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A Magazine of
Religious Freedom
Vol. 99, No. 4
July/August
2004

ALL MLK PHOTOS/CORBIS BETTMAN



With Soc

al Justice

By DAVID A. PENDLETON



Separation of church and state means a lot of things. But it does not mean that the faithful have no voice in the public square. It certainly does not relieve believers from urging government to act with wisdom, justice, and righteousness. And it clearly should not bar personal involvement in matters of law and public policy.

The United States Constitution is the highest law in this land. In two different places this most authoritative of legal documents has clauses relating to religion. The first appears in Article VI in the actual body of the original Constitution ("no religious test shall ever be required as a qualification to any office or public trust under the United States"). The second place in the Constitution where religion appears is at the very start of the First Amendment, which was added to our Constitution in 1791 as part of the Bill of Rights. One clause guarantees that religion is not to be established by the government ("Congress shall make no law respecting an establishment of religion"); the other clause guarantees the free exercise of religion ("or prohibiting the free exercise thereof"). The Constitution in this way implicitly recognizes that government and religion are best served when they are allowed to operate freely in their separate spheres. The church should neither be a tool of government nor lord it over government. Initially these clauses operated as a check only on Congress's powers, but subsequently these clauses were applied to the respective states. Thus religious freedom was secured against all levels of government.

Unfortunately, there are those who have felt that separation of church and state means that there is no proper role for involvement in public life by those who have religious beliefs. This was never the intent of the Constitution or its framers.

Today I am an attorney admitted to practice in California and Hawaii. That almost did not happen. Partly this was because I was also interested in other areas of study and work. I was also given strong and sincere counsel against pursuing law. These people saw it as a profession inherently in conflict with the Christian calling. The desire to win a case, they told me, might lead one to compromise one's religious principles. Others told me that separation of church and state is not so much a constitutional principle as it is a

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safeguard to protect innocent young people from the corrupting influences of those involved in law or politics.

Christians have come a long way over the past few decades. Today we not only recognize that one can be a Christian lawyer, but virtually all Christian denominations regularly consult lawyers and rely on them to ensure that we have all the i's crossed and the o's dotted. Though years ago in a Christian high school I received advice against pursuing

emphasis was on making disciples, not persuading Caesar about their point of view."

Thomas is correct in arguing that the church was never primarily an instrument of temporal authority or societal change. The emphasis of the church was to save souls for eternity and to point people to a King and kingdom not of this world. But the tenor of his article can easily lead one to think that social or political involvement is not appropriate if you are a Christian. I don't think this was his belief, but even if it were, Thomas does not have the last word on this topic.



Martin Luther King, Jr., too to the streets and the segregated to end Segregation

law, students there now can find excellent advice on prelaw studies and can enter internships with government officials. In fact, students can intern in the legal counsel offices at my church's national and international headquarters. This is true for many denominations.

Of course, the ambivalence concerning the juxtaposition of law, politics, and religion is shared not only by believers but also by nonbelievers.

Over the years many hostile to faith have argued against involvement in lawmaking or politics by believers. Christians, they suggest, should just stick to church work.

Devoting one's life and energy to the work of the gospel is biblical (cf. Matthew, chapter 28). Yet we ought to be careful about discouraging any group of citizens from involvement in the lawmaking process simply because they have religious beliefs.

Conservative columnist Cal Thomas recently published some provocative comments on this topic. He wrote that "the Christian church was intended to be, not a hierarchy, but a 'lowerarchy.' As Jesus instructed His disciples when sending them out to share His redemptive message: 'Do not take along any gold or silver or copper in your belts; take no bag for the journey, or extra tunic, or sandals or a staff; for the worker is worth his keep' (Matthew 10:9, 10, NIV).^{*} The

Consider that the Nicodemus mentioned in the New Testament was an important government official. Consider that the centurion who went to Jesus seeking healing for his servant was an important government official. Consider that the kings of Israel were important government officials.

Undoubtedly, there is a role of involvement for believers to play in the public sphere. People of faith, simply because of and by virtue of their faith, cannot be excluded from the practice of law or the legislative process. We Christians believe that we have been called to be in the world but not of the world. Surely this calls for participation, not withdrawal. In fact, it calls for concerted participation that is true to our Christian faith.

This certainly does not mean that we will work for a theocracy. But it does mean that we are to be salt and light wherever we may find ourselves—even, and perhaps especially, if we find ourselves serving in a king's court, as did Daniel; or tasked with saving a people from famine, as did Joseph; or called to serve "for such a time as this," as did Esther.

King David of the Old Testament was a noted shepherd and psalmist. But he was also a skilled administrator, gifted ruler, and great, if somewhat controversial, king. The history of the Jewish people records his seeking to rule consistently with God's will. One passage is reminiscent of the shepherd who became king: "He who rules over men must be just, ruling in the fear of God" (2 Samuel 23:3, NKJV).[†]

Jesus' first cousin, John the Baptist, did more than just preach of repentance. He applied his theology to the real-

world circumstances of his own time and place. In fact, he directed his remarks to a politician and criticized King Herod, saying, "It is not lawful for you to have your brother's wife" (Mark 6:18, NKJV).

Some today would say that a preacher should not speak to current political happenings or that a churchgoer should not be involved in politics. But such circumscribing of a faithful believer's speech is not biblically supported and, in fact, flies in the face of the numerous statements of the Old Testament prophets who spoke of caring for the downtrodden and the less fortunate.

Much of what we find in the Bible is an exhortation to social justice, not just other-worldly theology.

Protestant theologians such as Martin Luther and John Calvin, as well as Jewish scholar Moses Maimonides, saw the call to social justice as inherent in the Scriptures. Catholic theologians Augustine

and Aquinas noted that there was a social component to God's call to righteousness.

The abolition of slavery occurred not just because President Abraham Lincoln was a president with a deep and sincere faith, but because many others of faith—preachers and laypeople—spoke out and got involved in mobilizing public opinion to end slavery in the United States.

Mother Teresa was known for her selfless and dedicated work in India. But few know that she also showed acts of compassion among the very poor in urban America. Here she had to deal with government, often seeking modification and accommodation of rules and regulations in order for her ministry to take place. In one instance a building code required installation of an elevator. Such an expense would have put this particular aspect of her ministry out of business. Mother Teresa had to work closely with government to enable her ministry, satisfying the requirements of Caesar as she sought to attend to the needs of the poor. Such involvement and interaction with government grew out of, and was not in conflict with, her faith.

Martin Luther King, Jr., took his faith to the streets and the segregated lunch counters to end segregation. We owe this Baptist minister our gratitude for calling attention to such injustice. One cannot imagine the civil rights movement in America without the key work of the Southern Christian Leadership Conference (SCLC).


People of faith have become involved in public matters in other countries and at times of great social stress. German theologian Dietrich Bonhoeffer and other non-conformist Protestants of the "Confessing Church" spoke

out against and openly opposed the führer, Adolf Hitler. They, in fact, not only spoke truth to power but also put their very livelihoods and lives on the line. Bonhoeffer ultimately was imprisoned and executed for his involvement in an assassination attempt against Hitler. These believers felt that their faith compelled not simply dissension, but open advocacy on behalf of justice and against the discrimination and genocide directed at the Jews in their midst.

One of the most important pronouncements of Jesus, made at the very end of His earthly ministry, is recorded in Matthew, chapter 28. We call His remarks the Great Commission. Jesus declared, "All authority has been given to Me in heaven and on earth. Go therefore and make disciples of all the nations, baptizing them in the name of the Father and of the Son and of the Holy Spirit, teaching them to observe all things that I have commanded you; and lo, I am with you always, even to the end of the age" (NKJV).

There is nothing—including the practice of law or campaigning for office or involvement in the legislative process—that is beyond the ken of God's sovereignty and care. There is no human undertaking that need not be accountable to God and cannot be redeemed by the sincere and conscientious involvement of godly folk.

People of faith are to speak to this world not only through our words but also through the work of our hands. That work may include advocacy of laws that meet the needs of those who are poor, homeless, hungry, and naked. Such governmental care does not preclude the church from direct care of those who are needy, nor is it a substitute for personal acts of charity. But such governmental intervention complements the work of the church. And it is not a violation of church-state separation to call the government to do what is morally right.

It is instructive to note that one of the decisive indicators of a follower of Christ was whether one ministered to those who are needy. When an attorney asked Christ about who would qualify to be a neighbor and hence receive kindness and support from another, Jesus told the story of the good Samaritan. When a rich young ruler asked Jesus what must be done to be saved, Jesus answered that obedience to the law was important and that caring for those who were poor was an essential part of genuine obedience. Each of these answers indicates that the Bible has real implications for society. Religion is not just something one does on the weekend. It consists not simply of praise songs or hymns and a sermon. It means living out one's faith in the world but not as the world. 

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is Faith lunch counters

General Conference of Seventh-Day Adventists
Washington, D. C. May 22, 1905.

To His Excellency President Roosevelt:-

The world's Conference of Seventh-Day Adventists is now in session, at Takoma Park, in this city. From this body we have the honor of being a deputation chosen to extend to you the greetings of our people.

While our Saviour is the King of kings and Lord of lords, still, as Christians, we recognize that Civil Government is of Divine ordinance; and, while, in accordance with His command, we render to God the things that are God's, we also, according to the same command, cheerfully "render unto Caesar the things which are Caesar's." As Protestants, we believe in the American idea of Civil Government. The principles upon which this national government was founded are our principles. We therefore honor the names of Washington, Jefferson, Madison, Lincoln, and others of your predecessors who stood for the great principles of Civil and Religious Liberty, and approve your own position on the side of the rights of the people.

We wish you long life, and success in all that makes for the glory of God and for the peace and prosperity of this nation and of the world.

THE above is a facsimile copy of an engrossed address from the General Conference of Seventh-day Adventist to President Roosevelt, to which were attached the names of 40 delegates, who, on the date named, waited on the president, and presented the address to him. Originally printed in *Liberty* Special Issue 1906.



Political, *not* Religious

During Jefferson's eight-year term in office, and in the ensuing eight-year tenure of James Madison, religion and the churches managed not only to survive but even to multiply on a grand scale. Neither president worried about the growth of religion, but only about maintaining its freedom. For example, in 1802 Jefferson explained in the draft of a public letter why he did not proclaim religious feasts or fasts, as both John Adams and George Washington had done before him. He did not do so, he noted, because in his view the First Amendment prohibited political leaders from acting like religious leaders. Then, after quoting the relevant words of the amendment, he added this crucial phrase: "thus building a wall of separation between church and state." Jefferson's "wall of separation," though found nowhere in the Constitution, by a twist of fate became more familiar to U.S. citizens than the constitutional language itself.

—CHURCH AND STATE IN AMERICA,

by Edwin S. Gaustad, Oxford University Press, 1999, p. 51.

The Power

By
D. JAMES KENNEDY

In the summer of 1954 Senator Lyndon B. Johnson had a problem: what to do about powerful anti-Communist organizations that threatened his Senate reelection. The answer proved amazingly simple.

On July 2, as the Senate considered a bill to revise the tax code, Johnson offered a floor amendment to ban all nonprofit groups from engaging in political activity. Without hearings or debate—without so much as a speech by him to explain and justify his far-reaching measure—the Senate passed the Johnson amendment on a voice vote.

Johnson targeted his political opponents, but churches were caught up in the ban. In just minutes and without debate, churches, for reasons that had nothing to do with the separation of church and state, were stripped of their liberty to participate in America's political life.

That will change if the Houses of Worship Free Speech Restoration Act, introduced by Representative Walter Jones, and cosponsored by 165 other members, becomes law. Jones's bill will reverse Johnson's ban and return the protection of the First Amendment to America's churches, synagogues, and mosques.*

It will restore to churches a freedom and role that dates to America's infancy. Nineteenth-century historian John Wingate Thornton said that "in a very great degree, to the pulpit, the Puritan pulpit, we owe the moral force which won our independence."

The British would likely agree. Disgusted at the black-robed clergy's prominent role in stirring the colonies to fight, the redcoats called them the "black regiment." The governor of Massachusetts complained that Calvinist pulpits were "filled with such dark covered expressions and the people are led to think they may lawfully resist the King's troops as any foreign enemy," Marvin Olasky reports in *Fighting for Liberty and Virtue*.

Politician and writer Horace Walpole declared in Parliament that "Cousin America has run off with a Presbyterian parson." Walpole was most likely referring to John Witherspoon, a Presbyterian minister, president

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Quint of the



of Princeton, and a signer of the Declaration of Independence. Witherspoon, who was accused of turning his college into a "seminary of sedition," was the most important "political parson" of the Revolutionary period, according to the Library of Congress.

He was so persuasive, Olasky writes, that a British officer called him a "political firebrand, who perhaps had not a less share in the Revolution than Washington himself.

ment," one member of the clergy, William Gordon, declared in defiance that "there are special times and seasons when [the minister] may treat of politics." To do otherwise was not possible for New England's ministers, who, as God's watchmen, had been faithfully applying God's Word to every area of life since the first generation arrived in Massachusetts.

"Watchmen upon the walls must not hold their peace," the Reverend Moses Parsons told the Massachusetts Council and House of Representatives in his 1772 election sermon. "They must cry and not spare, must reprove for what is amiss, and warn when danger is approaching."

The legislative *Remedy* Act, cited by Kennedy churches to ac

In the mid-nineteenth century, evangelical Christians were primary agents in shaping American political culture, according to Richard Carwardine, author of *Evangelicals and Politics in Antebellum America*. "Political sermons, triumphalist and doom laden, redolent with biblical imagery and theological terminology, were a feature of the age," he writes.

One minister distilled the question before voters in the 1856 election as a contest pitting "truth and falsehood, liberty and tyranny, light and darkness, holiness and sin . . . the two great armies of the battlefield of the universe, each contending for victory."

Language like that might today earn a visit from the Internal Revenue Service. It did in 1992 after the Church at Pierce Creek in Vestal, New York, placed a newspaper ad warning Christians not to vote for Bill Clinton for president. Such a vote, the ad warned in rhetoric echoing 1856, would be to commit a sin. The IRS took notice and three years later revoked the church's tax exemption.

Aggressive toward Pierce Creek, the IRS has at other times looked the other way. In 1994, for example, New York governor Mario Cuomo campaigned for reelection on a Sunday morning at the Bethel African Methodist Episcopal Church in Harlem. "Cuomo was rewarded with a long, loud round of applause and an unequivocal endorsement from the pastor," according to a *Newsday* report. The American Center for Law and Justice, which represented the Church at Pierce Creek, uncovered evi-



He poisons the minds of his young students and through them the continent."

But during the Revolutionary era it was the graduates of Yale and Harvard, serving in churches across New England, who laid out the theology of resistance that made war with Britain inevitable. "The ideology for revolution had been expounded for 150 years in New England's pulpits," Ben Hart wrote in *Faith and Freedom: The Christian Roots of American Liberty*. Back then the pulpit was the unchallenged focal point of public communication. The sermon was so powerful in shaping the culture "that even television pales in comparison," according to Harry Stout, author of *The New England Soul*.

One of the most provocative and influential sermons was Jonathan Mayhew's 1750 "Discourse Concerning Unlimited Submission and Non-Resistance to the Higher Powers." His message, quickly printed and read on both sides of the Atlantic, justified political and military resistance to tyrants and has been called "the morning gun of the American Revolution."

When General Gage sought to silence the incendiary messages sounding forth from New England's "black regi-

dence at trial that the IRS knew of more than 500 instances in which candidates appeared before churches, as happened with Governor Cuomo and Bethel A.M.E., but took no action to revoke these churches' tax-exempt status.

The unequal enforcement of the existing law is just one of several reasons that scrapping the political activity ban altogether is a good idea. The political activity restriction is a blatant violation of the First Amendment, is vague and burdensome, and is a marginalizer of churches at a time when America most needs a moral compass.

The First Amendment states that "Congress shall make

**This article by D. James Kennedy is particularly appropriate for an issue of Liberty that focuses on the need for moral activism and the need to distinguish it from purely secular political activity. The Seventh-day Adventist Church began publishing Liberty a century ago; at that time the church was in the forefront of a moral crusade to fight the liquor traffic. Visionary church pioneer Ellen G. White argued that members had both a civic and religious responsibility to fight the battle through social change and legislation. However, she and others cautioned against "partisan," or party, political action, and emphasized, as does Tony Campolo in the article "Dealing With Babylon," that church and state are*

of the Houses of Worship Free Speech Restoration *is less a remedy than an unprecedented empowerment for* *as Proxies for political parties*

no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech." Yet that is exactly what the Congress has done by silencing churches.

Nor is the political activity ban easy to obey. Not just endorsements, but voter education activities, such as voter guides that compare office seekers on issues, may violate the ban if they are perceived as partisan. Even addressing moral concerns, such as abortion, from the pulpit during an election campaign may violate the IRS rule if abortion, for example, is under debate in the campaign.

With so much uncertainty and so much at risk, silence is, regrettably, the only option for the minister who wants to ensure that the IRS does not open a file on his church. But when Caesar's demand for silence confronts the message of God's Word, ministers are forced into hard choices. That's what happened in Nazi Germany a generation ago. Many pastors submitted, and were silent. Others were not, and paid the price.

If, as has been asserted, we owe our liberties to the "moral force" of the pulpit, the censorship of that voice—for reasons that have everything to do with partisan politics and nothing to do with the separation of church and state—is a monumental mistake that should be quickly corrected. In a culture such as ours, which sometimes seems on moral life support, the voice of the church and her message of reconciliation, virtue, and hope must not be silenced.

two very distinct things—and that the church can easily compromise its higher calling if it entangles itself in matters of state and politics. In a Liberty article entitled "The Quest for Power and Influence," (May 2003) Rabbi Gerald Zelizer gave good reasons why the legislative remedy of the Houses of Worship Free Speech Restoration Act, cited by Kennedy, is less a remedy than an unprecedented empowerment for churches to act as proxies for political parties, even as those parties are limited under campaign reform legislation. He is correct in noting that practically speaking the government seldom troubles churches that are openly political—and when it does, the penalty is usually loss of tax exemption. There is need to ensure that such actions are not punitive and used to direct the voice of the church in ways the state would like. There is no doubt of the role of the pulpit in times past to stir the public on great causes. But the real power of the clergy lies in moral persuasion, not in appropriating the tools of the state in the manner that they were wont to do before the Reformation. And the tax exemption, colored no doubt by assumptions of church privilege dating back to times before the separation of church and state was imagined by society at large, is itself an acknowledgment of the non-political, spiritual nature of a church. We do need to ensure that in a post-9/11 climate we do not allow a suspicious government to muzzle any church group—Muslim, Christian, or any other. And all people of faith should be prepared to speak out on moral issues and expect their church leaders to do so.

—Editor.



In the days of the early church they looked at the government—they looked at the dominant societal system, the dominant political economic system, and had a name for it. They called it Babylon. You say, “Are you suggesting that the United States is Babylon?”

I contend that if you read the biblical book of Revelation carefully, you will see that what the writer is trying to do is to convince us that whenever the church finds itself in a particular political economic system, then, of course, that system must be referred to as Babylon. If I were in Mexico, the Mexican system—the Mexican government—would be Babylon. If I were in France, the French government would be Babylon. If I were in Germany, the German gov-

ernment would be Babylon. You say, “Are you suggesting that the United States is Babylon?” church and state is that unless there is clear differentiation between church and state—unless we make sure that Babylon has not seduced us into its corner by means of money—we will lose our prophetic edge. Separation of church and state isn’t important only because it keeps the government from influencing the church. Separation of church and state is crucial if the church is going to influence the government. If we take money from government, it’s as simple as this: whoever pays the fiddler calls the tune. If they are paying for our programs, they will be able to dictate what our programs are all about, and that is already happening.

A newspaper I picked up in Canada told of a man who previously worked with World Vision

DEALING

*The church
and the dominant
sociopolitical
order...*

By
TONY CAMPOLO

Ba

ernment would be Babylon. You say, “You’re calling the U.S. government Babylon?” Yes. And let me just say it’s the best Babylon on the face of the earth. I mean, if you’ve got to live in Babylon, don’t you want to live in this one? This is the best Babylon that’s ever existed in time and history.

The system is out to seduce—specifically, the system is out to seduce the church. And that’s exactly what’s going on right now with faith-based initiatives. It has become the most threatening seduction that I’ve ever seen come down the pike, because religious groups all over America say, “We could do so much more if we just had the money.” The truth is that we do have the money. We shouldn’t be looking to government for the money.

The real reason I am for separation of

and is now working with faith-based initiatives in Washington. And what he is now saying is that NGOs, particularly those that are working in developing countries, had better realize that if they criticize U.S. government policy concerning those areas, their funding will be cut off. I’m quoting now. “These religious groups have to wake up to the fact that they are now an arm of the U.S. government.” The Canadian newspaper article asked, “Does he not realize the incongruity?” When he was working with World Vision, he was constantly criticizing the Clinton administration for not doing more for North Korea, which was going through a famine. When he was working with the NGOs, he thought the church had a perfect right to critique the state and to call it into judgment. But all of a sudden,

when you get seduced by the system, your ability to critique the system has ended.

This has to be said—this has to be said loud and clear—and I've got to tell you that the faith-based initiatives are scary. A friend of mine submitted an application for funding for a faith-based program. We have saved the letter we got back from the government. Because, when they looked over the program, which had an extensive tutoring operation in one of the most needy sections of one of the most desperate cities in America, the comment was this: "We cannot give you any faith-based funding because your program is too faith-based." That was the actual wording!

They say, "Can't you draw a line between the

the Ten Commandments out of our courts?" You know that a lot of courts, particularly in Alabama, have the Ten Commandments sitting right behind the judge. And there's been a case in which there's been a call to remove the Ten Commandments. You say, "There's nothing wrong with the Ten Commandments." Yes, there is! The first of the Ten Commandments is this: "Thou shalt have no other gods before me." And I always ask my good evangelical fundamentalist friends a very simple question: "Does the God referred to in that commandment specifically relate to the Judeo-Christian God? The God that was incarnate in Jesus Christ?" They all say, "Of course." And then I ask, "Is it right in a pluralistic society to have Hindus, to have Buddhists, to have Sikhs, walk into a courtroom and be asked to say, 'Your God is above the gods that I worship'? Is that fair? Is that right—in a pluralistic society?" And I ask the question: "Does the first commandment, 'Thou shalt have no other gods

WITH

Baylor

social services on the one hand and the proselytizing"—as they call it—"on the other?" And my answer is no. In all that I do, Jesus is proclaimed—even when I don't speak the name of Jesus. I'm with Saint Francis, and I hope you are, too: that in all we do, we proclaim Christ, and sometimes we use words. But if you're asking me to promote a program that is devoid of conversion implications, you've got the wrong guy. Because, while I do not use social programs to convert people, I do make conversion part of all that I try to bring to people who are in desperate need, because I believe that people do need Jesus.

There's another place we have to be careful. My friends in the religious right know how to push emotional buttons. And they are playing big on this one. "Are we going to let them take

before me,' specifically refer to the Judeo-Christian God that we worship?" If it does—if it doesn't, then the Ten Commandments are relatively meaningless in the church—we have no right to impose our God on people who worship other gods, as false as I might personally believe those other gods to be. Freedom of religion requires this, so watch out for that Ten Commandments thing.

There is this to be said: that we live in a day and an age when those of us who are out to defend religious freedom have to speak loud and clear because, following September 11, the religious freedom of Muslims is being seriously threatened in our world. They are sending spies into mosques so that people can spy on what is being said there. And we're not saying a word. Oh, we screamed bloody murder when, in the

Soviet Union, spies were sent into churches to check on what preachers were saying. We were all upset when nations in Africa were sending spies in to make sure that nothing was said from the pulpit that was subversive to the government. And we were really ballistic when they spied on Bishop Tutu and all of those who championed freedom in South Africa, when the apartheid governments were sending spies into Black churches. We thought that was outrageous. Well, if it was outrageous to send spies into churches, then it is also outrageous to send spies into mosques. And I have to tell you, there are those who say, "Yes, but in the name of national security we may have to abridge certain religious freedoms."

question was asked, "Who makes the prayers in the public schools?" I was intrigued. Whenever I'm confronted in a discussion about prayer and public school and the reading of Scripture, I always ask the very serious question—your question—"Whose prayer?" And I always get the same answer: "Well, the prayer most people would pray. The Bible that most people would read from," which is intriguing. Because if you're a Baptist in Utah, does that mean that your kid has to go to school and listen to regular readings from the *Book of Mormon*? Is that what's implied? Or what about if your child is from Hawaii, where the dominant religion now is Buddhism? Or are we going to, in fact, have children listen to the Hindu Upanishad? After

W*henever I'm confronted in a discussion about prayer and public school and the reading of Scripture, I always ask the very serious question—your question—"Whose prayer?"*

I always remember the words of Benjamin Franklin, who said, "If, in fact, you sacrifice freedom in order to enhance security, you will end up with neither." What an important phrase to be reiterated at this point in history. This has to be said with great force, with great effectiveness. I'm worried about the whole abridgment of the Bill of Rights—the Patriot Act—which allows telephones to be tapped, asks mail carriers to check the mail that gets delivered to your home to make sure that no subversive material is brought in. And then we are told to call in, reporting on people that ought to be reported on—without having to give our name. I don't know whether you see the implications of that; I certainly do. To ask postal workers and television repairers to spy on American civilians in the name of national security is scary indeed. You say, "But there are real dangers." Freedom is always dangerous. Please understand that.

There is no such thing as a free society that does not live in a precarious state. And if you want to be freed from that precarious condition, then you'll have to give up your freedoms. And please understand, that's dangerous. When the

all, that is the dominant religion of that particular state. Come on, now! You've got to recognize that there are implications in this theme that is so easily propagated.

Of course, there's a lot of double-talk, isn't there? The double-talk goes like this: "We don't believe the framers of the Constitution ever really meant for the church not to be involved in government, and we have a right to be there praying and reading the Scriptures and..." You know the bit. The interesting thing is that, following the war on Iraq, we face a very serious problem. There will be a democracy established. At least that's what President Bush says is going to happen. And we now know that if there is a democracy, a Shiite government likely will be elected, which will curtail the freedom of the 1.5 million Christians who presently live in Iraq. Their ability to propagate, to evangelize, will be restricted. You might say, "Well, they never had it." Of course they did. As a matter of fact, I met Mr. Aziz in a green room before doing a television show one day, and we got to talking, and I began telling him about Jesus, not realizing

Continued on page 22



ILLUSTRATION BY RALPH BUTLER



By RONALD B. FLOWERS

IN SEARCH *of* *a* CHRISTIAN NATION

In recent years a number of church leaders have been pressing public claims that the United States has been a Christian nation since its beginning. Their argument is that the Founders of the nation were Christians, and that they wrote their Christianity into the Constitution and intended for this to be a Christian nation.

Here are some of the statements they use to support their position. "The religion of the First Amendment is traditional theism and, in particular, Christianity."¹ The government rested "squarely on Christian principles. . . . The Constitution was designed to perpetuate a Christian order."² Others speak of the Judeo-Christian tradition as the basis of the country. "Our values as a free people and the central values of the Judeo-Christian tradition are flesh of the flesh, blood of the blood. . . . We should not deny what is true; that from the Judeo-Christian tradition come our values, our principles, the animating spirit of our institutions."³ Others refer to the "biblical" base of American government.⁴

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ILLUSTRATION BY LAURA STUTZMAN





What motivates these claims of a Christian character for the nation? A great imperative comes from a desire to combat the perceived moral degeneracy of our time. In its early days our nation was more Christian and presumably more moral. That provides an appropriate golden age to which we ought to return. James Kennedy, minister of the Coral Ridge Presbyterian Church in Fort Lauderdale, Florida, and an ardent advocate of the Christian nation idea, said in March 1998: "There is nothing more powerful than an idea whose time has come. And the idea of reclaiming America for Christ has definitely come."⁵ Challenging Americans to adopt an improved national moral lifestyle is a laudable task, and squarely within the Christian mandate. But it is based on a false premise, for the Christian nation idea is wrong.⁶

The Christian nation argument is wrong for a number of reasons. The constitutional language does not support the idea. God is not mentioned in the Constitution, nor is Jesus Christ or Christianity. Indeed, the generic word "religion" appears only twice in the Constitution, in Article VI, "no religious test shall ever be required as a qualification to any office or public trust under the United States," and in the First Amendment, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." The Constitution is not antithetical to Christianity, but that is a long way from saying that it is a Christian document. To say that it is reads in much more than is there.

A companion argument is that the Founders, those who wrote the Constitution, were Christian and intended to create a Christian nation. But that is overstated, as well. Many of the Founders were not Christian. They were, of course, not atheists, either. They were rationalists, not Christian in any narrow or confessional sense. Some were Christian, but the body of the authors of the Constitution agreed that the document was to be a secular document, very supportive of religion, but not one that made Christianity or any other religion the religion of the republic.

"The political convictions of the men who struggled to ratify a 'godless' Constitution were not products of personal godlessness. Far from it! Almost everyone who participated in the debates about the Constitution shared a concern about the health of religion. . . . Many of the men who championed the godless Constitution stayed aloof from dogmatic forms of Christian faith, but most of them believed in a God who rewarded good and punished evil in an afterlife. They respected the moral teachings of Christ and hoped that they would prosper among Americans and in the churches that

Americans attended."⁷

They wrote a secular Constitution because they believed government should not be involved in matters of conscience.

Certain historical facts confound the arguments of contemporary sacred-nationers. One is that even during the time of the debates over ratification of the Constitution, many bitterly opposed ratification because the Constitution was not Christian enough. The secular nature of the Constitution did not escape the notice of many orthodox Christians of the time, and they opposed it on those grounds.⁸ How can latter-day Christian-nation advocates support their claims if people contemporary to the Constitution recognized that it was not a Christian document even as they adopted it?

In 1797 the United States finalized a nonpiracy treaty with Tripoli. Most of the articles have to do with the safety of shipping in the Barbary area and the protection of sailors. But Article XI, in order to assure the government of Tripoli that the United States held no animus toward Muslims, contained the following: "As the government of the United States of America is not in any sense founded on the Christian religion. . . ." The treaty, including this language, was ratified by the U.S. Senate and signed by President John Adams in June 1797 and became the law of the land under Article VI of the Constitution.⁹ Just eight years after the Constitution and five years after the First Amendment were ratified, the Senate and the president affirmed that

America was not founded as a Christian nation.¹⁰

The Civil War caused a flurry of efforts to amend the Constitution to make this a Christian nation. "The Civil War, so it seemed to thousands of religious Americans, was God's punishment, not only because of slavery, but because He was omitted from the Constitution."¹¹ The National Reform Association (NRA) sponsored an effort to rewrite the preamble of the Constitution to assert that America was a Christian nation.¹² The NRA appealed to President Lincoln to support its movement, and then introduced its language as a bill in Congress. In both cases the initiative was unsuccessful. It tried again in 1894 and 1910, with the same result.¹³ The failure of this initiative in the late nineteenth century raises the question: If the modern sacred-nationers are right that we have always been a Christian nation, why was the NRA effort possible? The answer, of course, is that the modern sacred-nationers are not correct.

Christian-nation advocates often cite the Supreme Court case *Holy Trinity Church v. United States*¹⁴ to support their argument. It was a case about whether the government could penal-



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ize a church for hiring a minister from another country, in violation of laws prohibiting importation of immigrants under employment contracts. The Court, in an opinion written by Justice David J. Brewer, found in favor of the church. Congress intended the law to prohibit the importation of people who would work at the lowest level of salary. Congress had not envisioned the law would prohibit the hiring of "ministers of the gospel, or, indeed, of any class whose toil is that of the brain." The law applied "only to the work of the manual laborer, as distinguished from that of the professional man."¹⁵

That would have been enough to decide the case. But Brewer went further. He held that it was inappropriate for the government to prohibit a church from hiring an immigrant minister because this is a Christian nation. He cited colonial charters and state constitutional language and concluded: "These, and many other matters which might be noticed, add a volume of unofficial declarations to the mass of organic utterances that this is a Christian nation. In the face of all these, shall it be believed that a congress of the United States intended to make it a misdemeanor for a church of this country to contract for the services of a Christian minister residing in another nation?"¹⁶

Sacred-nationers have henceforth cited this statement as convincing proof that this is a Christian nation. Yet their evidence is less than clear. Brewer, in his opinion, did not define what he meant by the phrase. Furthermore, in his other writings on the subject, of which there are several, he elaborated in a way that shows he did not mean that America is legally a Christian nation. He was speaking more of the history of Christianity in America and the appreciation of Christianity by Americans. Furthermore, the Christian character of America meant the separation of church and state and the appreciation for religious diversity, not trying to impose any religion on the population by law. In recognition of this he wrote: "No one is in duty bound as a citizen to attend a particular church service, or indeed any church service. The freedom of conscience, the liberty of the individual, gives to every individual the right to attend or stay away."¹⁷

He believed that the state could not make people better by legislation: "You may, through the agency of the lawmaking power, remove temptations, take away opportunities and inducements to wrong, but you cannot legislate a man out of vice and into virtue. No statute will write the ten commandments on the human heart or fill the soul with the gospel of love."¹⁸

The separation of church and state was a characteristic of a Christian nation for Justice Brewer: "Indeed, the very fact that [America] has no Established Church makes one of its highest

credentials to the title of a Christian nation. The greatest thought of the Master was that over the human soul there was no earthly sovereign."¹⁹

Many current evangelical Christians agree with Justice Brewer on this last point. Intensive research among evangelicals between 1995 and 1997 reveals that most of them do not think of the Christian nation concept as Christian imperialism seeking to dominate the country.²⁰ Nearly 40 percent believed that the Founders had created a nation in which religious freedom was available to all. That was what made this a Christian nation. "When evangelicals think of 'Christian America' in this way, they are . . . tapping a historical tradition of freedom and choice that reinforces the value of religious pluralism and liberty. . . . This meaning of 'Christian America' functions more to bolster liberal toleration than religious domination."²¹

The next most frequent understanding of evangelicals was that America is Christian in a historical way, i.e., that Christianity has had a significant role in the lives of Americans, more in the past than today. So, for some 35 percent of evangelicals surveyed, "the majority of faithful Christians' definition does not recommend a Christian Right agenda. They offer it simply as a matter-of-fact, empirical description of the past."²²

Although some did believe that the government and laws of the country do reflect a Christian character, the surveyors found that "most evangelicals do not even want Christianity to be America's established religion—much less want

America to be a formal Christian state. They fully believe in the American system of liberal, representative democracy. A careful reading of our interview discussions reveals that many interviewees defined 'Christian nation' in terms of representative government and balance of powers."²³

This means that the majority of evangelicals do not pay attention to or believe the Christian nation claims of the leaders of the Religious Right. This, incidentally, was also a finding of this extensive survey.²⁴


What shall we say then of the Christian nation idea? I rely on the words of those who have studied the issue deeply:

"However much honor is given to these and other founding fathers, we must not forget believers such as [William] Penn and [Roger] Williams who would defend liberty of conscience because religion was too precious a commodity to be bought and sold, or traded to the highest bidder, or surrendered to the strongest sword. . . . Yes, we are a religious people; no, it does not therefore follow that government must become the enforcer or supporter of this or that or all religion. . . . What



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good deed can government do for religion? The best deed of all: leave it free and unencumbered, burdened by neither enmity nor amity.”²⁵

“The creation of a godless constitution was not an act of irreverence. Far from it. It was an act of confidence in religion. It intended to let religion do what it did best, to preserve the civil morality necessary to democracy, without laying upon it the burdens of being tied to this or that political faction. The godless Constitution must be understood as part of the American system of voluntary church support that has proved itself a much greater boon to the fortunes of organized religion than the prior systems of church establishment ever were. . . . The framers of the Constitution knew perfectly well their predecessors’ beliefs about the necessity of enforcing religious orthodoxy to preserve social peace. But they committed themselves and the United States to another option—one that recognized that social peace and personal happiness are better served by separating religious correctness from public policy. The success of what they proposed should still fill us with amazement and with gratitude.”²⁶ 



¹ John H. Whitehead and John Conlan, “The Establishment of the Religion of Secular Humanism and Its First Amendment Implications,” *Texas Tech Law Review* 10 (1978): 2.

² Russ Walton, *One Nation Under God* (Old Tappan, N.J.: Fleming H. Revell Co., 1980), pp. 16, 23.

³ William J. Bennett, address to the Knights of Columbus (delivered Washington, D.C., Aug. 7, 1985), pp. 9, 12. Unpublished.

⁴ See Tim LaHaye, *Battle for the Mind* (Old Tappan, N.J.: Fleming H. Revell Co., 1980), pp. 37, 38; Jerry Falwell, *Listen, America!* (Garden City, N.Y.: Doubleday and Co., 1975), pp. 16, 27.

⁵ Christian Smith, *Christian America? What Evangelicals Really Want* (Berkeley: University of California Press, 2000), p. 21. (Italics supplied.) The statement was made at a Reclaiming America for Christ conference hosted by Kennedy’s church.

⁶ For a detailed refutation of the Christian nation argument, see the two-part article by Stephen M. Stookey, “In God We Trust? Evangelical Historiography and the Quest for a Christian America,” *Southwestern Journal of Theology* 41 (Spring 1999): 41-69; (Summer 1999): 5-37. In spite of being published in a relatively obscure journal with careless proofreading, this is a fine article, worthy of attention. See also Mark A. Noll, Nathan O. Hatch, and George M. Marsden, *The Search for Christian America* (Colorado Springs: Helmers and Howard, expanded edition, 1989). These three evangelical historians make powerful arguments against the Christian nation concept.

⁷ Isaac Kramnick and R. Laurence Moore, *The Godless Constitution: The Case Against Religious Correctness* (New York: W. W. Norton, 1997), p. 44. See also Ronald B. Flowers, “On Preserving the Separation of Church and State,” *Lexington Theological Quarterly* 24 (October 1989): 110, 111; and Edwin S. Gaustad, *Faith of Our Fathers: Religion and the New Nation* (San Francisco: Harper and Row, 1987). A revised edition of this book was published under

the title *Neither King nor Prelate: Religion and the New Nation 1776-1826* in 1993 by Eerdmans Publishing Company.

⁸ Kramnick and Moore, pp. 26-45.

⁹ *Treaties and Other International Acts of the United States of America, Volume 2, Documents 1-40; 1776-1818*, edited by Hunter Miller (Washington: United States Government Printing Office, 1931), pp. 364-366. For the context of the treaty, see Rob Boston, “Joel Barlow and the Treaty With Tripoli,” *Church and State* 50 (June 1997): 11-14; and Morton Borden, *Jews, Turks, and Infidels* (Chapel Hill, N.C.: University of North Carolina Press, 1984), pp. 76-79.

¹⁰ David Barton, one of the most ardent of Christian nation advocates, on his Web site attempts to show that the Treaty of Tripoli does not deny the Christian nation concept. He does not succeed. See www.wallbuilders.com/resources/search/detail.php?ResourceID=5.

¹¹ Borden, *Jews, Turks, and Infidels*, p. 61.

¹² The proposed language was: “We, the people of the United States, humbly acknowledging Almighty God as the source of all authority and power in civil government, The Lord Jesus Christ as the Governor among the Nations, and His revealed will as of supreme authority, in order to constitute a Christian government . . . do ordain and establish this Constitution for the United States of America.”

¹³ Kramnick and Moore, p. 146.

¹⁴ Kramnick and Moore, pp. 144-149; Borden, pp. 58-74. *Holy Trinity Church v. United States*, 143 U.S. 457 (1892). The following analysis is based on Steven K. Green, “Justice David Josiah Brewer and the ‘Christian Nation’ Maxim,” *Albany Law Review* 63 (1999): 427-476.

¹⁵ 143 U.S. 457, p. 463.

¹⁶ 143 U.S. 457, p. 471.

¹⁷ David J. Brewer, *The United States, a Christian Nation* (Philadelphia: John C. Winston Co., 1905), p. 54; Green, p. 458.

¹⁸ David J. Brewer, “Address at the Dedication of the New Building at the Normal School,” *Emporia Gazette* (June 25, 1880), p. 29 (transcript in the Brewer family papers collection at Yale University); p. 461.

¹⁹ David J. Brewer, *American Citizenship* (New York: Scribner’s, 1902), pp. 21, 22; Green, p. 461.

²⁰ “Intensive research” means not just mail or telephone questions, but extensive conversation with self-identified evangelicals. See Smith, p. 2.

²¹ *Ibid.*, pp. 26, 27.

²² *Ibid.*, pp. 27, 28.

²³ *Ibid.*, p. 29.

²⁴ *Ibid.*, p. 7. On that page Smith says: “A most common error that observers of evangelicals make is to presume that evangelical leaders speak as representatives of ordinary evangelicals. In fact, evangelical leaders do not simply give voice to the thoughts and feelings of the millions of ordinary evangelicals. Nor do ordinary evangelicals simply follow whatever their leaders say—assuming that they even listen to them much.”

On page 26 he notes: “What is most interesting, however, is to pay close attention to what these evangelicals mean by ‘Christian nation.’ For when one hushes the rhetorical echoes of the James Kennedys and Pat Robertsons, and refrains from projecting Christian Right discourse onto the speech of ordinary evangelicals, one notices a tremendous variety of meanings attached to the phrase ‘Christian America,’ many of which have little if anything to do with organizing a Christian control of American culture and society.”

²⁵ Gaustad, pp. 27, 138, 137.

²⁶ Kramnick and Moore, pp. 24, 177.

Babylon

Continued from page 15

that he himself was a Christian. And he said, "Would you come to Iraq and conduct evangelistic services? My church would love to have you." And I did get the invitation. Stupidly, I didn't accept it because I had some other engagement that I didn't want to cancel. I should have gone. But the truth is, they could hand out Bibles; they could preach; they could do all kinds of things. They had a tyrant running the country. But this can be said—the church had freedom. I'm not sure that's going to be the case in the future.

saying terrible things. Leading evangelists and television evangelists are saying such things as "Muhammad is a terrorist"—saying such stupid things as "The man was a pedophile." Don't these people understand how this plays out for our missionaries who are trying to serve Jesus Christ in Muslim countries? Do you know what happens when a television evangelist makes a statement like that and it spreads from coast to coast and makes the front page of every newspaper in America? Don't you know that it also makes the front page of the newspapers in Saudi Arabia and in Malaysia, and that Christian missionaries who have been trying to be friends with Muslims suddenly are looked upon as enemies?

I contend this: that religious freedom is not the right of the majority to impose its spiritual commitment on the rest of the society

Adlai Stevenson said it well. "A democracy is not a society that does the will of the majority." Let me repeat that: "A democracy is not a society that does the will of the majority. A democracy is a society in which it is safe to be in the minority." That's a great definition of a democracy.

I contend this: that religious freedom is not the right of the majority to impose its spiritual commitments on the rest of the society, but it is a society in which people who have minority opinions find that it's safe to exist in that society and to propagate their beliefs.

Babylon is out to seduce us. Every Babylon is out to seduce! Every Babylon is out to seduce the religious institutions into its fold, because no government feels more legitimated than when, in fact, it has religious legitimation.

We have made God into an American. And we have created a situation in which we believe that God is, in fact, ordaining America to establish Pax Americana around the world. We feel we have a right to invade countries and impose our values on other peoples. I've got to tell you something; it's frightening.

I listen to some of our Christian brothers

I've got to say, the time has come for us to not only propagate religious freedom here but also sit down and carry on Christian-Muslim dialogues on the issue of religious freedom. We don't have to sit down with the Muslims and say we all believe the same thing, we all worship the same. . . yada yada yada. All that syncretism drives me up a wall. I'm not asking us to compromise our convictions, our beliefs, our doctrines. I am saying that we want all peoples in all places of the world to enjoy the same kind of religious freedoms that we have here in the United States. We've got to watch out for the seduction of Babylon. But we've got to, in fact, guarantee that the New Jerusalem has a right to exist in all the Babylons of the world.

Another issue: Babylon demands worship. I worry about the merging, rather than separation, of church and state. I tell you this—I've done this with my students at Eastern University where I've taught for so many years—I said, "I want you to run a sociological experiment in your church. With your pastor's permission, remove the cross from the front. And then sociologically evaluate the

reaction of people. Then put the cross back; wait two weeks. Two weeks later, remove the American flag. And check the reactions." The experiment always succeeds. People react much more violently to the removal of the American flag than the cross! You can't stand up and say, "In Christ there is neither Jew nor Greek, bond nor free, civilized nor barbarian. We are a movement that transcends national commitments," and then put a national symbol up front to be revered. That becomes part of the idolatry of our society.

asked me to come and speak at this school—and it was incredible, because they were saying all these nice patriotic things, which I loved. They were good things, because I do love this country. Somebody would say something wonderful about America, and the children would all say in unison, "America will live forever." Another good state-

ment was made, and then they repeated, "America will live forever." I hope this country lives a long, long time; but no system lives forever. There will come a time when this Babylon, like every other Babylon on the face of the earth, will fall.



n the

In his book *The Elementary Forms of the Religious Life*, Emile Durkheim made the following points:

1. A group of people operating in time and space will develop certain traits and values that will make them quite distinctive.
2. They will symbolize those traits with some animal. Strong as an... ox. Wise as an... owl. Sly as a... fox. We have this tendency to associate social traits with animals. It's called totemism. From whence we get the totem pole.
3. The people in the tribe begin to worship the animals.

But now Durkheim springs his trap. If people end up worshipping a deity that is nothing more than an incarnation of their own traits and values, what are they really worshipping? Themselves. And so it's Durkheim's conclusion, as any sociologist will tell you, that religion is nothing more than a group of people worshipping a symbolic incarnation of their own traits and values—that it's nothing more than the group worshipping themselves.

I was in a little gathering of students—you know I get to speak at a lot of schools, and they

I always say to my students, "Someday the system will fall. I pray, and I work for its continuance, but it will fall one day. And if this system does fall, how will you react?" The answer, of course, depends on where you have invested. Have you invested your life in the system that passes away? Because the Bible says all systems pass away. Or have you invested in the kingdom that is everlasting? Our task is to get young people to invest their lives in the kingdom of God and, as citizens of the kingdom, to recognize that they live in Babylon as ambassadors from the strange and distant land called the kingdom of God. □

Excerpted from an address at the Religious Liberty Council Luncheon, Charlotte, North Carolina, June 27, 2003. Tony Campolo, Ph.D., is professor of sociology at Eastern University, St. Davids, Pennsylvania. His teaching career has also included 10 years at the University of Pennsylvania. This much-in-demand lecturer and author (nearly 30 books) is also associate pastor of the Mount Carmel Baptist Church in West Philadelphia, Pennsylvania.

IRLA president Dr. John Graz presented the award to Professor John Bauberot, member of the French Presidential commission on Laicity.



Right: James Standish (NARLA), *Liberty* editor Steed and Dr. John Graz introduce the event sponsors.



Liberty Dinner Draws Global Religio TO HONOR A

Close to 200 people attended the annual Religious Liberty Awards Banquet sponsored by *Liberty* magazine and the International Religious Liberty Association (IRLA), in cooperation with the Seventh-day Adventist Church.

"This dinner had a unique international dimension," said Dr. John Graz, secretary-general of the IRLA.

Liberty editor Lincoln Steed noted that "while religious liberty is threatened in many ways around the world, the broad participation of national representatives and international freedom advocates at this event shows a determination to defend this special freedom."

Highlights of the April 7 dinner, held in the historic United States Senate Caucus Room on Capitol Hill, included an address by Senator Sam Brownback (R-Kansas) and an impassioned keynote by Dr. Barry Black, chaplain of the United States Senate.

Senator Brownback attributed his interest in promoting human rights around the world to an insight gained when, as he said, "a few years back I had the good fortune of having cancer." The life-threatening illness "made me think" about the legacy he wanted to leave for a career in public service: citing Luke 12:48, the senator asserted "to whom much is given, much will be required."

Those denied religious freedom, he said, "deserve our efforts" to help assure those rights. He said those blessed with

liberty must, as the Bible enjoins, "remember those in prison as if you were their fellow prisoners, and those who are mistreated as if you yourselves were suffering." Hebrews 13:3.

People suffering from religious oppression "want us to elevate" their case to world attention, Brownback said.

Additional encouragement came from Chaplain Black, retired U.S. Navy Chief of Chaplains, who was appointed to his Senate post in mid-2003, and was the first African-American, the first Seventh-day Adventist pastor, and the first military chaplain to get the job. Addressing the audience, which included religious liberty workers from around the nation and overseas, he cited Ephesians 5:16, and urged, "These are evil days, so make every minute count."

He said workers should "cherish activity—even Zacchaeus was climbing a tree" when Jesus addressed him.

"I believe so many are afraid of dying because they have not truly lived," Chaplain Black said, echoing Senator Brownback's personal testimony about a need for social activism on behalf of religious freedom. The senator noted that his near-fatal illness caused a reevaluation of his priorities, much in the same manner as pizza magnate Thomas Monaghan is using his fortune for Christian causes.

The true "stars" of the evening, however, were not only the speakers, but also those honored by the IRLA for their efforts in promoting religious liberty around the world. At



Lincoln Steed, Dr. John Graz and Alan Reinach (NARLA director for California and other western states), present a Liberty Award to Walt Pontynen—for his efforts in Championing the role of Roger Williams.

Senator Sam Brownback gave a stirring call to individual action on religious liberty issues.



edom Interest

DEFEND

By MARK A. KELLNER

the top of this list was Professor Jean Bauberot, a professor at the famed Sorbonne University in Paris and a member of the French Presidential Commission on Laicity, or the separation of church and state.

In accepting an award from *Liberty* magazine and the IRLA, Professor Bauberot noted that the work of securing religious freedom in France continues, with the recent government action to curtail the wearing of certain religious articles—including the Muslim hijab, or head scarf—in public places, including schools. He said that such rights should not be blocked and commented on the need for greater understanding among peoples.


Anatoly Krasikov, professor at the European Institute of the Russian Academy of Sciences in Moscow was another honoree, noted for his work in advising previous Russian presidents and, earlier, Soviet leaders, on religious affairs, as well as for serving as the first president of the IRLA's Moscow chapter. Professor Krasikov expressed appreciation for the recognition of his work, as well as noting that freedom of religion remains a challenge in Russia.

Seventh-day Adventist pastor Viorel Dima, general secretary of the Conscience and Liberty Association in Romania, was recognized for his work in supporting the religious rights of all people in his country. Dima noted that this was not as easy under the former Soviet-era regime, and said he

was pleased that there is greater freedom of conscience now.

Also honored for years of service to the cause of religious liberty was Derek Davis, director of the J. M. Dawson Institute of Church-State Studies at Baylor University in Waco, Texas. Honored, but unable to attend, was New York City transit worker Mary Myers, whose desire to observe the Sabbath led to a landmark legal decision in her favor against the Metropolitan Transportation Authority. A number of other longtime workers in the field were also recognized at the event.

The Religious Liberty Banquet is held to bring attention to the issue of religious liberty in the United States and around the world. It is attended by diplomats from more than 30 nations, along with representatives from the Congress and the U.S. Department of Justice, the Department of State, and the Equal Employment Opportunity Commission.

The IRLA is a nonsectarian organization founded in 1893 with the sole purpose of ensuring freedom of conscience for peaceful people of faith. *Liberty* magazine was founded in 1906 and today has a circulation of approximately 200,000 copies per issue. 

Mark Kellner, a regular contributor to *Liberty*, writes from Silver Spring, Maryland.



A CHAPLAIN TO THE

Senate

*A conversation between Senate
Chaplain Barry Black and Liberty
editor Lincoln Steed.*

Editor: *Did it ever cross your mind that you might one day be chaplain of the U.S. Senate?*

Black: I never thought about being the Senate chaplain. One of my favorite Bible verses is Ephesians 3:20, which says that God is able to do exceedingly abundantly above all that we can ask or imagine according to His power working in us. So I expected pleasant surprises in my life, and being invited to be the Senate chaplain has certainly been one such surprise.

Editor: *What is your personal mission in this post? What do you want to accomplish as you minister to the spiritual needs of this special community?*

Black: I see myself as a pastor to some 6,000 plus people. I see myself primarily as what Paul described in 1 Corinthians 4:1, 2, as a servant of Christ and a steward of the mysteries of God. For me stewardship involves a wonderful experience of growing up in the Seventh-day Adventist Church. It involves having had the privilege of matriculating in church schools from grade 1 through seminary so that I can bring the harvest of theological insights, pastoral sensitivity, communication skills, and interpersonal relationship skills into this venue. I am very excited about this challenge.

Editor: *It is obvious that this isn't just about projecting religion—you are getting to know people in a very personal way.*

Black: I believe in an incarnational ministry. I think that is why Jesus became a human being. I don't think that you can begin to be effective until you listen in order to learn, before you seek, to lead.

Editor: *Very good. Now, you have referred to the story of Daniel in the corridors of world power in his time, and I do think that there is a very good analogy to be made. Daniel served several different administrations—serving leaders with obviously different religious views. How do you relate to that challenge in today's political scene? Obviously not everybody here is a practicing Christian. Perhaps there are people of no faith. Certainly there are people of the Jewish faith; there could be Buddhists, and one day even Muslims.*

Black: There are probably people who haven't declared what their religious faith is. When I was in the Navy, the largest group statistically was the "no preference" group, which was simply made up of people who said, "I don't want you to know who I am or what I am." I am sure that there are Muslims and other religious traditions on Capitol Hill. Based upon my mili-

tary experience, I would be almost certain of that fact. The central draw for the diversity among Christians is Jesus, and we've learned that we have far more in common than we have in terms of differences. In the participation of the five Bible studies and in the prayer breakfast, I have sensed a tremendous unity. I have been pleasantly surprised at the significant percentage of people of faith on Capitol Hill. So it has really been a very smooth transition. Also, after providing ministry in a pluralistic setting of religious diversity for 27 years, this new setting is comfortable for me.

Editor: *Clearly there is more of a challenge since 9/11. I'm sure that your predecessors had to tread carefully on specifics of religion. Is there a danger in seeming to project Christianity too strongly in the present climate?*

Black: That would be more of a challenge for someone who was a pastor, who had very strong denominational boundaries. When you have been a military chaplain, accustomed to asking "What are we doing for our Islamic personnel? What are we doing for our Buddhist personnel? What are we doing for our Hindu personnel? What are we doing for our Jewish personnel?" as well as "What are we doing for our Christian personnel?" you speak inclusion as a native tongue and not with an accent.

Editor: *Sounds as though you are a good fit for a very challenging role.*

Black: During the interview for this position I made the point to the selection committee that you can buy a suit off the rack or you can buy tailor-made. That when you select a pastor from a specific congregation, as the Senate has done for my last five predecessors, you basically are getting someone with a specific denominational focus who must learn the language of inclusion. And they will always to some extent speak that language with an accent. When, however, you get an individual who has been involved from his youth in inclusive ministry, you get someone who speaks inclusion as his or her native tongue. On the one hand you've got off-the-rack, and if you've got the right physique, it looks pretty good. But tailor-made is always better.

Editor: *Your military chaplaincy background would indeed seem a perfect fit for this assign-*

I see myself
primarily
as what Paul
described in
1 Corinthians 4:1, 2,
as a servant
of Christ and
a steward of the
mysteries
of God.

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ment. There is a question that I have to ask you, one I am sure that you have thought through before. *Liberty* magazine has always stood for the principle of the separation of church and state. It's not a unique view, I mean, it is explicit in the First Amendment. There is much discussion, of late, on many fronts, about how to maintain that separation. The Supreme Court justices have commented on some of the public aspects of religion—such as your role as Senate chaplain—and they have

labeled most of them as “ceremonial deism.” In other words, cultural symbols that in themselves don't really cross this line of separation in a dangerous way. I think most people have respect for the faith context in which this country was established and have seen how it has worked favorably for the safety of all religious prerogatives. But how about this office you now fill: how can it operate effectively without further crossing that line of separation?

Black: The critical question for me is: What was the intention of our Founding Forebears? The establishment clause—that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof”—was written three days after the establishment of the House chaplaincy and the Senate chaplaincy. So we know just from the timing that the intention of that wall of separation was not to preclude the pastoral care for the legislative side of government—the invocations, the benedictions, and all of the things that we are involved with. We have a saying here that the separation of church and state does not mean the separation of God and state. And I believe that was the intent of the Founders. I mean, look at our money: “In God we trust.” Look at the Declaration of Independence—you know, endowed by our Creator with certain unalienable rights . . . and on and on it goes. So I don't think that you can get God out of the sociopolitical documents that form the foundation of our nation.

Editor: Obviously as Christians . . . as Seventh-day Adventists . . . you and I are very comfortable with that. Unfortunately, there are some in this country that are using the First Amendment and a skewed view of history to drive religion in general, not just Christianity, from the public view.

Black: It is isogetical, in my opinion, rather than exegetical. What they come up with from the primary sources is the key—and I think that is what the courts have looked at, and that is why they have decided favorably on the side of what we have been doing for a long time.

Editor: Let me ask a question that goes to the core of this nation's commitment to religious accommodation: Do you believe that it would fit the law as well as the intention of the Founders if we were to have—at some distant point, given your tenure—a Muslim chaplain, a Buddhist, or some representative of a more elemental religion? Is that even feasible, or would that absolutely be against the intention of the Founders?

Black: I don't think that it would be against the intention at all. Although, I think that the demographics would need to change. When you are selecting a chaplain, you are selecting him or her to meet the spiritual needs of a certain constituency. If that constituency were significantly Islamic, then why not have an imam?

Editor: We regularly print articles in *Liberty* countering the developing idea of some religious leaders that this was overtly intended to be a Christian nation. That is sort of a loaded argument. Of course, those in the eighteenth century would have assumed theirs to be a Christian society; whether they intended this state to protect that cultural norm is a more problematic assumption.

Black: Well, that's where experience in inclusive ministry comes to bear. One of my best chaplains in the Navy was an imam. He grew up Baptist and converted to the Islamic faith. He had a sensitivity for Christianity. He knew the Bible better than most, and he facilitated the needs of his people better than my Christian chaplains. So the ability of a non-Christian to cross the lines of religious traditions would make him or her effective in a role such as this. And if the selection committee said that this is what we need, and the package that this individual brings meets our needs most effectively, then why not. However, I don't think in our lifetime that there is any likelihood of that happening.

Editor: Given the tenure of your position, that seems a reasonable position to take. But we are in a period of intense change and stress, much of it of a religious nature. I know that one of your Bible heroes is Daniel in the courts of Babylon. But I believe you are as significantly placed as Daniel ever was. May God bless you as you work to nurture spirituality in this place of power. □

To the Unknown God

I find your magazine interesting and thought-provoking. In the latest issue, however, I found one of the letters to the editor to be puzzling, if not misleading.

A writer from Montana, whom I take to be an attorney or, at least, someone who attended law school, wrote: "I pulled out my pocket Constitution . . . and searched for any reference to a creator or any other religious reference in the preamble. I found none."

While I do not carry a copy of the Constitution in my pocket, I did memorize the preamble in high school, and I still have a copy that has a paragraph that states: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness" (emphasis mine).

Your comments at the end of his letter stated that he had made a good point, and made no reference to the above-mentioned paragraph of the Constitution. Did I learn a different preamble? It seems to me that "they are endowed by their Creator" is a clear reference to a creator. How did the man from Montana and your editorial staff miss it?

JOSEPH PHIPPS
Allegan, Michigan

Well, memory is not always what it's cracked up to be! The "creator" reference is from the Declaration of Independence. Yes, the Founding Fathers had respect for the Almighty, but they chose not to mention Him in the Constitution.—Editor.

False Alarm?

Alan J. Reinach ("Churches Attacked," *Liberty*, Jan/Feb 2004)

claims that a new law in California will force churches to "violate their faith" by forcing religious institutions to pay marital employment benefits to the church's gay employees.

Yes, that law does require religious institutions to pay the same benefits to "domestic partners" as they do to heterosexual partners. But what Reinach conveniently fails to drive home is that the requirement applies only to religious institutions that receive state money. It needs to be said again—only for religious institutions that receive state money. While he writes as if that is an insignificant technicality, Reinach sounds the alarm that churches are under attack! Batten down the hatches; the gays are invading the churches!

While Reinach presents himself as "seeking to protect the autonomy of [the churches] hospitals and colleges," he demands that the churches be allowed to receive state money. If he wants the churches to be autonomous, why does he demand a state sustenance?

He even admits that "such dependence [on state funding] has now made these institutions vulnerable to attack." If so, then why demand state funding? Reinach champions free exercise, but government involvement in churches only reduces the free exercise of religion.

Churches, or any other institution, that receive taxpayer funding cannot use that money in an inequitable manner. The fact that they are a church does not negate the fact that it is tax money from a public source. Gays pay taxes too. Reinach, in effect, argues that it is the right of churches to do whatever they please with government money.

Reinach's alarm is a false alarm. More than that, it is a call to unite

church and state.

In arguing that government must fund churches, Reinach actually prohibits the separation of church and state. The culminating statement of the article actually plants the suggestion that the separation of church and state may become a thing of the past. That may be just what he wants.

Reinach's article (and attitude) is typical of the hypocrisy and twisted logic of extreme conservative Christians. I'm surprised *Liberty* printed the article. Mr. Steed, why do you print articles that contradict

your statement of principles?

DEAN MILLER
Collegeville, Pennsylvania

Dean Miller may be a tad harsh on Alan Reinach, who in the article and consistently in other presentations warns against the entanglements/compromises churches themselves create in accepting government funding. Given that funding is a reality, the point of the article is valid: the California law, and others like it, can be seen only as an attack on faith prerogatives.—Editor.

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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.

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Liberty (ISSN 0024-2055) is published bimonthly by the North American Division of the Seventh-day Adventist Church, 12501 Old Columbia Pike, Silver Spring, MD 20904-6600. Periodicals postage paid at Hagerstown, MD. POSTMASTER send changes of address to *Liberty*, P.O. Box 1119, Hagerstown, MD 21741-1119. Copyright © 2004 by the North American Division.

Printed by the Review and Herald Publishing Association, 55 West Oak Ridge Drive, Hagerstown, MD 21741-1119. Subscription price: U.S. \$6.95 per year. Single copy: U.S. \$1.50. Price may vary where national currencies differ. Vol. 99, No. 4, July/August, 2004.

"I Walk the Line"

William Wilberforce's legacy was possible for two reasons. First, he was a committed Christian. Second, he was also a member of the British Parliament. Because of the first, he had a burning passion against the institution of slavery. Because of the second, he was perfectly placed to do something about it. For seventeen straight years he introduced a measure to abolish slavery and failed every time. On his eighteenth attempt, the measure passed. Wilberforce lived to see the slave trade abolished in the entire British Empire a month before his death.

But was Wilberforce right to do what he did? Every biography points to his conversion to Evangelical Christianity as the turning point in his public priorities. His dogged determination to legislate the abolition of slavery was undeniably motivated by a morality anchored in his faith. By legislating his personal morality based explicitly on his religious values, did Wilberforce cross a line from secular advocacy to the legal enforcement of religion?

Private Morality, Public Law

The question can be posed in other similar contexts. Was the Reverend Dr. Martin Luther King wrong to base his legislative efforts on his religious convictions? Were Gandhi, Washington, and Lincoln wrong to let their reli-

gious beliefs influence their public actions? Did Susan B. Anthony cross the line when her understanding of equality instilled during her Quaker upbringing persuaded her to fight for women's rights?

The answer to all these questions must be a resounding "No." Requiring public statesmen and women to abandon the underpinning of their morality when they operate in the public sphere would strip their public actions of the most important moderator. Further, to do so would deprive nations of the vital moral compass necessary to ensure the ship of state does not become the enforcer of such utilitarian nightmares as we witnessed in such aberrations as Communism and Fascism. Finally, such a separation of personal values from public actions is possible only in a world of fictitious actors. Whether enunciated or not, people are motivated by their most deeply held beliefs, and for virtually all humanity, our most deeply held beliefs are pervasively molded by religious values.

The Line

To accept that religious morality not only can legitimately motivate the public actions of leaders, but that it inevitably motivates public actions, does not, of course, mean that all religious morality can legitimately be legislated. The destruction of ancient Buddhist statues by the Taliban, the death penalty for

blasphemy in Pakistan, punishment for work on Sunday in Maryland, death by burning for heresy during the Inquisition and the killing of "witches" in Salem all amply demonstrate that there is a line at which religiously motivated action in the public realm must not cross. The question is, therefore, not whether religious morality can motivate legislation, but how best to draw the line between what kinds of religious morality can be legislated and what kinds cannot. From whence comes that line?

Avoid Legislating Morality Altogether

The first option is encapsulated in the oft repeated phrase that "you can't legislate morality." Of course this is nonsense. All laws are based on a view of morality, from the tax code through to the laws that ban such immoral actions as murder, theft and slander. It is not that we can't legislate morality; it is that we cannot but help to legislate morality, whether we want to or not, as virtually all laws have moral foundations and moral impacts.

In fairness, what is generally meant by those who oppose legislating morality is that you should not legislate sexual morality. But what are laws pertaining to public nudity, marriage, divorce, rape, incest, prostitution and polygamy, if they are not laws legislating on matters of sexual morality? The



state can, does, should and must legislate on matters of morality.

Avoid Legislating on Private Matters

A second option is that legislators should avoid matters pertaining to the most intimate of human activities. In other words, that there is a private zone over which the government should not legislate.

There are two primary problems with drawing the line on the basis of privacy in this context. The first is that many intolerable acts based on religious morality were perpetrated not because of the victim's private acts, but rather because of his or her public acts. Thus, the privacy rationale is under-inclusive, at the same time it proves to be equally over-inclusive. Private actions, even the most intimate of actions, often have the most significant of public impacts. As one commentator put it, society may not have an interest if one person drinks to excess, but it certainly has an interest if 25% of the workforce does. Similarly, society may not have an interest if one couple

divorces, but when half of marriages end in divorce with the resulting social dislocation of a large mass of children, society has an interest, often a most pressing interest, in the most private of actions when viewed in the cumulative.

This does not, of course, mean that government should regulate any given private action, but rather that as a general principle, drawing a line of demarcation around private action simply is unworkable.

Avoid Legislating on Matters Relating to God and Man

The final alternative to the quandary of where legislation informed by religious morality must end, is simpler, better and more organically sound. Simply put, it is that public officials should never attempt to legislate over matters of man's relationship to God. There are three primary reasons why this should be a firm line that should not be crossed.

First and foremost from a Christian perspective, is that Christ never used the arm of the state to force man into a compliant relation-

ship with God. Force is antithetical to a religion based on faith elicited through love. Indeed, Christ Himself was murdered by the state for violating a blasphemy law. It is ironic indeed that in Christian history some claiming to be His followers perpetrated similar atrocities.

Secondly, a level of humility is necessary when dealing with the mind of God. God is in a unique position to regulate matters pertaining to His relationship to man. No individual or government is privy to a full understanding of His will, and for us to presume to punish crimes against Him is an act of hubris.

Finally, the overwhelming bulk of atrocities that have been committed in the name of religious morality involve governments punishing individuals for offenses against God. Drowning "witches," burning "heretics," stoning "blasphemers," prosecuting "Sabbath violators," destroying "idols," are all governmental acts aimed at punishing those who have committed crimes against God, not crimes against their fellow citizens. The tragedy of history requires us to recognize the folly of such religiously motivated laws and avoid them at all costs.

In conclusion, it is perfectly legitimate, indeed it is inevitable, that religious morality informs the public actions of national leaders. Indeed not only is it legitimate and inevitable, it is desirable. Religion provides the most conceptually sound basis of morality. Further, the true believer's actions will be tempered even in private knowing

that an all seeing God will judge in public the acts committed in private. There is a limit, however, to legislation informed by religion. This limit may well come in the realm of man's relationship to God.

On all other matters, there will be disagreement with morality based in religion typically informing both sides. That is why we have a democracy in which divergent views of morality compete to inform the way in which we choose to manage our society. Further, this is why we have carved out a limited set of fundamental human rights from the democratic process to ensure no matter what the balance of morality of any given generation, these fundamental rights cannot (at least in theory) be infringed by the legislators of the day.



James Standish

is legislative liaison for the Seventh-day Adventist Church and executive director of the North American Religious Liberty Association.



EXALTED *Neutrality*

The place of religion in our society is an exalted one, achieved through a long tradition of reliance on the home, the church and the inviolable citadel of the individual heart and mind. We have come to recognize through bitter experience that it is not within the power of government to invade that citadel, whether its purpose or effect be to aid or oppose, to advance or retard. In the relationship between man and religion, the State is firmly committed to a position of neutrality.

—ABINGTON SCHOOL DISTRICT V. SCHEMPP (1963),
Justice Tom Clark, for the majority. 374 U. S. 226.