SUNDAY, FEBRUARY 19, 1984

"WHAT ARE SOME OF THE LARGER ISSUES IN THE CHRISTIAN SCHOOL CONTROVERSY?"

ACTS 5:27-39

THE JEWISH AUTHORITIES IN JERUSALEM HAD A PROBLEM. THEY DIDN'T APPROVE OF THE TEACHING AND PREACHING OF PETER AND THE OTHER APOSTLES, SO THEY ARRESTED THEM AND PUT THEM IN JAIL. HOWEVER, DURING THE NIGHT PETER AND THE OTHERS WERE LET OUT OF JAIL BY AN ANGEL OF GOD. AND SO THE NEXT MORNING, THEY WERE BACK IN THE TEMPLE PREACHING. AGAIN THEY WERE ARRESTED AND THIS TIME BROUGHT BEFORE THE COUNCIL. THE HIGH PRIEST REMINDED THEM THAT THEY HAD BEEN ORDERED NOT TO CARRY ON THEIR MINISTRY. BUT PETER AND THE APOSTLES ANSWERED, "WE MUST OBEY GOD RATHER THAN MEN." THIS ANSWER SO ENRAGED THE RULERS OF THE COUNCIL THAT THEY WANTED TO KILL PETER AND THE OTHERS.

BUT ONE OF THE MEMBERS OF THE COUNCIL, A MAN NAMED GAMALIEL, SAID, "LET'S NOT BE TOO HASTY IN OUR DECISION. WE'VE HAD OTHER MOVEMENTS LIKE THIS COME AND GO, AND, BECAUSE WE DIDN'T BOTHER WITH THEM TOO MUCH, THE MOVEMENTS DIED. IF WE DEAL TOO HARSHLY WITH THESE PEOPLE, IT WILL ONLY STRENGTHEN THEM. FURTHERMORE, IF GOD IS TRULY BEHIND THIS MOVEMENT, NOTHING CAN STOP IT ANYWAY, AND IF GOD IS NOT BEHIND IT, IT WILL FAIL."

IN THIS CASE FROM THE BOOK OF ACTS IN THE NEW TESTAMENT, THE ESTABLISHED JEWISH RELIGION WAS

TRYING TO DEAL WITH THE PROBLEM OF WHAT THEY CONSIDERED TO BE HERESY -- A RELIGIOUS MOVEMENT BEING CARRIED ON BY THE FOLLOWERS OF JESUS THAT WAS DEVIATING TOO MUCH FROM WHAT WAS CONSIDERED TO BE THE TRUE FAITH.

WE, THE PEOPLE OF NEBRASKA, CURRENTLY HAVE A PROBLEM THAT IS SIMILAR, BUT DIFFERENT. WE ARE ATTEMPTING TO DEAL WITH WHAT MANY OF US CONSIDER EDUCATIONAL HERESY, ALTHOUGH IT IS MORE COMPLICATED BECAUSE RELIGIOUS BELIEF IS MIXED IN. ON THE ONE HAND, THE STATE, THROUGH ITS LEGAL SYSTEM, AND THE DEPARTMENT OF EDUCATION HAVE AN OBLIGATION TO ENFORCE THE LAWS REGARDING EDUCATION OF CHILDREN AND YOUNG PEOPLE. ON THE OTHER HAND, A SMALL GROUP OF RELIGIOUS SCHOOLS MAINTAIN THAT THE PRESENT LAW AND ITS REQUIREMENTS ARE CONTRARY TO THEIR RELIGIOUS BELIEFS AND THAT ANY INTERFERENCE BY THE STATE IS AN INTERFERENCE IN THEIR RELIGIOUS BELIEFS AND PRACTICES. THEY QUOTE THE STATEMENT OF PETER FROM THE BOOK OF ACTS, "WE MUST OBEY GOD, RATHER THAN MEN," OR, "WE MUST OBEY GOD, RATHER THAN THE STATE."

NOW, BEFORE WE LOOK AT WHAT I CONSIDER TO BE SOME OF THE LARGER ISSUES IN THIS CONFLICT, I WANT TO MAKE A FEW STATEMENTS OF MY OWN BELIEFS SO YOU KNOW WHERE I AM COMING FROM.

MY PURPOSE IN THIS SERMON THIS MORNING IS NOT TO TAKE SIDES OR PROVIDE ANSWERS, BUT TO HELP RE-FRAME THE QUESTIONS OR ISSUES. OFTEN TIMES

HOW A QUESTION IS FRAMED HELPS DETERMINE THE ANSWER. A MAN ONCE ASKED A PRIEST IF IT WAS PERMITTED TO SMOKE WHILE HE PRAYED, AND THE PRIEST ANSWERED, "NO." AS HE WAS TELLING THIS INCIDENT TO ONE OF HIS FRIENDS, HIS FRIEND REMARKED THAT HE HAD ASKED THE QUESTION IN THE WRONG WAY. HIS FRIEND SAID, "I WENT TO THE PRIEST, AND I ASKED IF IT WAS ALL RIGHT IF I PRAYED WHILE I SMOKED," AND THE ANSWER WAS, "YES."

1. FIRST OF ALL, I AM A STRONG BELIEVER AND SUPPORTER OF THE PUBLIC SCHOOLS. I THINK WE NEED TO STRENGTHEN THEM IN EVERY WAY POSSIBLE. I WANTED MY CHILDREN TO ATTEND PUBLIC SCHOOLS SO THAT THEY WOULD COME IN CONTACT WITH ALL KINDS OF PEOPLE AND ALL KINDS OF BELIEFS. LEARNING TO MIX AND GET ALONG WITH A WIDE VARIETY OF PEOPLE AND POINTS OF VIEW IS A PART OF EDUCATION.

FURTHERMORE, I AGREE WITH THE OVER-ALL VISION AND DIRECTION OF PUBLIC EDUCATION -- NAMELY, THAT THE PURPOSE OF EDUCATION IS MORE THAN JUST ACQUIRING A CERTAIN BODY OF KNOWLEDGE, MORE THAN LEARNING THE BASIC SKILLS OF READING, WRITING, AND ARITHMETIC. WHILE THESE ARE BASIC AND HAVE TO BE LEARNED, EDUCATION ALSO HAS THE PURPOSE OF OPENING THE MINDS AND HEARTS OF INDIVIDUALS SO THAT THEY CAN PARTICIPATE AND CONTRIBUTE IN OUR KIND OF SOCIETY. THIS MEANS ACQUIRING THE SKILLS OF CRITICAL THINKING, KNOWING HOW TO EVALUATE INFORMATION SO THAT ONE CAN TELL TRUTH FROM PROPAGANDA; IT MEANS

LEARNING HOW TO LEARN SO THAT ONE WILL CONTINUE TO GROW AND LEARN ALL THROUGH LIFE. IT MEANS NOT BEING AFRAID TO QUESTION AND TO SEARCH FOR NEW TRUTH. EDUCATION IN ITS ROOT MEANING CONNOTES AN EXPERIENCE OF LEADING OUT, OF BEING OPENED UP. UNFORTUNATELY, MORE AND MORE EDUCATION IN OUR SOCIETY HAS BEEN DEFINED AS THE TRANSFER OF INFORMATION.

2. I AM A STRONG BELIEVER AND SUPPORTER OF HIGH EDUCATIONAL STANDARDS, AND THIS INCLUDES THE CERTIFICATION OF QUALIFIED TEACHERS AND THE ACCREDITATION OF SCHOOLS. FROM THE VANTAGE POINT OF MY CHRISTIAN FAITH, SUCH REQUIREMENTS ARE NOT AN INTRUSION OR INTERFERENCE WITH MY RELIGIOUS BELIEFS AND PRACTICES.

BUT SUPPOSE EXTREMELY FUNDAMENTALIST CHRISTIANS OR THE ADHERENTS OF SOME OTHER RELIGION WERE IN COMPLETE CONTROL OF THE STATE IN WHICH I LIVED AND IN CONTROL OF THE WRITING OF ALL CURRICULUM AND OF ALL TEACHER TRAINING AND THAT IN THE SCHOOLS, THEREFORE, THE TEACHING OF EVOLUTION WAS FORBIDDEN AND THAT STUDENTS COULD ONLY LEARN FACTS ABOUT LIFE FROM A VERY NARROW POINT OF VIEW. I WOULD CERTAINLY WANT TO HAVE THE VISION OF THAT KIND OF SCHOOL CHANGED, AND, IF THAT FAILED, AND IF OTHER ATTEMPTS TO CHANGE IT FAILED, I MIGHT WANT TO START MY OWN KIND OF CHRISTIAN SCHOOL.

ALSO, BEFORE WE LOOK AT SOME OF THE LARGER ISSUES, LET'S REMIND OURSELVES OF WHAT ARE NOT THE MAIN ISSUES, BECAUSE WE SO EASILY GET SIDE-

TRACKED.

1. EVERETT SILEVEN IS NOT THE MAIN ISSUE, ALTHOUGH HE SEEMS TO WANT TO BE MADE THE ISSUE, AND WE OFTEN FALL INTO THAT TRAP.

2. SECONDLY, THE UNCALLED FOR TACTICS USED BY SILEVEN AND OTHERS ARE NOT THE ISSUE, ALTHOUGH AGAIN, MUCH OF THE TALK I HEAR IS ABOUT THE TACTICS AND NOT MUCH ELSE.

3. THIRDLY, PEOPLE TEND TO GET OVERLY EMOTIONAL BECAUSE OF THE TACTICS AND METHODS THAT HAVE BEEN USED AND THEN MAKE THE SAME MISTAKES AS THOSE WHO HAVE USED THE BAD TACTICS IN THE FIRST PLACE. REASON GOES OUT THE WINDOW. THIS PAST WEEK, FOR EXAMPLE, I RECEIVED A POSTCARD FROM MR. ANONYMOUS BECAUSE MY NAME APPEARED IN THE PAPERS ALONG WITH SOME OTHER MINISTERS, AND IN OUR STATEMENT WE SIMPLY CALLED UPON THE PEOPLE OF NEBRASKA TO ENCOURAGE AND SUPPORT THE LEGISLATORS IN THEIR EFFORTS TO DEVELOP A FAIR AND WORKABLE SOLUTION.

THIS BRINGS ME TO STATE WHAT I BELIEVE TO BE THE FIRST LARGER ISSUE OR QUESTION THAT IS INVOLVED IN THE CHRISTIAN SCHOOL CONTROVERSY, NOT ONLY IN NEBRASKA, BUT IN OTHER PLACES, AS WELL.

1. THAT LARGER ISSUE IS THIS: HOW DO WE IN A DEMOCRATIC FREE SOCIETY, SUCH AS WE HAVE IN THIS COUNTRY, DEAL WITH DISSENTERS? HOW MUCH LATITUDE DO WE ALLOW THOSE WHO AS A MATTER OF

CONSCIENCE AND RELIGIOUS BELIEF DISAGREE WITH THE NORM THAT HAS BEEN ESTABLISHED AND WITH WHICH THE OVERWHELMING MAJORITY OF PEOPLE SEEM TO AGREE? IT'S NOT A NEW ISSUE AND HAS TO BE DECIDED OVER AND OVER AGAIN IN SOCIETIES LIKE OURS.

ONE OF THE FIRST TEST CASES IN MATTERS LIKE THESE OCCURRED IN 1878 IN A US SUPREME COURT CASE, "REYNOLDS VS. THE UNITED STATES." THIS CASE INVOLVED THE MORMON CHURCH AND ITS PRACTICE OF POLYGAMY. LAWS HAD BEEN PASSED FORBIDDING THE PRACTICE. THE MORMON CHURCH OF THAT TIME CLAIMED THAT SUCH LAWS WERE AN INFRINGEMENT ON THEIR FREEDOM TO PRACTICE THEIR RELIGION ACCORDING TO THEIR BELIEF.

THE SUPREME COURT RULED THAT "CONGRESS WAS DEPRIVED OF ALL LEGISLATIVE POWER OVER MERE OPINION, BUT WAS LEFT FREE TO REACH ACTIONS WHICH WERE IN VIOLATION OR SOCIAL DUTIES OR WERE SUBVERSIVE OF GOOD ORDER." THE REASONING WENT LIKE THIS: LAWS ARE MADE FOR THE GOVERNMENT OF ACTION. WHILE THEY CANNOT INTERFERE WITH MERE RELIGIOUS BELIEF AND OPINIONS, THEY MAY WITH PRACTICES. SUPPOSE ONE BELIEVED THAT HUMAN SACRIFICE WAS A PART OF WORSHIP. COULD THE STATE INTERFERE TO PROHIBIT THAT SACRIFICE? OR, IF A WIFE SERIOUSLY BELIEVED THAT IT WAS HER RELIGIOUS DUTY TO BURN HERSELF ON THE FUNERAL PYRE OF HER DEAD HUSBAND, WOULD IT BE BEYOND THE POWER OF THE STATE TO PREVENT HER FROM CARRYING HER BELIEF INTO ACTION?

YOU CAN BELIEVE WHAT YOU WANT; HOWEVER, YOUR RIGHT TO PRACTICE THAT BELIEF IS PROTECTED ONLY SO LONG AS IT DOES NOT CONFLICT WITH THE COMPELLING PUBLIC INTEREST.

BUT WHAT'S THE COMPELLING PUBLIC INTEREST? IT'S ALWAYS SOMETHING WHICH THE LEGISLATORS AND THEN THE COURTS MUST DETERMINE IN OUR KIND OF SOCIETY. THERE ARE NO NEAT DEFINITIONS. IN 1905, IN THE CASE OF JACOBSEN VS. MASSACHUSETTS, THERE WAS A CASE INVOLVING CHRISTIAN SCIENTISTS AND A SMALLPOX EPIDEMIC IN MASSACHUSETTS. THE CHRISTIAN SCIENTISTS OPPOSED INNOCULATIONS FOR THEIR CHILDREN. THE GOVERNMENT SAID THERE IS A COMPELLING PUBLIC INTEREST IN PREVENTING A FURTHER SPREAD OF THE DISEASE; THEREFORE, YOUR RELIGIOUS BELIEF MUST YIELD.

THROUGHOUT THE YEARS THERE HAVE BEEN MANY CASES INVOLVING JEHOVAH'S WITNESSES AND BLOOD TRANSFUSIONS. THE COMPELLING PUBLIC INTEREST HAS USUALLY BEEN IN PRESERVING LIFE, EVEN IF THAT LIFE DOESN'T WANT TO BE PRESERVED. ANOTHER INTERESTING CASE ABOUT A YEAR AGO INVOLVED BOB JONES UNIVERSITY. THAT UNIVERSITY SAID IT BELIEVES RELIGIOUSLY THAT IT MUST PREVENT INTER-RACIAL DATING AND INTER-RACIAL MARRIAGE ON ITS CAMPUS, AND THE COURT SAID THERE IS A COMPELLING PUBLIC INTEREST IN INTEGRATION IN EDUCATION; THEREFORE, WE WILL TAKE AWAY YOUR TAX EXEMPTION UNLESS YOUR POLICY AGAINST INTEGRATION IS CHANGED.

SOME YEARS AGO THERE WAS A CASE IN TENNESSEE

WITH A "HOLINESS CHURCH" AND SNAKE HANDLING. IT WAS PART OF THE RELIGIOUS PRACTICE OF THIS CHURCH TO HANDLE POISONOUS SNAKES IN THE WORSHIP SERVICE. SOME OF THE NEIGHBORS WERE AFRAID SOME OF THE SNAKES MIGHT ESCAPE AND ENDANGER THE NEIGHBORHOOD. THE STATE SUPREME COURT STOPPED THE PRACTICE BY SAYING THERE IS A COMPELLING PUBLIC INTEREST IN PRESERVING LIFE; THEREFORE, EVEN THOUGH PROHIBITING SNAKE HANDLING REMOVES THE THEOLOGICAL HEART OF THE HOLINESS CHURCH, WE MUST DO SO.

NOW AGAIN, TO APPLY THIS KIND OF REASONING TO THE CHRISTIAN SCHOOL CONTROVERSY -- WHAT IS THE COMPELLING PUBLIC INTEREST IN THIS CASE? THE COMPELLING PUBLIC INTEREST IS THAT ALL PEOPLE NEED A CERTAIN BASIC EDUCATION TO FUNCTION EFFECTIVELY IN OUR SOCIETY. DO THE CHRISTIAN SCHOOLS PROVIDE ENOUGH TRAINING OF STUDENTS TO MEET THE PUBLIC INTEREST, EVEN THOUGH WE MAY NOT AGREE WITH THEIR DEFINITION OF EDUCATION? HOW MUCH LATITUDE CAN WE ALLOW A TINY MINORITY WHO RELIGIOUSLY BELIEVE THAT THEY MUST EDUCATE THEIR CHILDREN IN THEIR OWN WAY, WHICH IN PRACTICE IS IN VIOLATION OF STATE EDUCATIONAL REQUIREMENTS? OR IS THERE SOME WAY IN WHICH BOTH THE COMPELLING PUBLIC INTEREST CAN BE MET AND RELIGIOUS FREEDOM PROTECTED, EVEN THOUGH WE WHO ARE IN THE MAJORITY DISAGREE WITH THE EDUCATIONAL PHILOSOPHY AND PRACTICE OF SUCH SCHOOLS?

2. A SECOND LARGER ISSUE INVOLVED IN THE CHRISTIAN SCHOOL CONTROVERSY IS THE QUESTION:

HOW MUCH RIGHT DO PARENTS HAVE TO CONTROL THE EDUCATION OF THEIR CHILDREN?

3. AND A THIRD RELATED LARGE ISSUE IS: HOW MUCH OF A MONOPOLY SHOULD THE STATE HAVE IN EDUCATION?

IT HAS ALREADY BEEN DECIDED IN THIS COUNTRY THAT THERE IS A CLEAR ACCEPTANCE OF THE LEGAL RIGHT OF PARENTS TO SEND THEIR CHILDREN TO PAROCHIAL SCHOOLS. A DECISION OF THE SUPREME COURT (PIERCE VS. SOCIETY OF SISTERS) IN 1925 ESTABLISHED THIS PRINCIPLE BY DECLARING UNCONSTITUTIONAL A LAW OF THE STATE OF OREGON THAT REQUIRED PARENTS TO SEND THEIR CHILDREN FOR A NUMBER OF YEARS TO THE PUBLIC SCHOOL. THIS ACTION WAS IMPORTANT, NOT ONLY BECAUSE OF ITS BEARING ON RELIGIOUS SCHOOLS, BUT ALSO BECAUSE IT DISCOURAGED A TENDENCY TOWARD A STATE MONOPOLY ON EDUCATION. IT EMPHASIZED THE RIGHT OF PARENTS TO CONTROL THE EDUCATION OF THEIR CHILDREN. BUT AGAIN THE QUESTION, HOW MUCH CONTROL? AND WHAT KIND OF PAROCHIAL SCHOOLS? IS THE COMPELLING PUBLIC INTEREST BEING MET? IS RELIGIOUS FREEDOM BEING ERODED?

THESE ARE ISSUES ALL OF US MUST DISCUSS AND DECIDE OVER AND OVER AGAIN.

AS I SAID IN THE BEGINNING OF THIS SERMON, I DON'T HAVE ANY DEFINITIVE ANSWERS. IN OUR KIND OF SOCIETY, IT'S UP TO ALL OF US TO MAKE UP OUR OWN MINDS AND THEN TO LET OUR LEGISLATORS

KNOW WHAT WE THINK.

AS YOU THINK ABOUT IT THIS MORNING AND THROUGH THE WEEK, ASK YOURSELF AGAIN: WHAT IS THE COMPELLING PUBLIC INTEREST AND HOW CAN IT BEST BE SERVED WHILE AT THE SAME TIME ALLOWING AS MUCH LATITUDE AS POSSIBLE FOR SMALL MINORITIES WHO AS A MATTER OF CONSCIENCE WANT TO DO OTHERWISE.

I INVITE YOU THIS MORNING TO A DISCUSSION OF THESE ISSUES. WE WILL MEET IN CALVERT PARLOR AFTER THE CONCLUSION OF THIS WORSHIP SERVICE.