

*"Watchman,
what of the night?"*

"BEHOLD, THE BRIDEGROOM!
Come out to meet Him."

(Matt 25:6 RSV)



CHURCH AND STATE IN THE NEXT DECADE

Editor's Note: Both your editor and contributing editor attended the 42nd National Conference of Americans United for Separation of Church and State. In this issue, both of us give our summary and observations of this conference. Stump gives an overview along with his impressions. You might wish to read it first. If so, turn to page 5.

"Decade of Decision" was the theme of the 42nd National Conference on Church & State sponsored by Americans United for Separation of Church and State. It was held in Alexandria, Virginia, September 23-26. After listening to the various speakers who addressed the Conference, from my viewpoint the next decade, as far as religious liberty and the separation of church and state are concerned, can be summarized by two words -- **DARK** and **FOREBODING**.

As one catches the picture of the issues at stake and the forces presently arrayed against our heritage received from the founding fathers of this nation, there comes into the human heart the same indescribable fear which grips us when we hear of disasters such as the recent San Francisco earthquake, and the devastation of the hurricane, Hugo. Truly a storm, relentless in its fury, is breaking upon us, and we stand as helpless before it, as were the victims of either Hugo or the earthquake.

Consider the recent Red Mass which is conducted annually by the Roman Catholic Church and dedicated to members of the legal profession. On October 1, Anthony J. Bevilacqua, archbishop of Philadelphia addressing the assembly in Washington D.C., declared that the wall between church and state must be removed to improve the nation's moral fiber. "This opposition, this impregnable wall... cannot endure much longer," Bevilacqua stated. (See *Church & State*, November, 1989, p. 3) In attendance at this Red Mass was the Chief Justice of the Supreme Court, William H. Rehnquist, and associate justices, Brennan, Kennedy and Scalia, all sitting in front rows of the

Cathedral. Two Bush administration officials were also in attendance - the Secretary of Health and Human Services and the Interior Secretary.

In a recent Supreme Court Decision - County of Allegheny v. ACLU - Justice Anthony Kennedy writing for the minority declared - "Substantial revision of our Establishment Clause doctrine may be in order." Herein the battle joins over the Bill of Rights for the first amendment reads - "Congress shall make no law respecting an establishment of religion." Kennedy's minority view was in a 5-4 decision, one vote shy of effecting the change. We are only a heartbeat away from a radical departure from the freedoms that have been the glory of the United States for 200 years. The Chief Justice is on record as declaring - "The 'wall of separation between church and state' is a metaphor based on bad history, a metaphor which has proved a useless guide to judging. It should be frankly and explicitly abandoned." This crisis is the legacy of the Reagan years which began in 1980, - the date marking the close of "the times of the nations." (Luke 21:24)

Our culture has been the embodiment of the Judeo-Christian heritage. Today it is under severe stress and strain. In the history of Israel, law and religion were one. It was operated as a theocracy. Even in the Kingdom era, the king was suppose to rule only as a vicegerent. To the Christian, his first allegiance was to God, but he respected the State so long as its mandates did not conflict with his duty to God. In our American society, church and state were separated, but in this separation, religion and law have complimented each other. Religious principles undergirded a moral society. In other words, the commandments of God which enunciated man's relationship to his fellow man were made a part of the law of the land. By law these moral principles were maintained and offenders prosecuted. But now from within and without, law itself is under attack.

Professor John Witte of the Emory University School of Law, addressing the Law & Theology Student Seminar conducted in conjunction with the National Conference on Church and State, said:

From within, the law has been subject to the skeptical and cynical attacks issued by jurists and judges in the past few decades. These skeptics have dismissed legal doctrine as malleable, self-contradictory rhetoric. They have depicted law as an instrument of oppression and exploitation of women, of minorities, of the poor.

They have derided the legal system for its promotion of the political purposes of the powerful and the propertied. This assault from within the law, from within the legal academies and within the courts - however meritorious it may be - reflects a cynical contemptuousness for law and government, a deep loss of confidence in its integrity and efficacy.

From without, the radical transformation of economic life and the rapid acceptance of new social forms and new social customs have stretched traditional legal doctrines to the breaking point. Traditional marriage, family, and inheritance laws, for example, have been reformed several times over to accommodate new social and economic roles for women, new concerns to remove discrimination based on sex and sexual preference, new means of fertilization and contraception, new acceptance of single parents, of unmarried cohabitants, of homosexual couples. The same patterns of radical change are evident in our traditional laws of contract, property, and tort, in our traditional criminal, commercial, and constitutional laws. Many of these changes may well be necessary to modernize the law, to conform it to contemporary social needs, to purge it of its obsolete ideas and institutions. But, as a consequence our law - always something of a patchwork quilt - has become a collection of disjointed pieces, with no single thread, no single spirit holding it in place and giving it direction. This has also led to disillusionment with and distrust of the law.

Religion has not escaped. There has been decay from within and disillusionment from without. On this point Witte stated:

From within, the traditional problems of clerical corruption and immorality (captivating as they may be to us and our media) are not the primary concern. More disconcerting are the dramatic changes in theological doctrine and religious organization of the past two decades. All major religious traditions in America - Protestant, Catholic, Orthodox, [Adventist], and Jewish traditions alike - have become sharply divided between old lights and new lights, traditionalists and innovators, conservatives and liberals. These divisions have resulted from disputes not only over dogma and polity, but also and increasingly over society and politics. Some believers have thus separated themselves into ever smaller religious groups, sacrificing collective strength for the sake of doctrinal purity. Others have subsumed themselves into ever larger ecumenical groups, sacrificing doctrinal purity for the sake of collective strength. [Injection and emphasis mine]

From without, new philosophies, new customs, and new social movements have seriously challenged traditional religious doctrines and institutions. Many have grown disillusioned with traditional dogma and distrustful of ecclesiastical forms. A range of theistic and atheistic sects have emerged, offering teachings and experiences that are radically new. A variety of

oriental and Islamic cults have flourished, offering doctrines and practices of ancient vintage.

These dramatic changes in our law and in our religion, Harold J. Berman poignantly observes in his path-breaking work The Interaction of Law and Religion have led western culture into "an integrity crisis... a deep loss of confidence in fundamental religious and legal values and beliefs, a decline in commitment to any kind of transcendent reality that gives life meaning, a decline in commitment to any structures and processes that provide social order and social justice. Torn by doubt concerning the reality and validity of those values that sustained us in the past, we come face to face with the prospect of death itself" - death of our law, death of our religion, death of our very culture.

It must be kept in mind that when the Roman Empire broke up, and the established order was crumbling, the Papacy entered the picture as the "saviour" of life and culture.¹ Today, it is again entering the scene as the arbiter of human morals and precepts. We are standing on the threshold of another "dark ages" when "darkness shall cover the earth, and gross darkness the people." (Isa. 60:2)

The Founding of Our Nation

To understand the present conflict over the separation of church and state, one must know something about the history which marked the founding of our nation and the adoption of the Bill of Rights.

The world into which Christianity was born, the State controlled religion and sponsored it. When apostate Christianity gained the ascendancy, the Church dominated the State. When Protestantism became a viable force, the dominance returned to the State as a sponsor of a particular Creed. For example the ruler of England is the governor of the Anglican Church. This Protestant concept of church-state relations came to America. In the colonies of Virginia, North Carolina, South Carolina, Georgia, and Maryland, the state church was Anglican, while in Massachusetts, Connecticut, and New Hampshire, the state supported the Congregationalist Church. Rhode Island, Pennsylvania, Delaware, and New Jersey had none, and in New York it was a form of "local option." During the Colonial Period and on into Nationhood, the support of a State Church was gradually modified to the State taxing for religious purposes, with the taxes going to the church of the tax payer's choice. In this setting, "establishment" meant the support of the State of one or more churches through taxation. It was

not until 1833 that Massachusetts ended its establishment of religion; and not until 1876 did New Hampshire erase from its laws a religious test for state office.

Connected with this religious issue was the States Rights controversy at the time of the adoption of the Constitution. The newly formed United States of America was composed of two parties - the Federalists and the anti-Federalists. There was no question, the Constitution did create a Federal government. The only mention of religion in the Constitution proper is in Article VI where it reads - "no religious Test shall ever be required as a qualification to any Office of public Trust under the United States." The reasoning was very simple for the Federalist. That which was not specifically delegated to the Federal government was not in its province to deal with, and thus there was no necessity of a Bill of Rights to exclude the Federal government from entering the field of religion. Alexander Hamilton in his publication, Federalist, expressed it this way:

For why declare that things shall not be done which there is no power to do? Why, for instance, should it be said that the liberty of the press shall not be restrained, when no power is given by which restrictions may be imposed. (Quoted in The Establishment Clause, p. 65)²

Edmund Randolph of Virginia declared that "no power is given expressly to Congress over religion," and added that only power "constitutionally given" could be exercised. However, to get the Constitution ratified, a Bill of Rights had to be promised.

Thomas Tredwell, an antirratificationist, of New York, during the debate in that state over ratification declared:

I could have wished also that sufficient caution had been used to secure to us our religious liberties, and to have prevented the general government from tyrannizing over our consciences by a religious establishment - a tyranny of all others most dreadful, and which will assuredly be exercised whenever it shall be thought necessary for the promotion and support of their political measures. (Ibid, p. 71. [Rather prophetic!])

At the first session of the first Congress, James Madison introduced in the House of Representatives a series of amendments which included a religious clause. The religious clause as introduced read: - "The civil rights of none shall be abridged on account

of religious belief or worship, nor shall any national religion be established, nor shall the full and equal rights of conscience be in any manner, or on any pretext, infringed."

Madison's amendments were referred to a select committee, and in committee, the words, "civil rights" and "national" were deleted from the article on religion. After further debate in and with the Senate, the first amendment of the Bill of Rights as voted reads in its entirety as follows:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for redress of grievances.

You will observe that it is limited solely to the Federal government - "Congress shall make no law..." The bottom line of this article is, the framers of the Constitution had not empowered Congress to act in the field of religion; and by this express prohibition of power, it does not invest or create the power previously non-existent to aid religion by aiding all religious groups as is presently contemplated by those seeking to break down the wall of separation.

The application of the Bill of Rights to the several States did not come until the 14th Amendment in 1868 which declared that "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." The key in this amendment is "the equal protection of its laws." Presently all "Sunday closing laws" are State statutes. Thus for equal protection under the law, there would also have to be "Saturday closing laws." This we would not want, and assuredly those pushing Sunday closing laws do not want such equal protection.

A New Ominousness

With the recent decision of the Supreme Court in the Webster case on abortion, a new and ominous era is opening. The emotional fervor raised over abortion itself has clouded the basic issue in this case. The preamble to the Missouri statute which was upheld establishes Catholic dogma and forces it upon the

whole of the people of that State. Lost in all the legal conflict was the 14-page dissent by Justice John Paul Stevens. Drawing from a friend-of-the-court brief prepared by Americans United which cited the teachings of Thomas Aquinas that male fetuses receive a soul 40 days after conception and females 80 days, Justice Stevens wrote:

If the views of St. Thomas were held as widely today as they were in the Middle Ages, and if a state legislature were to enact a statute prefaced with a "finding" that female life begins 80 days after conception and male life begins 40 days after conception, I have no doubt that this Court would promptly conclude that such an endorsement of a particular religious tenet is violative of the Establishment Clause.

In my opinion the difference between the hypothetical statute and Missouri's preamble reflects nothing more than a difference in theological doctrine.

The Webster decision returned the issue of abortion back to the States. While there is little or no possibility of "local option" being attached to the issue of abortion, other issues, such as the sale of alcoholic beverages, have been localized. In Canada, when the matter of the application of the Lord's Day Act of Canada was considered by the Ontario Provincial Parliament, "local option" was the way out of the tense situation. Such an application in the United States would leave the cities the bastions of religious liberty and the small communities in the rural areas the enclaves of intolerance. [Where then would we flee?] The Webster decision is definitely an "establishment of religion" and to let the issue of abortion override our judgment is to place "blinders" on our eyes. Coming events are casting their shadow before.

We would do well to review Rome's plans as stated in 1939 as the deadly wound was being healed. They read:

When the time comes and men realize that the **social edifice** must be rebuilt according to **eternal standards**, be it now, or be it centuries from now, the **Catholics will arrange things to suit said standards...** They will make **obligatory** the religious observance of Sunday on behalf of the whole of society and for its own good, **revoking** the permit for free-thinkers and Jews to celebrate, "**incognito**," Monday or Saturday on their own account. Those whom this may annoy, will have to put up with the annoyance. Respect will not be refused to the

AN OVERVIEW WITH COMMENTS

Allen Stump

The 42nd National Conference of Americans United for Separation of Church and State was held in Alexandria, Virginia, September 23-26. The 1989 conference was billed as the "Decade of Decision - Church and State in the 1990's."

Americans United for Separation of Church and State is "a nonprofit educational corporation dedicated to preserving the constitutional principle of church-state separation."

An outline of some of the more interesting topics discussed at the 3½ day conference were: "Overview of Religious Liberty: Europe and America" - Dr. Robert Maddox, Executive Director of Americans United and former aide to President Carter; "Formation of the Bill of Rights" - Professor Herman Schwartz, American University School of Law, Washington D.C.; "Church/State and the Supreme Court: New Directions" - Professor A. E. Dick Howard of the Department of Law and Public Affairs, University of Virginia, Charlottesville; "Congress and Religious Liberty" - Dr. Robert Alley, Professor of Humanities, University of Richmond (Virginia); "Public Schools and Parental Choice" - Dr. Bruce Hunter, Associate Director, Government Relations, American Association of School Administrators; "Religious Liberty & the Abortion Debate" - Dr. Paul Simmons, The Southern Baptist Theological Seminary, Louisville, Kentucky; and "Religion and the Public Schools" - Dr. Charles Haynes, Americans United Research Foundation.

Also discussed, involving public schools, was the Equal Access Act. Equal Access is designed to give Christians or other groups equal access with certain restrictions to school facilities for group meetings such as would be allotted clubs and other organizations. Americans United are currently split

down the middle on this issue. To discuss the pro side was Sam Ericsson, Esq., Executive Director, Christian Legal Society. Professor Steven Green, Vermont Law School presented the opposing viewpoint.

The list of speakers and their credentials were impressive; however, these very well educated men did not carry the atmosphere of being so "heavenly minded" that they were of no "earthly good." Quite the contrary, instead of speaking with large words and mystic phrases, the presentations, with one or two exceptions, were down to earth and practical in application.

Elder Gary Ross was the leading Adventist personality in attendance at the conference. Ross, well respected by those attending the conference, is with the General Conference Department of Public Affairs and Religious Liberty, and serves the Church as congressional liaison. Also in attendance was Dr. B. B. Beach, Elder John Stevens of the Pacific Union, as well as others from various unions and conferences.

An annual feature of the Conferences of Americans United is the presence of a large delegation of seminary and law students from leading universities all across America. Americans United helped sponsor these students to come to the conference so that these future leaders of the pulpits and courts might have a better understanding of church and state issues.

Mixing with the theological students proved to be a very enlightening experience. The prevailing attitude appeared to be one approaching the far left wing. Not only did the men voice their opinion in favor of women's ordination, but a noticeable number of seminary students were women who expect to be pastoring churches as ordained ministers in the next year or two. The attitude of most of the seminary students with whom I conversed leaned toward a "social gospel." One of the students I talked to betrayed religious freedom concepts by advocating legal reforms to cure social ills as being more important than the preaching of the pure gospel of Christ. With such thinking among the future ministry of America, their presence at the conference could be providential.

The law students were no less intriguing. While some of the seminary students attended the meetings casually dressed, even to the

extreme of short pants and sport shirts, the law students dressed their profession with few exceptions. While appearing somewhat liberal in their views of contemporary issues, the law students, as a group, showed great interest in upholding the principle of complete separation of church and state.

The climax of the conference was the Monday evening banquet with Representative Don Edwards of California giving the address. Rep. Edwards warned Americans United that many of the extreme right wing causes already have a simple majority (51%) in Congress to carry through their programs which bridge the principle of church-state separation. Without a concerted effort by such groups as Americans United, that simple majority could become a two-thirds majority so as to attempt to amend the Constitution. Further, he pointed out that Americans need to be better educated on church/state issues. As he said this, I wondered what about Seventh-day Adventists? How slow we have been to take strong stands concerning the separation of church and state.

The 42nd Conference was informative and enlightening. With the recent court decisions, the movements of the Papacy, and the formation of the image of the beast, the "Decade of Decision" may soon be the "Year of Decision."

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MUSINGS

This week a staff member received an announcement of a meeting to be held in an Arkansas Seventh-day Adventist Church. The meetings were featuring "The Glorious 1888 Gospel." One of the items listed in the resume of the speaker was - "He holds credentials from the Pacific Union Conference of Seventh-day Adventists." I thought about this and the message which was to be proclaimed. Then I began to muse: Did Christ go to the Sanhedrin - the General Conference of His day - to obtain "credentials" to speak in the synagogues of Judaism? I find no such record. When He was denied access to the churches of Israel, He preached from the hill sides, and from the shores of Galilee. How often it is we seek to proclaim the Righteousness of Christ, yet in conduct deny the Example of right doing as demonstrated in His

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Creator nor repose denied to the creature simply for the sake of humoring certain maniacs, whose phrenetic condition cause them stupidly and insolently to block the will of a **whole** people...

In a word, **Catholic society** will be Catholic and the dissenters whom it will tolerate will know its **charity**, but will not be allowed to disrupt its unity. (Louis Veillot, The Liberal Illusion, pp. 63, 64; The National Catholic Welfare Conference, Washington, D.C.: 1939)

Now ask yourself some questions. What has caused the breakdown of "law" from without? Go back and reread Witte's comments. (p. 2, col. 2 - "From without") Note again the emphasis on "social" factors - society. Then note the objectives of the Catholic Church in regard to "society." Is the issue of abortion a social as well as a moral issue? Has it been interwoven with Papal Dogma?

Note again the Catholic objectives: What does "incognito" mean? How would one observe the true Sabbath, "incognito"? What would be required for "the **religious** observance of Sunday"? What preserves for us the freedom to worship as we choose, and openly? The answer is the first amendment of the Bill of Rights. Reread that right. (p. 4, col. 1) "Revoking the permit" means simply what? Altering the religious freedom Clause of that amendment. What is the attitude of the Chief Justice, and the Catholic appointees - Scalia and Kennedy - to the Court? It doesn't take a prophet to tell you about the fate of "the Establishment Clause" in the next decade.

The Catholic hierarchy of America boasts that it now has over 50% of Congress in its pocket. It is rapidly obtaining a "working majority" of the Supreme Court. There is only one factor which inhibits its desired objective and that is the growing pluralism of the American population. Islam has taken the third place in the major religions of the States ahead of Judaism. We do well to consider **how** the full objectives of the Roman Catholic Church will be realized. The answer reads:

In the **last** days Satan will appear as an angel of light, with great power and heavenly glory, and claim to be Lord of the **whole** earth. **He** will declare that the

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Sabbath has been changed from the seventh to the first day of the week, and as Lord of the first day of the week, he will present this spurious sabbath as a test of loyalty to him. Then will take place the final fulfillment of the Revelator's prophecy. [Rev. 13:11-18 quoted] (Ms. 153, 1902)

¹The assumption of power by the Papacy the first time was the result of the breakup of the social and political structure. This is described in Historical Studies, pp. 26-27,30:

Gregory was chosen Pope (590) by the united voice of the clergy, the senate, and the people of Rome, and the emperor Maurice confirmed the election. But Gregory shrunk from assuming the holy office with real alarm. He even fled in disguise into the forest, but a pillar of fire hovering over his head betrayed him. He was seized and carried by force to the Church of St. Peter, and was there consecrated Supreme Pontiff.

He might well have trembled at the thought of being intrusted with the destiny of Christianity in those dark and hopeless days; he might well have believed, as he ever did, that the end of all things was at hand. The world was full of anarchy and desolation, and a universal horror rested upon the minds of men. From his insecure eminence at Rome, Gregory saw everywhere around him the wreck of nations and the misery of the human race. ...

Gregory the Great died in 604, having established the power of the Roman bishopric, and his successors assumed the title of pope.

²Leonard W. Levy, The Establishment Clause (Macmillan Publishing Company, New York, 1986) This book was frequently referred to by Professor Herman Schwartz of the American University School of Law, Washington D.C., in his presentation at the 42nd National Conference on Church & State.

WHG

Musings - from p. 6, col. 1

life.

A recent Adventist Review (October 5, 1989) took one on a pictorial tour of the new General Conference Headquarters. One could muse about this. However, within its pages was an article on the unification of the Adventist Church in Hungary. I noted that confession had been made for past errors of leadership. That was something new! My attention was later called to the joint declaration signed by both the Hungarian Union and the Egervari

group. It read:

"The declaration acknowledges that members within our church have the liberty to express their convictions freely as long as their participation in the life, worship, and witness of the church is constructive to the church and in harmony with 27 fundamental beliefs...

Recently quite a furor was raised in Australia over Dr. Colin Standish's credentials from the Potomac Conference. When it was noted that to receive credentials one had to be in harmony with the 27 Fundamentals, Standish denied signing any such papers. There is more than one way to convey allegiance - lip service by conveying "truth" and "church" as synonyms. This summer a member of the Egervari group made the rounds at the Hope International Camp meetings. Did Ron Spear encourage the reuniting of the group with the regular church? Was this a part of his rumored pledge to Neal C. Wilson? Spear refuses to take a stand on the 27 Fundamentals saying that he would word them a bit differently. Is this Statement a matter of semantics? Absolutely not! It signalled a major change in some of the basic doctrines held previously.

To say that one is preaching the "gospel" be it the "1888 Gospel" (I didn't know we had two gospels) or the "Three Angels' Messages" and then in practice give allegiance to error is to practice deception of the darkest hue. But tragically, as in the days of Jeremiah - "The prophets [preachers] prophesy falsely, ... and my people love to have it so" - BUT - "what will ye do in the end thereof?" Truly, "a wonderful and horrible thing is committed in the land." (Jer. 5: 31, 30)

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