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the traditional balancing of religious freedom with other interests that has shocked religious leaders as well as the dissenting four justices. Justice O'Connor, in her dissent, writes, "the First Amendment at least requires a case-by-case determination of the question, sensitive to the facts of each particular claim." While there is no absolute claim to religious practice, there is a significant Constitutional claim that requires, when free exercise of religion has been curtailed, to review that claim with strict legal standards. Now, all such strict legal standards have been removed.

Policy Statement

WHEREAS, on April 17, 1990 the Supreme Court ruled in *Employment Division, Dept. of Human Resources of Oregon v. Smith* that the Free Exercise Clause of the First Amendment of the Constitution guaranteeing religious liberty permitted the State of Oregon to prohibit sacramental peyote use by the Native American Church;

WHEREAS, this ruling against the fundamental sacrament of the Native American Church which has a religious tradition of over a thousand years is exactly what the Constitutional guarantee of freedom of religion should protect and such state interference in religious practice should only be permitted when there is a compelling state interest in conflict with the religious practice that absolutely forces interference with religious practice;

WHEREAS, in *Sherbert v. Verner* in 1963 the Supreme Court developed just such a balancing test, so that when governmental action or regulation imposes a significant burden on sincere religious practices, the burden of proof is on the government to show that there is a "compelling state interest" forcing the government to limit freedom of religious practices because they conflict with fundamental purposes of society;

WHEREAS, in *Thomas v. Review Board* in 1971 the Supreme Court further refined this Constitutional standard, so that if the state feels there is a compelling state interest that Courts agree overrides the Constitutional protection of religion, the burden of proof is also on the State to show that the means adopted to force those whose religious consciences are violated by the State regulation are the least restrictive means available;

WHEREAS, in *Employment Services v. Smith*, the Supreme Court, by a 5 to 4 ruling of the new socially conservative majority on the Court, made the astonishing claim that "we have never held that an individual's religious beliefs excuse him (sic) from compliance with an otherwise valid law prohibiting conduct that the State is free to regulate" (88-1213, p. 6), overturning the whole notion of any balancing test of religious liberty practice, abandoning the Constitutional standards of "compelling state interest" and "least restrictive means available" previously established;

WHEREAS, the Court went on to claim that "the only decisions in which we have held that the First Amendment bars application of a neutral, generally applicable law to religiously motivated action have involved not the Free Exercise Clause alone, but the Free Exercise Clause in conjunction with other constitutional protections, such as freedom of speech and of the press" (88-1213, p. 8), thereby making it clear that there is no longer any independent protection or meaning to the Constitutional protection of Freedom of Religion, but that such a right is only valid if backed by some other First Amendment

Right, effectively removing Free Exercise of Religion from the Constitution;

WHEREAS, a fundamental purpose of the Bill of Rights, to protect minorities in certain areas such as religious practice from the will of the majority, has been utterly denied by this ruling, which states that "leaving accommodation to the political process will place at a relative disadvantage those religious practices that are not widely engaged in; but that unavoidable consequence of democratic government must be preferred to a system in which each conscience is a law unto itself or in which judges weigh the social importance of all laws against the centrality of all religious beliefs." (88-1213, p.17);

WHEREAS, this ruling appears to be inconsistent with the original intent of the framers of the Constitution, inconsistent with the Constitutional text, inconsistent with precedent;

WHEREAS, the United Church of Christ is made up of people who came to this country from many places in order to find a place where freedom of religion could be practiced, and the United Church of Christ intends to keep this freedom at its center.

BE IT THEREFORE RESOLVED, the Eighteenth General Synod:

-expresses its outrage and fundamental opposition to this interpretation of Free Exercise of Religion by the Supreme Court;

-endorses the principles contained in the Religious Liberties Restoration Act, introduced in Congress in 1990 by Representatives Stephen Solarz (D/NY), Paul Henry (R/IL), Don Edwards (D/CA), James Sensenbrenner (R/WI), and by Senators Joseph Biden (D/DE) and Orrin Hatch (R/UT), a bipartisan initiative to restore prior Supreme Court decisions by requiring government to demonstrate that any law restricting the free exercise of religion (1) is essential to furthering a compelling governmental interest and (2) is the least restrictive means of furthering that interest;

-calls on United Church of Christ members to work for passage of this legislation; and

-urges all church people to work even harder to insure freedom of religion at a time when the Supreme Court is making this fundamental challenge to religious liberty.

Subject to the availability of funds.

27. RESOLUTION "CALLING FOR THE PASSAGE OF THE CIVIL RIGHTS BILL, 1991"

Ms. Griffin moved the adoption of the Resolution "Calling for the Passage of the Civil Rights Bill, 1991" and asked permission for Ms. Patricia Eggleston, United Black Christians, to speak to this issue.

Mr. H. Benjamin Bullard (CONN) stated this resolution is calling for a task force and asked if this task force would take precedence over the Seventeenth General Synod mandate to establish a task force which has not yet been done. Ms. Eggleston said it would not take precedence.

The Rev. Norman Jackson (HI) asked why American Indians are excluded. Ms. Griffin said they are included.

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Ms. Dorothy Poor (MO) offered a friendly amendment "BE IT FURTHER RESOLVED THAT all members of this Eighteenth General Synod send copies of this resolution to their U.S. representatives in Congress." This was accepted as a friendly amendment.

91-GS-79 VOTED The Eighteenth General Synod adopted the resolution "Calling for the Passage of the Civil Rights Bill 1991."

CALLING FOR THE PASSAGE OF THE CIVIL RIGHTS BILL, 1991

Theological and Biblical Basis

"Then I heard the Lord say, whom shall I send? Who will be our messenger? I answered, I will go! Send me!" Isaiah 6:8 (TEV)

God needs messengers - many messengers, those who will profoundly declare: "Thus sayeth the Lord!" Our American society has become so sophisticatedly polarized, so complacent and motivated by self interest, that we no longer collectively care about one another. Civil rights have been eroded, and this erosion has been upheld by the aforementioned self interest and polarization. It is no longer acceptable or popular to speak out on behalf of either the masses or those whose voices are not being heard. To do so is to be categorized as a hated "liberal" and unpatriotic.

God's design for the world does not embrace this new re-ordering of society. God needs a messenger to lay out, once again, God's vision, God's will, God's kinship with the masses.

We, the UCC, as a part of the body of Christ, must be one of the messengers. We must tell the politicians, the president and even our own people, of God's design for God's people; we must speak up on behalf of the Sovereign. We must speak a word on behalf of the Gospel.

What does the Gospel say about the passage of the Civil Rights Act of 1991? It would be a travesty, if the United Church of Christ meeting in 1991 did not say a word for the Lord about Civil Rights in America. It would be blasphemous if we, the United Church of Christ, collectively, did not witness on behalf of the Gospel.

Jesus' last command to His disciples, (and to us) as recorded in the Acts of the Apostles was as follows: ". . . when the Holy Spirit comes upon you, you will be filled with power, and you will be witnesses for me in Jerusalem, in all of Judea and Samaria, and to the ends of the Earth." The United Church of Christ, then, has no choice. We do not have the luxury of selecting the most comfortable place or subject for our witness, we must go to the ends of the earth.

And what message do we carry? Jesus summarized His mission and message in Luke 4:18. His mission, and therefore ours, is to bring Good News to the poor, to proclaim liberation to the captives and recovery of sight to the blind, to set free the oppressed and to preach the acceptable year of the Lord. In relation to Civil Rights, we the United Church of Christ must witness then, that there is Good News for those who are discriminated against; we must witness that those who are trapped and imprisoned by systematic institutional repression because of race or gender shall be liberated.

We must witness that those who perpetuate a racist or sexist institutionalized work place manipulation will "SEE" the light and their blindness to a holistic thriving diverse society will be removed. We must witness that those who are bound and oppressed by the lack of voice, power and hope will be set free. We must witness and preach that nothing less is acceptable to the Lord!

As the United Church of Christ meets as General Synod 18, we are declaring that we are doing a new thing. It would be an OLD THING to be complacent; it would be an old thing to ignore the issue of the erosion of Civil Rights; it would be an old thing to give in to self interest. The worship of the false God of racial intimidation, sexism and divisiveness, would be an old thing. But, if we are truly doing a new thing, when the Lord asks, "whom shall I send? Whom shall I send to the halls of Congress, whom shall I send to the people, whom shall I send to the President of the United States?" The United Church of Christ, if they are a faithful people must say, "I will go! Send Me!"

WHEREAS, Civil Rights for African Americans, Hispanics, Native Americans, Pacific Islanders and Asian Americans, persons with disabilities, members of certain religious faiths and women have been severely eroded by the U.S. Supreme Court decisions of 1989;

WHEREAS, the President of the United States vetoed the Civil Rights Bill of 1990;

WHEREAS, the United States Congress was unable or unwilling to override the presidential veto and thereby did not pass a comprehensive Civil Rights Bill to redress discrimination against and reinstate the Civil Rights of African Americans, Hispanics, Pacific Islanders and Asian Americans, Native Americans, persons with disabilities, members of certain religious faiths and women in the workplace;

WHEREAS, the U.S. Congress has now before it, the Civil Rights Bill of 1991, which seeks once again to reverse the devastating impact of the Supreme Court decisions impacting Civil Rights for African Americans, Hispanics, Native Americans, Pacific Islanders and Asian Americans, persons with disabilities, members of certain religious faiths and women in the work place;

WHEREAS, the Civil Rights Bill of 1991 is likewise being threatened by various political factions designed to diminish the likelihood of its passage and/or remedial affect as intended such as, but not limited to:

proposed amendments which discriminate against women;

proposed amendments which limit the relief for discrimination;

proposed alternate Civil Rights legislation that does not in fact redress discrimination in the work place;

divisive and "race-baiting" tactics highlighted by the media, and utilized by opponents of Civil Rights legislation, including agents of the President of the United States;

attempts by the Bush administration to undermine support from the business community for a Civil Rights Bill, and

speeches by President George Bush against Civil Rights legislation.

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WHEREAS, the lack of consensus in the U.S. Congress on a Civil Rights Bill, reflects the growing tension in America related to race, racist violence and the resurgence of racism at all levels in society, not just the work place;

WHEREAS, the ills in American society, such as poverty, crime, drug abuse, violence and homelessness, and the high incidence of these negative elements in minority communities, are directly traceable to economic, political and social inequity;

WHEREAS, joblessness, unemployment and underemployment in larger percentages in minority communities is directly traceable to racist, sexist and discriminatory attitudes, behavior and practices;

WHEREAS, The United States of America is increasingly polarized by race, sex and the economic self interest of individuals and institutions, who are likewise suffering from (or profiting by, in some cases) the recession and inequitable distribution of wealth;

WHEREAS, this polarization is now evident in the inability of proponents of the Civil Rights Bill of 1991 in the U.S. Congress to garner votes sufficient to pass a Civil Rights Bill of 1991, and to override an inevitable presidential veto;

WHEREAS, progressive, fair-minded, enlightened members of the U.S. Congress need the assistance and support of the people of God to aid them in their efforts to address the ills of society as well as the passage of the Civil Rights Bill of 1991;

WHEREAS, the United Church of Christ is a community of God's people believing that:

Jesus stands firmly on the side of the oppressed;

we as a part of His church are charged by our faith, baptism and confession to be like Jesus; and that

the Gospel of Jesus Christ calls the church to be God's instrument of justice, reconciliation and wholeness;

WHEREAS, Jesus Christ commands that "Ye shall be my witness . . .";

WHEREAS, the voice of Jesus through the collective action of the church, must be proclaimed as to the all pervasive issue of Civil Rights;

WHEREAS, the United Church of Christ during General Synod 17, adopted a resolution "Challenging the Resurgence of Racism in America", resolving to renew and reaffirm its commitment to policies of affirmative action through which minority people will be helped to attain economic, political and social equity within the framework of institutional and public life in the United States;

WHEREAS, the Executive Council of the United Church of Christ, acting as Synod ad interim, adopted a Resolution at its October, 1989 meeting, "On Supreme Court Decisions Eroding Civil Rights", encouraging the appropriate agencies and instrumentalities of the United Church of Christ, such as the Office for Church in Society, the Commission for Racial Justice, or the United Church Board for Homeland Ministries to undertake appropriate actions to encourage the Congress of the United States to pass legislation to remedy the harmful affects of the Supreme Court decisions as they affect the African American community, other ethnic minority communities, persons with disabilities and women;

WHEREAS, the Board of Directors of the United Church Board of Homeland Ministries, meeting in New Haven, Connecticut in May 1991 adopted a resolution supporting passage of the Civil Rights Act of 1991;

WHEREAS, the United Church of Christ issued, on January 18, 1991, its Pastoral Letter on Contemporary Racism and the Role of the Church, signed by 39 conference ministers, the instrumentality, agency and commission executives, as well as by the officers of the Church, calling upon every member and local church of the United Church of Christ to, among other things,

"participate actively in the political process on behalf of public policies which result in greater justice, equality and unity," and

WHEREAS, the Pastoral letter concluded that, "The Church must provide the leadership necessary to break the cycle of racial despair."

THEREFORE, BE IT RESOLVED, the Eighteenth General Synod of the United Church of Christ actively supports and calls for the passage of a Civil Rights Bill of 1991 which at a minimum:

reverses the setback of Civil Rights resulting from the Supreme Court decisions announced in 1989, affecting discrimination in the work place;

effectively and equitably redresses and prohibits discrimination in the work place for African Americans, Hispanics, Native Americans, Pacific Islanders and Asian Americans, persons with disabilities, members of certain religious faiths and women, and which eradicates the egregious discrimination of the past;

does not discriminate against women or eliminate or reduce their rights to redress discrimination.

BE IT FURTHER RESOLVED, the Eighteenth General Synod calls upon the President of the United Church of Christ, along with the other elected officers and executives of established instrumentalities, agencies and commissions to make this action known to the President of the United States and the Congress of the United States, forth with, and to immediately, after the passage of this Resolution, call a press conference to announce to the media, the position of the Eighteenth General Synod of the United Church of Christ respecting passage of the Civil Rights Act of 1991.

BE IT FURTHER RESOLVED, the Eighteenth General Synod calls upon the President of the United Church of Christ to convene and name, the United Church of Christ Civil Rights Task Force, with staff or volunteers from the Office for Church in Society, the Commission for Racial Justice, the United Church Board for Homeland Ministries, the Coordinating Center for Women, UBC, MRSJ, PAAM, CHM, CAIM, the Executive Council and the Council of Conference Ministers, and others as appropriate, whose purpose shall be to design, and implement organized and coordinated church wide advocacy (including but not limited to mobilizing conferences, local churches and communities) around the passage of an effective Civil Rights Act of 1991, and others as appropriate.

BE IT FURTHER RESOLVED, the Eighteenth General Synod calls upon the United Church of Christ Civil Rights Task Force to report to the Executive Council of the United Church of

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Christ, beginning October, 1991, and every meeting thereafter until its purposes are accomplished, and to make a report of its activities to the Nineteenth General Synod.

BE IT FURTHER RESOLVED, the Eighteenth General Synod calls upon the President's Office and other established instrumentalities, agencies and commissions, and encourages the recognized instrumentalities and conferences to demonstrate their commitment to the Pastoral Letter on Racism and previous General Synod and Executive Council actions, as well as this resolution, by the commitment of money and staff time to the UCC Civil Rights Task Force and the Passage of the 1991 Civil Rights Bill as appropriate.

BE IT FURTHER RESOLVED, the Eighteenth General Synod calls for the President of the United Church of Christ, and the appropriate instrumentalities, agencies or commissions to immediately report the passage of this resolution to the local churches and to provide to them information regarding the importance of the passage of the Civil Rights Act and to encourage Christian witness to support its passage.

BE IT FURTHER RESOLVED, the Eighteenth General Synod calls upon UBC, MRSJ, PAAM, CHM, and COREM to provide informational and organizing resources and advocacy to the United Church of Christ, church wide, as needed to assist conferences and local churches in addressing the Civil Rights issue.

BE IT FURTHER RESOLVED, the Eighteenth General Synod calls upon the President of the United Church of Christ and the Office for Church in Society to take responsibility for the implementation of this resolution.

BE IT FINALLY RESOLVED, the Eighteenth General Synod affirms the responsibility of Christ's church to be a witness for Him, throughout the four corners of the earth, including the halls of the United States Congress.

Subject to the availability of funds.

28. RECOGNITION OF THE CHILDREN IN SONG

Assistant Moderator Thomas introduced Ms. Lillian Wells, who was responsible for the child care at General Synod.

Assistant Moderator Thomas recognized the young children of some of the delegates to sing for the delegates "Let's Sing a Song Unto the Lord."

29. ANNOUNCEMENTS AND RECESS

Assistant Moderator Rogers introduced Ms. Bernice Powell who made announcements. Assistant Moderator Rogers declared the Eighteenth General Synod in recess until 7:30 p.m. this evening.

TUESDAY EVENING JULY 2, 1991

1. CALL TO ORDER

The final plenary session of the Eighteenth General Synod was called to order at 7:45 p.m. by Moderator Charlotte Penfield Gosselink.

2. REPORT OF OFFERING FOR THE PHILIPPINES AND RECOGNITION OF VOLUNTEERS

The Rev. Scott S. Libbey, Executive Vice-President of United Church Board for World Ministries (UCBWM), reported the offering collected at the afternoon session and dedicated to the Filipinos who suffered loss due to the volcanoes totalled \$3,663.73. This offering, initiated by two conferences, is for crisis relief (volcanic eruptions from Mt. Pinatubo). Additional contributions would be accepted. UCBWM has already sent \$5,000.00 to the Philippines in response to the crisis. Church World Service is seeking funds to contribute to this cause.

The Moderator recognized Ms. Eppie Encabo (CAL.N) who expressed her sincerest gratitude to the Eighteenth General Synod for this spontaneous demonstration of love to the Filipinos. It will help them make a new beginning.

Ms. Powell also expressed thanks to the following staff and volunteers from the Office of Communication, United Church Board for Homeland Ministries (UCBHM), and the Stewardship Council for providing the audio-visual and technical support for the Eighteenth General Synod: the Rev. Neil Topliffe, Ms. Barbara Fryman, Ms. Karin Stork-Whitson, the Rev. Charles Whitson, the Rev. Chris Stockwell-Goering, Mr. Stan David, Mr. Val Cimino, the Rev. Gene Schneider. The youth volunteer camera operators were Mr. T. J. Fryman, Mr. Matthew Allanson, Mr. Robert Alpers, Mr. Jermaine Anderson,

the Rev. Richard Burwell, Mr. Seth Lampman, and Ms. Rachael Lawrence. And the technical engineers were Chris, Terry, Jim, Butch and Ed.

3. CONCERN ABOUT LACK OF YOUTH PARTICIPATION

Two youth, Mr. Scott Hirano (ILL) and Mr. Julian Holland (OHIO), stood for a point of personal privilege to express concern about the lack of opportunity for youth to be leaders at this Synod. For youth gathered as present and future leaders, they expressed thanks for voice to committees which allowed youth to report to Synod, thanks for the youth choir's participation in Sunday's worship service, and concern that youth were not visible in worship services for scripture reading, leadership, and prayers. As future leaders, they expressed the need to participate and become visible in those worship services. All youth delegates and visitors stood in recognition and were resoundingly applauded.

4. RESOLUTION "ACKNOWLEDGING THE 500TH ANNIVERSARY OF THE LANDING OF CHRISTOPHER COLUMBUS AND A UNITED CHURCH OF CHRIST RESPONSE" POSTPONED

The Moderator recognized the Chairperson of Committee Eight, Mr. Peter Tubbs (IOWA), for the presentation of the Report of Committee Eight. Mr. Tubbs thanked the Rev. Norman Jackson (HI) for his contributions to the work of the committee. Mr. Tubbs noted the originating resolutions and their incorporation into the final document, and he called attention to the second part of the preamble. On behalf of the committee, Mr. Tubbs moved that the Eighteenth General Synod