focus switched to other aspects of the presidential primary races, Senators Robert Torricelli and Joseph Biden, both Democrats, introduced Concurrent Resolution 85 to the Senate. A parallel resolution was introduced by House Democrats Joseph Crowley and John Conyers, and cosponsored by almost 60 other representatives. The resolutions roundly condemned Bob Jones University for its ban on interracial dating and its views on Roman Catholicism. The resolutions read:

"Whereas the Senate strongly rejects the practices of racism, segregation, and intolerance based on religious beliefs;

"Whereas the administration of Bob Jones University enforces a segregationist policy by prohibiting interracial couples on the Bob Jones University campus;

"Whereas officials of Bob Jones University routinely disparage those of other religious faiths with intolerant and derogatory remarks;

"Whereas officials of Bob Jones University have likened the pope of the Roman Catholic Church to a 'possessed demon' and branded Catholicism as a 'satanic system and religion of the anti-Christ';

"Whereas the Web site of Bob Jones University greets visitors with the university's belief that Catholicism and Mormonism are 'cults'; and

"Whereas senior officials of Bob Jones University have made openly racist remarks on

many occasions regarding African-Americans and Asian-Americans:

"Now, therefore, be it Resolved by the Senate (the House of Representatives concurring), That the Congress—

"(1) condemns practices, such as those prevalent at Bob Jones University, that seek to discriminate against and divide Americans on the basis of race, ethnicity, and religion; and

"(2) strongly denounces individuals who seek to subvert the American ideals of inclusion, equality, and social justice."

On February 29 Senator Torricelli's resolution was referred to the Senate Judiciary Committee; the House resolution was likewise referred to the House Judiciary Committee. Senator Torricelli, forced immediately to defend the resolutions against charges that they were simply a political ploy intended to embarrass Republicans, asserted that they were a legitimate attempt to address Bob Jones University's racial and religious views. According to Torricelli, the purpose was to send a message to BJU that its views are "wrong" and "inappropriate." In a similar vein Representative Crowley noted in his remarks to the House that although

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What would cause so many senators and representatives to support an unprecedented official government sanction against a religious organization, just because its religious views were outside of the mainstream?

BJU officials contended that they preached only "what is in the Bible" and what is within their First Amendment rights, he could not support "using a school to indoctrinate hate, segregation, and intolerance into today's youth."

Influential faith groups supported Congress's action. For example, InterFaith Alliance, a clergy-led grassroots ecumenical coalition, supported the House and Senate resolutions. Reverend C. Welton Gaddy, InterFaith's executive director, commented, "On behalf of the concerned people of faith, I urge members of the United States [Congress] to denounce any association of bigotry, discrimination, and intolerance with religious faith. . . . For Bob Jones University to foment bigotry in the name of Christianity is the height of hypocrisy, if not heresy."

Reasons for Censure

But why this sudden outrage against Bob Jones University, a relatively obscure institution of higher education that opened in 1927 in Greenville, South Carolina? Why the resentment against university dating policies that had been in place since the 1950s? And beyond the more obvious political motives, what would cause so many senators and representatives to support an unprecedented official government sanction against a religious organization, just because its religious views were outside of the mainstream?

One possible answer is that the spotlight on BJU occurred at a time when Congress and the rest of the country were acutely sensitized to the horrors associated with hate crimes. Congress had only recently heard testimony on the need for hate crimes legislation. This had included detailed descriptions of the heinous murders of Matthew Shepard in Wyoming and James Byrd in Texas. The terrible impact on society of prejudice in all its forms had been brought vividly to Congress's and the public's attention.

But what do hate crimes and the proposed congressional indictment of BJU have to do with each other? Very little, actually, but perhaps a great deal in the minds of BJU detractors. As Congressman Crowley noted in his address to the House when introducing the proposed

resolution condemning BJU: "We have seen, all too often in the past year, the result of hate. . . . Hate propaganda may be free speech, but it must not be sanctioned by this body. We must loudly denounce it. As a nation, we have fought too hard and come too far not to end discrimination and bigotry based on race and religion."

Unquestionably, all Americans should be shocked and horrified at the senseless, brutal murders of Matthew Shepard and James Byrd. But is it appropriate for Congress to denounce the religious convictions of an institution like BJU under the misguided apprehension that those convictions may induce persons to imitate the heinous killings of an innocent man in Laramie, Wyoming, and another in Jasper, Texas? It takes no genius to comprehend the lack of any real connection. The reality of hate crimes hardly justified Congress's action against Bob Jones University.

We might also consider that the House of Representatives' controversial process of selecting a chaplain (a Catholic was eventually appointed) had something to do with Congress's censure of Bob Jones University, given that much of Congress's denunciation of BJU centered on the school's anti-Catholic stance. Perhaps not so coincidentally, the uproar over the university's principles and practices occurred at the same time that some House leaders were accused of holding anti-Catholic bias for their refusal to appoint a Catholic as chaplain.

The chain of events that lead to the House's appointment of a new chaplain is revealing. After the announced retirement in 1999 of longtime House chaplain James D. Ford, House speaker Dennis Hastert named Reverend Charles Wright, a Presbyterian minister, for the job. There was nothing very remarkable about Hastert's choice—except that he had formed a bipartisan advisory committee to weed through the 37 resumes submitted. The committee recommended three finalists. One was Wright; one was a Lutheran minister; and the third was a Roman Catholic priest, Reverend Timothy O'Brien. According to Hastert, the committee submitted three finalists' names with no final ranking or recommendation. But according to House Democrats, the only candidate receiving bipartisan support was O'Brien. After interviewing the three top candidates with Majority Leader Dick Armey and Minority Leader Richard Gephardt, Hastert chose Wright. For almost four months thereafter a bitter fracas

between House Republicans and Democrats ensued. The Democrats accused Hastert and House Republicans of anti-Catholic bias. Father O'Brien himself was quoted as saying: "I am convinced that if I were a mainline Protestant minister and not a Catholic priest, I would be the candidate."

Finally, a little more than three weeks after the introduction of the joint resolutions condemning BJU for its anti-Catholic teachings, Reverend Wright withdrew his name from consideration. On March 23 Hastert named Father Daniel Coughlin, a Roman Catholic priest from Chicago. He had been recommended by Hastert's friend Francis Cardinal George. During his announcement of Coughlin's appointment, Hastert chided the House for turning "what was essentially a spiritual decision" into an opportunity to charge him with anti-Catholic bigotry. Hastert added that never during his tenure in Congress had he "seen a more cynical and destructive political campaign."

Was Congressional Censure Proper?

Perhaps this rancorous House debate over the appointment of a chaplain, supercharged as it was with allegations of religious bigotry, somewhat explains—although it does not excuse—the political nature of the backlash by congressional Democrats against BJU. The same could be said for the pending hate crimes legislation—i.e., it might explain Congress's censure of BJU, but it hardly justifies it.

Which leads us to the real question: Do the views of Bob Jones University, specifically its position on interracial dating and its negative views on Catholicism, merit Congressional censure? Doesn't the First Amendment protect the university, a private institution, from government interference with its right to decide upon and proclaim its religious views, no matter how unpopular they might be to others? Doesn't the free exercise clause permit the university to formulate and teach that interracial dating is unbiblical and that Roman Catholicism is a false religion? Isn't it outside the scope of U.S. congressional representatives' authority to castigate the religious beliefs of any religious institution?

Affirmative answers must be given to all of these questions. Bob Jones University's controversial views *should* be protected, no matter how longstanding or deeply held. The school's interracial dating policy was originally set because it believed that such practices were part and parcel of a much greater conspiracy to institute a one-

world government and usher in the apocalyptic era of the antichrist. According to Bob Jones III, the current president of BJU, however, the rule was so insignificant a part of the university's overall theology that it virtually never received any attention on campus. In fact, during a March 3, 2000, appearance on CNN's *Larry King Live*, Jones announced that he had that very day told the school's administrators to revoke the rule since it involved such a minor theological issue and was causing so much negative attention for the school, its students, and its graduates. Most Americans were no doubt pleased by this decision. But those who cherish religious liberty as a **fundamental American** right should be troubled at how the university was unconstitutionally pressured to repeal its policy.

BJU's strong rhetoric against Catholicism and the pope is considerably more longstanding and deeply held. Its view that Roman Catholicism is a false religion dates to the university's founding in the 1920s. Its view may be out of the mainstream now, but it is not so different from the standard Protestant line of a generation or two ago. Certainly the university's views are deplored by many today. Such views are hardly "politically correct." But while few persons of faith across the United States would agree with the university's anti-Catholic views, they probably would agree with the institution's right to hold those views, since all religious groups' right to espouse their own religious views depends upon a similar right. Suffice it to say that the First Amendment's provisions on religion mean nothing if they do not mean that government, including Congress, is prohibited from interfering with the particular religious beliefs of American churches and religious institutions.

Not content to let the congressional sanction end the matter, Representative Crowley, sponsor of the House resolution, sent a letter to Bob Jones III on March 27 signed by him and three other House colleagues expressing concerns about Reverend Ian Paisley's participation in a Bible conference at Bob Jones University. The 74-year-old Paisley is the head of the Free

Continued on page 23

Doesn't the free exercise clause permit the university to formulate and teach that interracial dating is unbiblical and that Roman Catholicism is a false religion?

Arcane ceremonies, mysterious creeds, and the smell, however faint, of ritual violence—all reasons that religious cults are often criticized and suppressed by both the state and mainstream religious groups. From Japan, to China, to Russia, to the Western democracies of Germany and France, cults and sects are being targeted for investigation, interrogation, and even suppression. This crossfire of criticism and scrutiny is viewed by many people as deserved, because they believe that cultic groups pose a threat to a well-ordered society. But this conclusion begs the question. What is a cult? Most people believe they know a cult when they see one. Do you? Can you pick the cult out of the description of the following

By
NICHOLAS P. MILLER

CULTS *in the* CROSSFIRE



three religious group? A young man with physical strength and musical talent found himself ostracized from his religious community. Taking a few malcontents with him, he began a new commune in the wilderness, where an arsenal of weapons and survival gear was rapidly collected. Other drifters swelled the ranks of the commune, and the group was united by the music and scriptural teaching of the charismatic leader. Known for his skill in crafting song lyrics and poetry, he often blended references to himself and a messiah figure. Early on he began a practice of taking multiple wives. He had a sense of personal prophetic destiny, and encouraged a squad of “mighty men” to train militarily for a future, decisive showdown with government forces that would propel him to a position of authority. A mature man, after years of

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administrative and legal conflict, felt that his people could not carry out their worship activities in their home country in peace. Emigrating to another land en masse, the religious community soon set up what amounted to a civil state in their new land. Outsiders were not allowed access to the encampment, except on very restrictive terms. Those in violation of the strict codes of the camp were severely punished, usually corporally—and, rumor had it, occasionally killed. Even children were subject to these harsh measures. Official representatives of the home country, sent after the illegally

is a respected, even hallowed, story in the pantheon of America's respected Christian tradition.

These examples highlight the problem with the term *cult*. While it has a technical, nonpejorative meaning that refers to any organized religious group or practice, the popular meaning of *cult* is inherently negative. When most people identify a group as a cult, they almost always intend to identify what *Webster's* calls "a religion or sect considered to be false, unorthodox, or extremist, with members often living outside of conventional society under the direction of



WHILE IT HAS A TECHNICAL, NON-PEJORATIVE MEANING THAT REFERS TO ANY ORGANIZED RELIGIOUS GROUP OR PRACTICE, THE POPULAR MEANING OF CULT IS INHERENTLY NEGATIVE.

departing group, died under highly mysterious circumstances. Soon afterward, word came that thousands in the group were killed by fellow members after a frenzied ceremony around a cultic object.

A dead man was, ostensibly, still the leader of the new religious movement that worshiped him as divine. His followers "spoke" to him in both private and group ritual services, and celebrated the act of his death as their central theme—going so far as to mimic the eating of his corpse in secret ceremonies. The adherents shared property on a communal basis, and would cut ties with family, friends, and livelihood to follow their dead messiah. They had a practice of "shunning" those among their group who flouted his moral standards. They refused to pledge the required honor to the ruler of the state, and indeed broke certain laws of the state, explaining that their religion required them to do so.

Which is the cultic group? All of them—and none of them. The answer depends on when the question is asked and to whom. Most readers probably saw that the third scenario was a description of early Christianity, and avoided calling it a cult. But the average first-century Roman citizen, at least those who had heard of Christianity, would view it as one of the more bizarre Eastern cults. The first scenario is not David Koresh at Waco, but rather the early days of King David, the founder of the royal house of David and ancestor of Christ.¹ And the second scenario? Not Jim Jones going to Guyana, but Moses leading the Hebrews out of Egypt into the Promised Land.² All three groups were viewed by their mainstream contemporaries as the type of unconventional, nonconformist, charismatic-led religious entities to which we attach the term *cult*. Today, however, each of these sagas

a charismatic leader."³ Thus, a cult becomes any religion that deviates from what the majority in society view as normal behavior and belief in spiritual matters. We use *cult* as a handy, thoughtless shorthand to describe religious movements with which we are unfamiliar and that we therefore view with suspicion.⁴ We forget that virtually *all* of us are cultists *somewhere*—it's just that most of us, by definition, live where *our* religious views are the mainstream.

BATTLING THE "CULTS" IN MARYLAND

But being human, and inherently parochial, we tend to overlook this fact. Still, it came as some surprise when my own home state, Maryland, the original U.S. colony of tolerance, launched an anti-cult initiative in May of 1998. Promoted by legislators with backgrounds in the "anti-cult" movement, the effort came in the form of a task force to study cult activities on Maryland state university campuses.⁵ The initiative was unexpected, as there had been no recent incidents of significance on Maryland campuses involving minority religious groups. Indeed, Maryland legislation cited no problems with "cults" in Maryland, but rather referred to events outside the state—including "cult" related violence in Mississippi, California, and even Japan. The effort was justified on the grounds that "cult" recruitment activities are frequently "directed to students on college campuses."

The resolution identified the task force members, which included politicians, educators, students, and, significantly, two parents of cult members. This last addition showed that prior to the first meeting of the task force, the government already viewed certain groups as being "cults." To form the task force it had to choose parents with children belonging to

the “cults.” The inherent bias of the job given the task force was further revealed by the list of groups from which the task force was directed to seek information. The list included cult awareness organizations (anti-cult groups), former “cult” members, campus ministers, families of “cult” members. Significantly, there were no instructions to speak with current members of any groups suspected to be “cults,” or any leaders or representatives of the groups themselves. The goals of the task force were vague and involved filing a report with the governor and the assembly by September 1999 on the type and extent of “cult” activities on Maryland campuses.

Armed with this ill-defined mandate, the task force embarked on a fishing expedition to find misconduct on the part of minority religious groups. The task force called a series of “anti-cult” hearings and presented experts who accused a number of groups, including the Unification Church, the International Church of Christ, and the Church of Scientology, of misleading and harming students. However, they gave very few examples of this occurring in Maryland, and their testimony was primarily hearsay and speculation, inadmissible in any court of law. A different view was presented by one invited speaker, William Stuart, professor of anthropology at the University of Maryland, who cautioned the panel that defining a *cult* was inherently problematic and prejudicial, and was usually a cover for crude religious bias.

Indeed, the task force soon realized that it could arrive at no working definition of *cult*, and thus rewrote its mis-

The final portion of each task force session was open to any speaker who wished to address the committee. It was during this time that the minority religious groups received a chance to speak, but on very limited terms, as these addresses were limited to five minutes. Those who spoke during this period received nothing of the respect or deference from the committee that the formally invited speakers received. Indeed, speakers during this period were frequently interrupted by defensive comments or questions by the task force members or chairman.

The frustration of the minority religious groups grew at each meeting, until the inevitable occurred, and a lawsuit was filed.⁶ The plaintiffs requested that the task force be enjoined from releasing its report and that the court declare its activities in violation of the U.S. Constitution. The task force responded by announcing it would hasten the release of the report in order to beat the court action. The chair’s haste to avoid constitutional strictures was unnecessary, however, as the federal court refused to prevent the release of the report and later dismissed the suit. An appeal of the dismissal is pending.

Vague and cryptic, the task force report itself did not reflect the extensive testimony about specific minority religions.⁷ In fact, no “harmful” groups were named in the report. Instead, it listed the names of witnesses at the various meetings and indicated that their testimony could be viewed at USM Headquarters. In some instance, it gave brief overviews of the testimony, with the deletion of names of criticized groups. This approach adds an aura of mystery to



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sion statement, omitting the word altogether. The task force was now concerned with destructive and harmful “groups.” But this did not change the focus of the task force’s inquiry. The speakers at the task force’s meetings continued to testify about new religious movements of one sort or another. Recruitment by these groups was termed “proselytizing.” And no witnesses were called to discuss the “harmful” activities of campus fraternities, sororities, or clubs—whose widely reported binge-drinking and hazing scandals would seem a logical target of inquiry for any committee genuinely concerned with all groups that pose “harm” to students.

the document, as though the witnesses and questioners were speaking in code about topics to which only they were privy.

The report writers were no doubt trying to avoid constitutional problems. But the opaqueness of the report only makes apparent the inherent legal flaws in the exercise. A “cult” fishing expedition will result either in a detailed, specific, and unconstitutional report, or in a vague, ambiguous, and practicably unusable report. In either event taxpayers’ money and time is wasted. But more than this, the very existence of the Maryland report, for its relatively benign content, creates a dangerous precedent and justification for other states to engage in similar probes.

And perhaps even worse, the Maryland report comes at a time when a number of other countries, including some Western democracies, are engaged in their own “cult” and “sect” investigation programs. France, Germany, and Belgium all have ongoing government inquiries into new and minority religious movements. Eastern Europe and Russia are showing a renewed tendency to repress minority religions. China is involved in a notorious crackdown—involving mass arrests, beatings, and imprisonment—against the nonviolent Falun Gong meditation movement. The Maryland incident makes it more difficult for the U.S. government to bring moral pressure to bear on these countries to treat minority religions with respect and equality.

“CULT” COMMITTEES AND CONSTITUTIONAL PRINCIPLES

The Maryland saga illustrates some themes that are often common to state-sponsored “anti-cult” efforts, wherever

Similarly, in France and Germany only certain “suspect” religious groups appear before the inquiry committees. None of the state or mainstream churches are forced to appear or undergo review. Rather, these churches help identify the “suspect” groups. Thus, the very fact a group is reviewed by the committee requires an act of prejudging. Prejudging is, of course, where the word “prejudice” comes from—and thus it is no surprise that this is what minority religious groups experience before these committees.

VAGUE TARGETS, STANDARDS, AND MANDATES

The Maryland task force soon realized that the term *cult* was so amorphous and ill-defined that they abandoned it as a guide to their efforts. Unfortunately, the replacement *group*, was so broad as to be meaningless. Similarly, in Germany the committee to review “sects and psycho groups” could not define psycho group, so put the label on the Church of Scientology just to fill the category.⁸



WESTERN EUROPE, WHERE SEPARATION OF CHURCH AND STATE IS NONEXISTENT, THE MAINSTREAM CHURCHES ARE OFTEN THE DRIVING FORCE BEHIND ANTI-SECT ACTIVITIES, SEEKING TO USE THE STATE TO INHIBIT THE ACTIVITIES OF THOSE THEY VIEW AS COMPETITORS.

they may be found. Certainly, governments have a legitimate interest in investigating the activities of violent or criminal groups, religious or otherwise. A focused and discrete inquiry into particular alleged criminal acts, however, is amenable to constitutional guidelines of due process and evidentiary fairness. But if an “inquiry committee” reflects some combination of the following failings in due process, openness, and fairness, chances are that the effort is an unconstitutional and improper inquisition, rather than a legitimate government inquiry.

THE PREJUDGING OF CERTAIN GROUPS AS ABNORMAL OR PATHOLOGICAL

While the Maryland legislation identified no particular “cult,” it named to the task force parents of “cult” members and charged the committee with interviewing “cult awareness” experts. Thus, prior to the task force’s reviewing one iota of evidence, the state was expected to identify certain groups as “cults” so the task force could be constituted.

Further, as the initiative did not charge the task force with any concrete incidents to examine or review, there was no real guidance as to what evidence was material or relevant. This meant that the arbitrary biases of the committee members and the chair dictated what evidence would be accepted. “Anti-cultists” came and spoke disparagingly, and even slanderously, of groups from around the country, sharing incidents that allegedly occurred in other states or even overseas.

In at least one instance testimony and documents proffered by a major academic sympathetic to religious freedom concerns of the target groups was rejected by the chairman as irrelevant. The absence of clearly defined targets to investigate or incidents to review is an invitation to a due-process-free fishing expedition—guided only by the biases and whims of the committee members.

WITNESSES AND EVIDENCE FROM NATURAL ENEMIES

The Maryland legislation listed seven groups from which testimony should be taken, but did not include representa-

tives of the “cults” under investigation. Rather, the groups consisted generally of the natural enemies of these groups, such as anti-cult groups, former cult members, families of cult members, and campus ministers. The latter persons represent groups who are usually active opponents of new religious groups.

In Western Europe, where separation of church and state is nonexistent, the mainstream churches are often the driving force behind anti-sect activities, seeking to use the state to inhibit the activities of those they view as competitors.

In Germany church representatives will participate as “experts” in anti-sect inquiries and will work hand in hand with the state in educating the public about the dangers of “sects.”⁹ It is not surprising that the results of this unbalanced inquiry are unfavorable to the targeted groups.

AN AIR OF SECRECY

The Chair of the Maryland task force at one point ordered that no one was to communicate with any member of the task force except through his office. His command was not only rather arbitrary, but probably unconstitutional, as several members of the committee were elected state officials and anyone has a constitutional right to communicate with their representatives. But the unguided and divisive nature of the inquiry made some level of arbitrary control over information almost inevitable.

Other examples of the tendency toward secretiveness include a witness who refused to publicly release documents submitted to the committee and the choice by the chairman not to include any substantive testimony in the report released to the public. Overseas, “sect” committees make direct use of covert surveillance and intelligence gathering—an example being the formal surveillance that Germany placed the Church of Scientology under in 1997.


“INSIDER/OUTSIDER,” “US/THEM” MENTALITY

While academics sympathetic to the plight of new religious groups were called to testify before the Maryland task force, no members of the “cult” groups themselves were asked to testify. Rather, any “cult” member or leader who wished to address the task force was forced to speak during the open forum time at the end of each meeting, where remarks were limited to five minutes. Apart from time limitations, these speakers were also accorded much less respect and deference than those formally invited. All this reinforced an “outsider” status that these groups had already been labeled with. If you were a member of a group under discussion, it was as though you were a “wayward child,” forced to listen to those in authority discuss what is in your best interests, with very little chance for you to speak for yourself.

The strengthening of this “insider/outsider” mentality is one of the common results of “anti-sect” committee work. In Germany the government’s reports on “sects” have produced a wave of anti-cult media coverage that has prompted

much private sector harassment, including widespread employment discrimination against suspected “cultists.” In 1996, after a French commission on sects released a report identifying 172 groups as sects, the French paper *Le Monde* called for “something to be done about sects.” Shortly after this, the Unification Church headquarters in Paris was fire-bombed. Ironically, much of the violence associated with “cults” is of this type—violence by the community carried out against “outsider” groups.¹⁰ The evidence shows that “overwhelmingly, nonconventional religious groups have been free of reported incidents [violence or coercion] atypical of their day-to-day life.”¹¹

One could conclude that the violation of due process, disregard of constitutional rights, and divisiveness of this type of inquiry is more of a threat to a community than any groups being investigated. Indeed, the Maryland task force perhaps tacitly admitted as much when, in its report as fact number one, it acknowledged that the “divergent views, [and] constitutional issues” may cause state “intervention [to] exacerbate the problem.” It then admitted, as fact number two, that the extent of the problem “is statistically very small considering the enormous number of students attending USM institutions.”

After-the-fact admissions, however, that discriminatory and divisive investigation may have been unnecessary is not much comfort to those “cults” caught in the sights of private interests and public scrutiny. While it is a relief to emerge relatively unscathed, the Constitution is meant to protect peaceful religious groups from having to undergo the gauntlet at all. In Maryland, while the original target may have been the “cults,” it is the Constitution that really got caught in the crossfire. 

FOOTNOTES

¹ David’s exploits as an outlaw in the Judean wilderness are recorded in 1 Samuel 22-31 and 2 Samuel 1:2.

² The story of Moses and the Exodus, including the drowning of the Egyptian army and the purging of the people after their worship of the golden calf, is found in Exodus 14-32.

³ *Webster’s Encyclopedic Unabridged Dictionary of the English Language* (Random House, 1966).

⁴ Academics are becoming aware that the popular usage of cult is overshadowing its technical meaning, and many of them are now referring to minority religious movements as new religious movements, or NRMs. W. Cole Durham, Jr., “The United States’ Experience With New Religious Movements,” *European Journal for Church and State Research* (1998), p. 213.

⁵ Task Force to Study the Effects of Cult Activities on Public Senior Higher Education Institutions, H. J. R. 22 (May 21, 1998).

⁶ The present author, in his capacity as a citizen and taxpayer in Maryland, is a plaintiff in the suit.

⁷ The report of the Task Force to Study the Effects of Cult Activities on Public Senior Higher Education Institutions can be viewed at <http://www.religiousfreedom.com/tskfrce/MDrpt.htm>.

⁸ Prof. Gabriele Yonan, “Religious Liberty in Germany Today: How the Public Debate on Sects Has Affected Religious Liberty in Germany,” Paper in possession of author.

⁹ *Ibid.*

¹⁰ Gordon Melton, *Encyclopedic Handbook of Cults* (1992), pp. 366-369.

¹¹ *Ibid.*

WWJD?

I just got your magazine and must tell you I agree 100%. I especially like the picture of Al Gore with WWJD. That says it all. I have made the comment if Jesus came back to the USA, he would be crucified by the religious leaders. He did not take a special stand against the "Gay Society" or the abortionist. He said that "He that hateth his brother is a murderer" (1 John 3:15). He did not come to call the righteous, but sinners to repentance. Then the word in Romans 3 says, "There is none righteous NO, NOT ONE." That pretty well says it all. This election really exposed the religion in all of us. When Bill Clinton said, "I have sinned" that is all God requires of any of us. What a wonderful God we have!

SARAH FROWNELTER

Pro ACLU?

Barry Lynn's opposition to vouchers or tax credits for private schools is a conclusion with which I agree; though not for all of his stated reasons. But then he slips and once again confirms what I find to be the almost universal viewpoint of your writers. He states that the ACLU sent a questionnaire to religious schools accepting voucher funds. The school superintendent of the Archdiocese of Milwaukee replied that the ACLU did not have standing or a basis to seek the information asked for. Whereupon Mr. Lynn describes the ACLU ("those doing the asking"), as the general tax-paying public. He says the superintendent implies "We'll take your money, but not your questions about how it's spent." (Emphasis mine.)

There are many Americans who have reached the conviction that the ACLU has done immeasurable damage to our culture and, yes, to our religious liberties. No matter how enamored you may be of this group, its policies and its practices, it is a far stretch to equate the ACLU with the American public.

Your magazine is provocative, to say the least. I sometimes may even agree with your conclusions, if not your reasoning. But why is

it that the old maxim, "The good is often the worst enemy of the best," keeps coming to mind?

GUY R. STRAYHORN
Fort Myers, Florida

While we may appear to sometimes support positions espoused by the ACLU, we in no way intend to endorse it as an entity or in every aspect of its work. Editor.

Prayer Documentary Honored

I am very happy and excited to let you know that the documentary, *School Prayer: A Community at War*, which I directed, shot, and co-produced with my colleague Ben Crane, has won the **Emmy Award for Best Outstanding Coverage of a Continuing News Story Among Programs**. This film is about a woman in Mississippi who takes on the local school board to stop open preaching in the town's schools.

First of all it was such an honor to hear that this ITVS/POV film was nominated for such a highly recognized television award. But actually winning the Emmy in the prime time News and Documentary programming was much more than what I expected. I guess we did something right.

If I would have prepared an acceptance speech, this is what I

would have said: "Twenty years ago I operated my stand at the foot of this very hotel on Times Square, pushing a cart as a peanut vendor. Today this Emmy Award was announced and presented to me and my partner, Senator Paul Simon of Illinois—the same person who 15 years earlier wrote a letter to the leaders of then-Communist Poland requesting the release of my family, who had not been allowed to leave the country for four years."

Do you think I should start believing in Providence?
SLAWOMIR GRUNBERG
Spencer, New York

Note: Liberty will be running an article on this award-winning film and its coverage of the school prayer issue. Editor.

The Cost of Freedom

I read, with great interest "The Cost of Freedom" in the July/August 2000 edition of *Liberty*. I am in complete agreement with the theme of the article, however, in the interest of historical accuracy, I would like to point out a minor difference between what Herb Douglass penned and my understanding of the events associated with Point-du-Hoc. My source is a Frenchman named Jean-Pierre Dimaganat (I am not certain of the

spelling). He is a resident of Bayeux and was eleven years old around the time of D-Day.

My wife and I had the privilege of spending a day with him touring the beaches and St. Lo and had the pleasure of dining at his home some years ago. My recollection of his description of Point-du-Hoc is that the American Rangers, who were trained in scaling heights by the British fire-fighters, suffered great losses, as you so rightly point out, while scaling the heights of Point-du-Hoc. According to Monsieur Dimaganat the Germans had moved their big guns away from the heights days before the landing. Thus the Rangers paid a high price for an objective that had disappeared.

ROBERT L. DREYFUS
Greenville, South Carolina

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DECLARATION OF PRINCIPLES

The God-given right of religious liberty is best exercised when church and state are separate.

Government is God's agency to protect individual rights and to conduct civil affairs; in exercising these responsibilities, officials are entitled to respect and cooperation.

Religious liberty entails freedom of conscience: to worship or not to worship; to profess, practice and promulgate religious beliefs or to change them. In exercising these rights, however, one must respect the equivalent rights of all others.

Attempts to unite church and state are opposed to the interests of each, subversive of human rights and potentially persecuting in character; to oppose union, lawfully and honorably, is not only the citizen's duty but the essence of the Golden Rule—to treat others as one wishes to be treated.

Tolerating the Intolerant *Continued . . .*

Presbyterian Church and leader of the Democratic Unionist Party, and has been heavily involved in the Northern Ireland political scene for more than 30 years.

The letter requested that the university sever all professional contacts with Paisley and terminate his membership on the BJU board of trustees, adding: "No American university should have a relationship with such an anti-Catholic bigot and opponent of peace in Northern Ireland." Crowley's letter continued: "Because of recent events in Washington and across the country, Catholics in America understandably have grown concerned about a retreat in tolerance toward all religions. . . . The sense of outrage in the Irish and Catholic American communities over your continued relationship with Reverend Paisley requires you to take action on this issue."

Speaking before the House, Crowley expressed bewilderment and shock at Bob Jones III's response, which tersely began: "Dear Congressman Crowley: It is no business of yours whom Bob Jones University invites to speak at its Bible conferences. This is a free country. We're just as entitled to our religious beliefs as you are to yours. The fact that we have speakers whom you personally differ with does not make us bigots. Your bigotry and intolerance, however, have been amply displayed in your March 27 letter, which makes unwarranted and intrusive demands of us."

Representative Crowley, sponsor of the House resolution condemning BJU, apparently found no merit in Jones's position. He told the House: "Our country is founded on free speech, but it is also founded on religious freedom and tolerance. No institution, especially one of higher learning, should promote religious intolerance." Remarkable! It would seem that Representative Crowley has elevated his brand of tolerance above religious freedom, and finds it impossible to tolerate intolerance in others, even when the intolerance arises out of the constitutionally protected free exercise of religion.

Bob Jones III decided to take his fight for religious freedom to the American people. In an open letter addressed "to the nation," posted on the BJU Web site, he responded to the joint congressional resolutions: "This attack ought to offend and frighten every freedom-loving person. What other religious belief will find itself in the gunsight of the U.S. Senate next? Will it be:

- Roman Catholicism's doctrine that the pope is infallible?
- The belief in Judaism restricting the marriage choices of their adherents?

Would you desire to see them persecuted by the Senate, by presidential candidates, or by the media because their beliefs are not yours and may even offend you? We wouldn't! . . . Thoughtful American citizens, Christian or otherwise, should see that religious freedom is the core issue in this entire matter.

To speak in defense of Bob Jones University does not align anyone with our beliefs, but with the cherished principle of religious freedom guaranteed by our Constitution." On this point the BJU president got it right.

A Disappointing Performance

By the time of the November 2000 elections the House and Senate resolutions still had not been put to a vote by Congress. Whether or not the full House and Senate will someday vote on the resolutions is anybody's guess. But the mere introduction of resolutions disparaging the religious freedom of Bob Jones University by some of the nation's leading legislators is disappointing indeed.

Nearly 50 years ago the General Assembly of the United Nations adopted the universal Declaration of Human Rights. Article 18 of that document states: "Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance." The First Amendment of the U.S. Constitution guarantees these same freedoms. Bob Jones III and the university that he leads have the right to manifest their religious beliefs in their teachings and practices, even if the overwhelming majority of citizens find those beliefs repugnant. Toward that end, it seems that some of our nation's leaders need to expand their understanding of tolerance to make sure that it includes protection of religious freedom for everyone—even the intolerant. □

This attack ought to offend and frighten every freedom-loving person. What other religious belief will find itself in the gunsight of the U.S. Senate next?
—BJU WEB SITE

A NEW DAY IN CANADA

BY
TRUDY
MORGAN
COLE



DAY CANADA

Barefoot and clad in a wetsuit, Stockwell Day buzzed across Okanagan Lake on a personal watercraft to arrive at his first news conference after winning a seat in Canada's House of Parliament. It was the sort of moment Day's fans love and his enemies hate. The splashy debut was typical of the Canadian Alliance leader's gregarious personal style—a style that his opponents believe masks potentially threatening policies. After

all, he is the first Canadian national leader to openly make conservative Christian convictions a part of his platform—and to enlist the help of

evangelical church groups in winning power. This is Canada, where religion and politics have traditionally kept a wary distance from one another. ■ Garry

Rohr, director of an organization called Families for Day, is quite open about the fact that it's Stockwell Day's profile as a pro-family, pro-life, evangelical Christian candidate that makes him attractive. "Although," he says, "if you took all that away, he would still be the best candidate—he's had experience in a governing party, he's lived in different regions of the country, he speaks both official languages, and he's a solid fiscal conservative."¹ ■ Readers unfamiliar with Stockwell Day

and, indeed, with Canada's political system may need a brief history lesson to understand how Day, a 50-year-old former lay pastor and administrator of a Christian school, is poised to compete for the prime minister's job. ■ Ever since Canada became a nation in 1867, two political parties—the Liberals and Conservatives—have dominated federal governments. The two parties represent exactly what their names imply—the Liberals are a slightly left-of-center party, the Conservatives slightly right-of-center. "Slightly" is a significant word here, as both are essentially moderate, centrist parties. ■ In Canada, voters don't choose their prime minister in a separate vote, as Americans do for their president. On Election Day everyone votes in their local district, or riding, for a local representative. ■ The party that elects the most representatives, or "holds the most seats" in Parliament, forms the

**WHEREIN
THE CANADIAN
ALLIANCE
UNITES THE
RIGHT . . .**

Trudy J. Morgan-Cole, a freelance writer living in St. John's, Newfoundland, Canada, is a regular contributor.

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 — STOCKWELL DAY

government. The leader of that party automatically becomes the prime minister. That means that the leader of any major political party is a very powerful person.

And until recently there were only two major political parties. Since 1921 only Liberals and Conservatives have held the post of prime minister. Other political parties have sprung up, but without much support. The exception has been the New Democratic Party, whose left-wing social democratic policies attracted enough voters to make them the third-largest party in Parliament, but never enough to form the nation's government.

That's the way the Canadian political landscape has looked for decades. But all that has now changed radically.

In the 1993 Federal election the venerable Conservative party, which had ruled for the past eight years under Prime Minister Brian Mulroney, was virtually wiped out. Left with only two of the almost 300 seats in Parliament, the party was dealt a crushing blow from which it still struggles to recover (it currently holds 15 seats).

The time was ripe for a new party to arise on the right. And the Reform Party, with its leader Preston Manning, was ready. Reform's policies were well to the right of the old Conservative Party. Reform was a populist Western Canadian party that supported a conservative fiscal policy—lower taxes, debt reduction—and a conservative social policy that won support from advocates of "family values." Enough Canadians found Reform an attractive option for the party to win 52 seats in 1993 and 60 in the 1997 election. Since 1997 Reform has been Canada's official Opposition party. The Liberals under Jean Chrétien form the government, and the remaining seats are held by the Bloc Québécois, a separatist party from the French province of Quebec, the Conservatives, and the New Democrats.

The Reform Party of 1997 had come farther than anyone believed possible in a few short years. But their support ended at the Manitoba-Ontario border—they were still basically a western party, and it's virtually impossible for any party to form Canada's government if it doesn't have the support of the whole country.

In 1999 Preston Manning decided to appeal to the Conservative Party to join him in a "Unite-the-Right" coalition. The official Conservative Party wasn't interested, but many individual party members and supporters were. In 2000 the Reform Party reshaped itself into the

Canadian Alliance Party. And in a surprise move the party rejected Preston Manning in favor of the younger, more charismatic Stockwell Day.

Day's views aren't actually much more right-wing than Manning's were. Both men are not only fiscal and social conservatives, but avowed fundamentalist Christians who are pro-life, oppose homosexual marriage, and support capital punishment. Yet Preston Manning had "achieved a status where he [could] hold controversial positions without generating much controversy."² By contrast, small-L liberals in Canada, led by the media, are frightened by Stockwell Day and the Canadian Alliance. *Maclean's*, the national news magazine, put Day's face on its cover with the bold headline "How Scary?"

A better question might be "Why so scary?" Perhaps it's because the Alliance under Day poses a threat that the Reform Party under Manning never did. People are starting to realize that its new right-wing party might actually form a government someday.

Even the most enthusiastic Alliance supporters concede that goal is still a ways off. In the November 2000 federal election, the Alliance under Stockwell Day didn't make the kind of gains in central and eastern Canada that it had hoped for. Though the Alliance increased its number of seats to 66, Jean Chrétien's Liberals still hold a strong majority in the government. Stockwell Day and the Alliance now have four years on the Opposition side of the House of Commons—years in which Day can practice his parliamentary skills, figure out how to appeal to voters in Ontario and east, and try to calm the fears of those Canadians who still find the prospect of a fundamentalist Christian prime minister "scary."

In a speech entitled "Conservatism in Contemporary Canadian Politics," in which he laid out his platform of social conservative beliefs, Day addressed the issue of religion head-on. "I am a person of religious faith," he told the Fourth Annual National Conference of Civitas. "Like 84 percent of Canadians, I believe in God. Some people react as though having religious beliefs somehow disqualifies you from holding public office. . . . I would like to ask those who are always accusing religious believers of being intolerant how tolerant they are of people who hold these beliefs. . . . The real intolerance in Canadian society is shown by those who would deny people of faith the right to participate in public life."³

Day's willingness to speak openly about his religious convictions as well as his endorsement of a pro-life, social conservative agenda, has earned him widespread respect and support from Christian groups, who until now have not traditionally been an active force in Canadian politics.

Families for Day is one group that worked to publicize Day's message and helped him win the Alliance leadership. "We contacted a number of pro-family organizations," director Garry Rohr says, identifying "the Citizens' Research Institute, local chapters of the Canada Family Action Coalition, local pro-life groups Our mandate was to get new people involved in the Alliance, and to draw attention to Day's pro-family track record among existing Alliance members. And we greatly exceeded our expectations," says Rohr.⁴ Families for Day helped Day's campaign by distributing his brochures and Alliance membership cards, since only party members were able to vote for the new leader. Ron Beyer, a Pentecostal minister and president of the Canada Family Action Coalition, took time off from the CFAC to help organize Families for Day.

This kind of interest and involvement by Christians and Christian groups is something new on the political scene in Canada. Religion has never played the kind of center-stage role in Canadian politics that it has in the U.S. Canadians have never showed great interest in whether a prime minister attends church regularly or in how his religious convictions might affect his policies. Current prime minister Jean Chrétien "said he keeps his religion 'separate from politics' even though he still considers himself 'a good Catholic' in his personal life."⁵ His attitude is typical of Canadian political leaders. The fact that Canada's longest-serving prime minister, Mackenzie King, was a practicing spiritualist who attended séances didn't excite much comment among Canadian Christians back in the 1930s. When Pierre Trudeau declared in the 1970s that "the state has no place in the bedrooms of the nation," he might have said the same about the nation's churches, too.

But that arm's-length relationship between religion and politics is changing in Canada, and Stockwell Day and the Canadian Alliance are a big part of that change. Commenting on Day's unwillingness to do an interview on Sunday because he observes it as his day of rest, Day supporter Gerald Chipeur, a lawyer, points out, "This is something new in Canadian politics. Stockwell Day would be the first Canadian prime minister since, probably, R. B. Bennett [in

the 1930s] to make his religion a part of his everyday life."⁶

Many Canadians wonder whether the new activism on the right means that Canada will begin to imitate the U.S., with conservative Christians playing a major role in politics.

Garry Rohr agrees that Day's successful bid for the Alliance leadership may well be the beginning of a "Religious Right" movement in Canadian politics, and as far as he's concerned, that's something to be welcomed. "Christians in this country are getting so fed up with the federal Liberal Party," he says. "Do you know what the number one reason we were given for people joining the Alliance was? The federal government's inactivity on the child pornography case. People were disgusted that the government didn't take action. The time for change has come, and the combination of Stockwell Day and the Alliance Party is the best agent for that change.

"Most grassroots Canadians agree with Alliance policies," says Rohr, who is himself seeking nomination as an Alliance candidate in the next federal election. He hopes to see more Christians joining and supporting the Alliance, and was encouraged when the editor of a major Catholic magazine endorsed the Alliance: "He was very disturbed by Jean Chrétien's statement that the Liberal Party includes pro-choice supporters."⁷

The abortion issue, so crucial to conservative Christians, gives a good example of how Stockwell Day and the Canadian Alliance would handle potentially explosive issues. Day freely admits that he, like most of his supporters, is pro-life and would personally favor decriminalizing abortion, but, he says, "I would not seek to impose my views on the Canadian people. I would want issues such as these to be determined freely and democratically by the people, either through a referendum initiated by Canadians or a free vote of their representatives in the House of Commons. Debates like this need to be conducted with the greatest possible respect for democracy and the views of others, without the angry and harsh rhetoric that too often prevents serious democratic debate on moral questions."

It's not surprising that many on the left of the political spectrum, including feminist and gay-rights groups, see Stockwell Day as a potential threat. But does his leadership of the Alliance pose a threat to those who, like Day himself, want the right to practice their own religion—whatever it may be? Would a prime minister who is unabashedly an evangelical

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Christian prove a threat to the religious liberty of those who don't share his views?


Stockwell Day says no. "I do not seek, nor do other persons of faith I know seek, to impose their spiritual beliefs on anybody else. As a conservative I have no intention of making my religion someone else's law. But neither is it possible to demand that the convictions I express on Sunday should have nothing to do with the way I live my life the other six days of the week. In other words, I believe in the separation of church and state, but am opposed to any suggestion that citizens separate themselves from their beliefs in order to participate in the government of their state."

Under Stockwell Day, the Alliance is actively recruiting the support of people of faith other than conservative Christians—most notably Jews and Muslims, who are attracted by Day's commitment to tax breaks for parents who send their children to religious schools. Speaking at a dinner with Jewish friends of the Alliance, Day demonstrated his familiarity with the Torah and his commitment to Judeo-Christian values impressively enough that during the question-and-answer time after the meeting, one listener jokingly asked whether Day would be interested in applying to fill the vacant position of rabbi at the listener's synagogue.

When another Jewish listener more seriously questioned him on the "redneck fac-

tor"—the perception that the mostly western Alliance members are intolerant of religious and cultural differences—Day challenged the audience to look at his caucus (the Alliance members who actually hold seats in Canada's Parliament). The Alliance caucus, he claimed, is the most ethnically and religiously diverse in Canada.

One member of that caucus, Day's leadership campaign chair Jason Kenney, says that in the next election the Alliance will have "Jewish candidates, Muslim candidates, candidates from every conceivable ethnic background."⁸

Is the Alliance's commitment to diversity real enough to erase the fears of those who see a threat to religious liberty in any political leader who boldly declares his religious convictions? Only time will tell. 

FOOTNOTES

¹ Garry Rohr, interview with author, August 2000.

² John Geddes, "The Scare Factor," *Macleans*, July 10, 2000, p. 18.

³ D'Arcy Jenish, "The Day Comes to Ottawa," *Macleans*, July 24, 2000, p. 17.

⁴ Rohr.

⁵ Interview in Ottawa *Citizen*, quoted in John Geddes "New Might on the Right," *Macleans*, September 11, 2000, p. 19.

⁶ Gerald Chipeur, interview with author, September 2000.

⁷ Rohr.

⁸ Geddes, p. 21.



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Stockwell

Day did not win the
post of prime minister in the

Canadian election held last year.

However, the real loser of the election was every
person of religious faith in Canada. For the first time

in Canadian history a political leader was attacked not for

his political beliefs, but for his religious convictions. Many are

interpreting Mr. Chretien's victory as open season on Christians. †

The Prime Minister started the attack by telling reporters that being
prime minister was a seven-day-a-week job "including Sunday," a refer-

ence to Mr. Day's decision to refrain from campaigning on Sunday in
order to attend church and spend time with his family. † The govern-

ment-owned television network (CBC) then entered the fray by ridiculing
Mr. Day's belief in creation. In a major attack documentary called "The
Fundamental Day," a CBC reporter expressed shock that a Canadian political

An *Insult* to CHRISTIANS

leader could believe that the world is thousands, not millions of years old; that Adam and Eve were real people; and that dinosaurs and humans coexisted on the planet. One of the Prime Minister's strategists even went on national television a few days later with a stuffed Barney doll to mock Mr. Day's creationist views. † But the worst example of this over-the-top attack on Mr. Day's religion was made by Chretien Cabinet Minister Hedy Fry, herself a member of the Roman Catholic Church. She declared that Mr. Day's belief that "Jesus Christ is the God of the whole universe" was "an insult to every Muslim, Buddhist, Sikh—everybody else who believes in other religions." † While many Muslim, Jewish, and evangelical Christian groups issued press releases expressing shock at these religious attacks on a political leader, many remained silent—afraid of retribution. † Stockwell Day was urged to respond in kind to these vicious personal religious attacks. Instead, he affirmed his Christian faith and his conviction that while church and state should be separate, a political leader should not have to separate himself from his faith in order to participate in public service.

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CONVERGENCE AND

Confession time—I was late for work this morning. Not because I drive so far—which I do. But because there was an accident at one of the major intersections I regularly and often unthinkingly speed through. I've often noted how potentially dangerous it is. Two main highways converge at less than right angles, at a point where one has only a stop sign and the other no sign at all. To add to the potential for trouble, the through way approaches the intersection via two dips in the landscape. As a result traffic traveling at high speed reappears without warning right behind traffic pulling out at start-up speed.

This morning that potential for mischief was realized. There was a terrible almost head-on collision, bent metal, broken bodies, emergency helicopters, and traffic hopelessly snarled. I observed at least one other major accident caused by panic over the delay. Late to work for me . . . too late, perhaps, for others.

In recent years I have noted an interesting array of convergence.

When I was younger and first began to travel the world, it was a remarkably diverse place: the abacus-and-street-market economy in an isolated economy seemingly oblivious to the assembly-line controls in another. Now we rush toward convergence, a McWorld uniformity often wearing little difference beyond the language dubbed on the latest video. The few holdouts are seen as hostile to the new world order and cultural clashes as last-gasp futility.

The world of faith, too, is on a convergent path. As the faithful become less so, there is a rush to create a generic, catchall version. The reasons for a past Reformation are avoided in the urge to merge. Perhaps a fear of religious conflict, as we read about in old history books, animates the trend. But it extends beyond Christianity. It is marked by New Age generalizations, dialogue between major faiths, and political distrust of all religious zealotry.

The generation gap rather accurately described traditional cultures and their respect for age and experience, and caution against

allowing the young to dictate society's norms. The Cultural Revolution in China pitted the young against the old guard in vicious ways. But that experiment pales next to our glorification of the young—aided by the illusion created by their computer literacy. In the process we are losing the lessons of the past, guarded historically by the elders.

Many years ago—half a lifetime to this still-thinks-he's-young editor—I visited hard-line Communist Bulgaria. It was a militantly secular state. Religion was seen as antithetical to the stability of the state, something to educate out of the young. I met a teen girl who tearfully explained how her faith commitment put her at risk. She had been attending church instead of classes, and now the state was determined to remove her from that corrosive family influence.

Many years later, visiting newly independent, once-Communist Latvia, I spoke on religion and my faith at a number of public high schools—at the request of a government anxious for religion to fill the moral void. The eyes of the



Conflict

students widened with disbelief when I told them that in the United States such a thing was not generally allowed. That to them was a hallmark of the repressive Soviet system.

I believe in the separation of church and state—a concept implicit in the United States founders' vision and the terminology of the First Amendment to the Constitution. It is the protection against both the religion of humanity propounded in Communist times and the compulsion to faith again likely, even with the best of intent, in religiously hungry places, such as Latvia. How curious a convergence of opposites that now well-meaning religious voices in these United States are decrying the separation and calling for a state-led moral revival—such is the stuff of red banners, persecution, and intolerance.

True religious freedom allows even the irreligious the right to dissent, and all sorts of private religion to practice. But the tide, the convergent current, is against that. France in particular among Western examples is aggressively targeting socially suspect religions and cults under anti-cult laws. Registration of acceptable reli-

gions there is inherently promoting them and allowing ever more extreme measures against the nonregistered cults. And in a newly "faithful" Russia, religionists loyal to what they intend to be the state religion are using the registration process to delegitimize as many "cults" as they can.

Are we seeing the makings of such crashes in the United States? I am afraid the evidence points that way. Cut loose of history, carried along by mass mood, less restrained by the calming voices of reason, we are moving toward crisis on several levels. As I write this the post-presidential-election wrangle for legitimacy is in process. It has revealed beneath the superficial voter apathy a rapid hardening of ideology (as well as an abysmal ignorance regarding the electoral college system). Pushed too far, a contest such as this may threaten in a palpable way the social contract. Leaders in such a situation seek extreme concessions to "buy back" the contract.

This issue touches more than tangentially on some of the concerns I raise to the dynamics of convergence. Some of the articles

show the conflict already forming.

"Tolerating the Intolerant" analyzes just one of many troubling developments in a polarizing election. Against a background of ecumenical convergence a university was publicly attacked and government censure attempted. How should our society deal with such situations? It could easily lead to something akin to the inherently repressive policy of France today.

The term cult is almost automatically pejorative to most, but as "Cults in the Crossfire" points out, today's legitimate faiths began under that designation. But if the experience at a Maryland cult task force is any indication, there is a reflex tendency to condemn and disallow any group outside the religious norms. Troubling indeed in a land in which religious faith is ostensibly protected by constitutional mandate.

"When Rights Clash" shows the incredible convergence possible as our society confronts unorthodox belief. In Communist times religious and other dissidents were routinely deemed mentally unfit, and committed to institutions for reeducation. This article documents how a cult member is imprisoned because her mental

state is suspect, and her future actions "might" be illegal. This is a dangerous path of legal logic to follow, even if the woman and the cult are as deluded as it seems.

Much of the danger of convergence lies in the desperate efforts sure to come from those resisting the cultural and religious melange it tends to create. There is indeed a culture war, but soldiers are being recruited by emotional and often misleading rhetoric. Canadians too are having to deal with this call to arms and evaluate how to respond. "A New Day in Canada" shows concerns shared throughout North America.

Conflict may be inevitable in this age of convergence, but it does not have to displace our commitment to freedom—and in particular our freedom of religion. "The Revolution of 1800" should somewhat moderate the sense of derailment in this election. The American republic has held its course in other challenges, and by applying the Constitution fairly can do it for many crises yet to come.

LINCOLN E. STEED



The Christian State

It is easy to think that the church has a lot of different objects—education, building, missions, holding services. Just as it is easy to think the state has a lot of different objects—military, political, economic, and what not. But in a way things are much simpler than that. The state exists simply to promote and to protect the ordinary happiness of human beings in this life. A husband and wife chatting over a fire, a couple of friends having a game of darts ..., a man reading a book in his own room or digging in his own garden—that is what the state is there for. And unless they are helping to increase and prolong and protect such moments, all the laws, parliaments, armies, courts, police, economics, etc., are simply a waste of time. In the same way the church exists for nothing else but to draw men into Christ.... If they are not doing that, all the cathedrals, clergy, missions, sermons, even the Bible itself, are simply a waste of time.

C.S. LEWIS, *Mere Christianity* (Simon and Schuster, 1943), page 155.