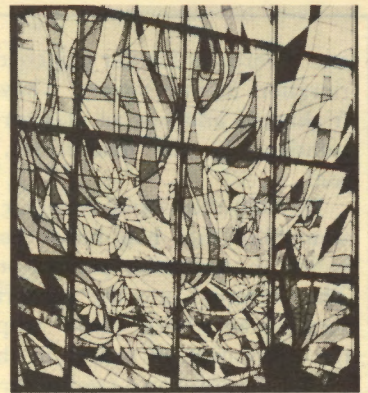


RELIGION

Journal of the KSR



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Church-State Relations by the Year 2000

In just 14 short years, we begin a new century. Today, we ask ourselves, as the churches, what we would like the world to be as the new century begins. How will Church and State work together to guarantee a new century of peace and justice for all the people, and what will be the necessary ingredients to bring this about? The world will be so different in 14 years.

We want the separation of Church and State and the twin constitutional guarantees of no establishment of religion and the free exercise of religion. But there have been some unprecedented tides and changes in the understanding of the First Amendment today.

Fr. Drinan placed the challenges of the future in the context of the history of the Church-State relations from 1790-1947; from 1947-1980; and from 1980 to the present.

The first period was a relatively calm time. At the beginning of our Republic, this was a partly-Christian Society and the place of the Church was fixed and firm; tax exemption was given to churches, schools and seminaries; it was understood that we operated on a delicate distillation of Judaism and Christianity; encumenism and rationalism.

There were issues regarding schools that tested the Church-State question. Catholics withdrew from the public schools because the Bishops did not want secular schools for children. One important decision by the Supreme Court in 1925 saved the church-schools by overturning, 9-0, a referendum from the State of Oregon which had decided that there would be no Catholic or private schools in that state. The court said

Robert F. Drinan, Professor of Law at Georgetown University delivered the KSR annual lecture in April. Ordained a Jesuit priest in 1953, he took the S.T.D. from Gregorian University, Rome. He served in the U.S. House of Representatives from 1971 to 1981 where he was a member of the House committees on the Judiciary, Internal Security and Government Operations.

Below is a synopsis with excerpts of Father Drinan's presentation, "Church-State Relations in the Next Fourteen Years," as compiled by Father Vincent Krische.

that even the people of America cannot prevent a private school from existing.

During this period, Congress seems to have violated the free-exercise guarantee by forbidding Mormons to practice polygamy or bigamy. It also was very clear that there would be no aid to church-related schools. But, for the most part, the churches thrived.

The very hard question about this period was whether or not the government privatized religion. As a result, was religion simply made a private matter, and was religious influence driven out? And, even though during this time the Protestant churches were instrumental in abolishing slavery, child labor and overturning laws against women's suffrage, overall, the religions of the period were private.

The second period of the history, 1947-1980, began with a Supreme Court decision, the Everson Case, in 1947. The court said that there was to be no aid for church-related schools beyond

bus rides. This action was brought by Catholic parents, and the court voted 5-4 against aid. It is clear that in the past 40 years the Supreme Court has been consistent in granting no subsidy for church-related schools of less than collegiate rank.

Simultaneous, during both of these periods, there were many wonderful developments regarding the free exercise of religion; children of Jehovah's Witnesses were not required to salute the flag in a public school; Amish children did not have to finish school beyond 16 years of age; Adventists and Sabbatharians were given special privileges; conscientious objectors to war and dissidents were allowed to exercise their religious beliefs.

But the question is raised again as to whether or not religion was further privatized in not being allowed to be a force in the public schools and no subsidy for denominational schools.

In 1980 the third era of this history opened. There began a strong reaction to the two points of no aid to church-related schools and no exercise of religion in the public schools. The Fundamentalists came forward and expressed the feeling of many Americans that there was a deterioration in the country; that human secularism was being promoted in the schools. They questioned why religion shouldn't be in the schools and why federal tuition tax credits shouldn't be given for the 20,000 Fundamentalist schools that have been established over the past five to eight years. Furthermore, they saw abortion, narcotics, illegitimacy, pornography

and divorce as further evidence of deterioration in our society. They became frightened and saw secularism running rampant in our institutions, Drinan said.

In 1980 they came together and did something that had never been done before in American politics or history. They inserted into the platform of the Republican Party these propositions: the restoration of prayer in the public schools; tuition tax credits for church-related schools and the recriminalizing of abortion. The Rev. Jerry Falwell has said many times that he made a mistake not to go political back in 1965 as Martin Luther King, Jr. did. What is happening now is that these groups are going political with a vengeance. They seek to take their interpretation of theology and scripture and impose it upon the country. They see the Soviet Union as the Anti-Christ, and therefore it is appropriate for us to double the military budget.

This is the type of thinking and activity that has now come into political and public life. We as Christians don't know exactly how to handle this. A new organization called "People for the American Way" is trying to understand the implications and consequences of this new phenomenon.

With this, however, we have entered a new era in Church-State relations. The Catholic Bishops, along with other Christian and religious groups have begun to say that they are in fundamental disagreement with many of the American defense policies. In 1981 the Bishops were frightened with regard to the Foreign Policy of our country. Salt II was terminated and no negotiations were underway. In 1983 the Bishops issued a highly praised and regarded statement saying that nuclear weapons may never be used for any purpose, offensively or defensively. This was an echo of Vatican II, which said the same thing in 1965. The Bishops did say, however, that nuclear weapons may be possessed for the purpose of deterrence on the clear assumption that they are going to be phased out. They may be possessed only on a strictly conditioned acceptance with the understanding that on a bi-lateral basis we would phase them out.

Therefore, the Bishops said that they are opposed to the MX, Star Wars and the first use of nuclear weapons, and that they want to return to Salt II. The National Council of Churches, representing mainline Protestant churches, spontaneously endorsed the results and

In 1980 (Fundamentalists) came together and did something that had never been done before in American politics or history. They inserted into the platform of the Republican Party these propositions . . .

the reasoning of the Catholic Pastoral. Now, a wholly new situation in American politics; representatives of 50 million Catholics and 80 million Protestants, saying at the highest level that they are opposed to the fundamental foreign policy of our country, not merely this present administration, but of everyone whom since Eisenhower has relied upon nuclear weapons. The Church has condemned that strategy and said that we cannot go forward as a moral nation so long as we accept reliance upon nuclear weapons.

This means that there is something entirely new in American life that is going to change things. We now have, through the effort and consciences of the churches, the possibility of a new country, Drinan concluded.

On the other hand, there are the Fundamentalists who teach that nuclear weapons are perfectly permissible. Although the Rev. Falwell has never said "yes" or "no" to the Catholic Pastoral, he has always said that there is nothing wrong with nuclear weapons. Billy Graham is saying more and more that the nuclear holocaust could come and that he is sorry he has not spoken out about this issue. Cardinal Bernadin speaks of the seamless garment and Catholics' opposition to the death penalty, abortion and the use of nuclear weapons.

The Catholic Bishops are preparing a new letter on the economy, and it will not be kind to *laissez-faire* capitalism. It will oppose unrestricted capitalism and will be in the centuries-old tradition of Catholic social teaching, namely, with

emphasis on a government that protects the poor and the powerless.

There is now a whole new constellation of parties in the Church-State struggle. On one side the Catholic Bishops, the NCC and about 10 Jewish groups have said virtually the same thing about nuclear warfare. On the other hand, there are the Fundamentalists, some conservative Protestant groups and some dissident Catholics unable to accept this position.

However, there is a different alliance between Catholic and Fundamentalists on two issues: abortion and aid to church-related schools. We don't know how these alliances are going to unfold in the next few years.

There is the possibility of a new political alignment in the country. Catholics and many Protestants are determined to say that we are a Peace Church, Drinan said.

Another question which rises naturally is that many people think the churches are getting involved in too many secular issues. This is true, and many don't like this.

We have some great difficulties of a Church-State nature coming up. Richard McCormick, S.J., recently said that the religious leadership in the United States, and especially Catholic, is on a collision course with the U.S. government, and that may be just the best thing to happen to both in a long time. We have to be prepared for it.

What should Churches in America be doing? We shouldn't be thinking of our best welfare, fixated on prayer in the schools and tuition tax credits. Christians, Jews, humanitarians and other concerned groups in this country should recognize that we have a unique opportunity to be really religious and humanitarian. We look at a world and recognize that America represents only 5 percent of the global village, and the Soviets only 6 percent.

Something is going to happen in the next 14 years that is going to determine the whole future of the world. That astonishing phenomenon will be the presence of two billion more human beings in the world by the year 2000. Eighty-five percent of this growth will be in the Third world. What are we doing as Christians and humanitarians: we are not even planning for it and most people aren't even aware of it. Today,

there are 800 million chronically malnourished people; 350 million children of school age with no school to attend; illiteracy is increasing in the Third world, etc. We see humanity spending \$800 billion a year on armaments; \$2 billion a day; and, that of course, is the primary reason why we have all the affliction.

All of the religious groups in America have a profound interest in what is happening to those people. Wouldn't it be wonderful if instead of fighting each other over what is going to happen to a little prayer in the school, or tax credits for tuition, that we could turn to these bigger issues and work together on them.

Every Christian believes in faith and justice. These two virtues have been linked in the past 25 years. We are a sincerely believing people who say that when people in the Third World suffer, it is Jesus Christ himself who suffers, and when half of the children in Lima, Peru, die before they are 5 years old, it is our Lord himself suffering. To be really good Christians and good American citizens we have to apply the deepest

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care of our faith to the most profound problems that confront the human family.

If anyone from Mars, or Latin America, would look at our country, he would say that the Churches have been privatized. He may say that this is what happened when we had the separation of Church and State. We know that this separation is a good thing and we don't want it to change. But our government has not done all the things that we know our government should do.

Nevertheless, 50 or 75 years from now this can be rectified through the faith

and justice efforts of the Church. Perhaps, historians will look back and ask how it happened. Perhaps they will see that at the University of Kansas and the Kansas School of Religion something happened, and people were born again, and a moral revolution was started. This moral revolution is beginning and growing in the Churches. In 14 more years, and by the turn of the century, we will be able to begin a new century with new hope, new life and new peace dominating the world.

For the past eight years Father Vincent E. Krische has served as the Campus Minister at the University of Kansas and as Director of the St. Lawrence Catholic Campus Center in Lawrence. Father Krische was ordained May 24, 1964, for the Archdiocese of Kansas in Kansas. Before coming to St. Lawrence Center, he served at Bishop Miega High School and St. Agnes Church in Shawnee Mission; Queen of the Holy Rosary Church in Overland Park; Most Pure Heart of Mary Church and Kansas Neurological Institute for Retarded Persons in Topeka and was the Director at Washburn Catholic Campus Center at the university in Topeka.

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If you are interested in discussing a religious thrust to your will, you can call KSR: (913) 843-7257, Lynn Taylor, Director.

KSR Recognizes Essay Contest Winners

'Religion and the Nuclear Age' 1986 Topic

The winners of the 1986 essay contest were recognized at the KSR annual banquet by W. Stitt Robinson, KSR President. John Vincent of Almena, Kan., placed first with a topic of "Religion and the Nuclear Age." In it, he stated, "Since we have no sure defense against (nuclear) weapons, the world lives under a constant threat of major destruction. The church needs to use its influence in the role of peacemaker."

Peter Samuelson of McPherson, Kan., placed second and Michele Staton of Pleasanton, Kan., took the third-place prize.

Next year marks the 200th Anniversary of the U.S. Constitution. The Board of Trustees decided to commemorate this event with its annual high school essay contest topic of "Religion and the Constitution."

Participants may submit entries by Feb. 15 to their local clergy association. One winning essay



Stitt Robinson, right, congratulates Peter Samuelson.

Fall Conferences Slated

The fall KSR Conferences will focus on the Spirituality in Care Giving. Nurses, social workers, physicians, clergy and others in the helping professions will analyze spiritual health and identify their professional talents to maintain the spiritual health of themselves and their patients.

The schedule is:

Great Bend	September 6
Salina	September 27
Manhattan	October 4
Topeka	October 25

Leaders are Eva Brown from Topeka, a minister; Rosemary Shocklee-Fusaro, a nurse in Topeka; Dr. George Bascom, a physician at Manhattan.

Participants can earn seven contact hours for continuing education. The registration fee is \$20, which includes lunch. Details are available from the KSR at (913) 843-7257.

The Burning Bush Bunch

The KSR gratefully acknowledges the support of this year's donors:

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from each county will then go to the KSR by March 2. A prize of \$300 is awarded to the winning essay, and second and third place winners receive \$200 and \$100 respectively.

Winners will be announced at the annual KSR banquet in April.

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1987 KSR Lecturer

James E. Wood, Jr., of Baylor University in Waco, Texas, will deliver in 1987 KSR lecture. Wood is a Distinguished Professor of Church and State, former Director of the Baptist Joint Committee in Washington D.C., and is editor of the *Journal of Church & State*.

The dates of the lectures are April 7, 8.

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Free use of *Irma I. Smith Hall*, home of the KSR, is provided to the University. It is used for religious studies and other classes.

Our office is also the national address and phone of the *National Council on Religion and Public Education*. Our library maintains curriculum servicing and consultation in this field.

Continuing assessments of new books are provided to the *KSR Library* in Smith Hall which is used by religion students and others. We also help fund library staff.

Outstanding religious leaders of the United States and England have been brought to Lawrence for lectures. This includes the annual KSR Lectureship Series that featured Robert Drinan in April 1986.

Scholarships are provided for religion students at KU.

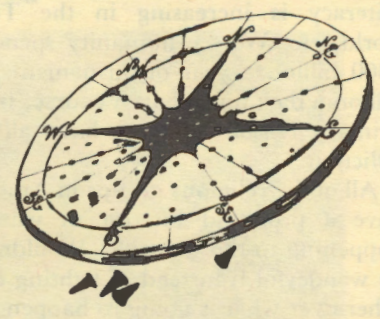
Religion Journal is published three times a year and sent to religious leaders, clergy and teachers of the state and others interested in commentary, scholarship and information.

Religion Essay Competition for Kansas high school students is conducted in cooperation with county clergy associations. State winners are brought to Lawrence for prizes.

Popular Conferences on timely religious themes are scheduled across the state. This year four cities were the sites of conferences on religion and health. Continuing education credit was provided to certain professions: clergy, nurses, social workers and physicians.

Faculty travel to attend professional religion meetings and to lead study groups in Kansas is funded.

Traverse Log



We live in two provinces at the same time: a civil state and a religious community. The problem of relating the two is so very old perhaps Noah was thinking about it during those long rainy evenings on the ark. Now the subject is called the separation of church and state; we Americans have the wall of separation—such as it is.

The wall can be battered from either side. Shouts from the religion side warn of infringement across the wall from the civil power. What scares me, though, is motion from the other direction: the church trying to get over to run the state. Support (or opposition) for a political candidate when based on a religious bloc is scary. "We have enough votes," and "we're going to take over." "First get them converted, then get them baptized . . . then get them registered to vote," these were announced by major league religionists with some pride nearly a decade ago.

Today this theological foul ball hits the religion side of the wall with increasing decibels of claims for immunity and sanctuary. Come now, let us reason together. When a religious organization breaks the law, well, so be it. But when it intentionally lets its house become a staging area of illegal activities, then let it not fret when its piety is recorded on tape by government agents in its meetings. And when the holy bloc enters the political crapshoot claiming exemption and immunity, it may expect an IRS messenger coming to discuss tax exemption. Stained glass and media class do not make an activity a religion. It is what the people within do.

Let the church be the church, let the temple be the temple! If it expects immunity and exemption, then, at least let it be unique. Uniqueness includes peculiarities like nurture, growth, mutual support;—what other entity is trying to corner such attributes as these? This little tome is not a challenge of the right to be involved; it is a discussion about "the nature of the involvement" (James Wood). Jacque Maritan used a term, "catholic action." I think he was talking about a process for involvement. It is something like, let the church tend to its unique mission of celebrating and teaching; then let the celebrating and taught people pitch into the political forum.

Some of us are still around who can recall hearing German prisoners of war sing a Nazi marching song. The last line of each stanza was "It is your souls we want." Fully aware of the temptation to oversimplify at this, I deduce that somehow in the confusion the Nazis got their souls. I hope we do not sell ours out. Insist until the "last syllable of recorded time," *let the church be the church.*

RELIGION

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