AMERICAN BAPTIST POLICY STATEMENT ON CHURCH AND STATE

INTRODUCTION

Insistence upon religious liberty has been an identifying mark of Baptists from the beginning of our history. This has led Baptists to promulgate and honor the concept of "A Free Church in a Free State" and to insist upon separation of the institutions of Church and State.

In this new millennium issues of Church State relations have taken on new significance, and it is urgent that we remember our historic commitment to a firm policy of separation of Church and State and renew our witness to this policy.

As the American Baptist Churches in the U.S.A., we have issued numerous statements on religious liberty and Church State relationships across the past decades of our organizational history. It is now appropriate, given the contemporary climate, that we again make a clear, comprehensive and contemporary statement of our position.

While this policy statement primarily addresses the present day scene in the United States, it recognizes that American Baptists do not live and witness in national isolation and that our heritage and policies may have a bearing upon the international community. The principle of religious liberty has universal application, and the policy of separation of Church and State is an instrument by which its universal application may be assured.

BACKGROUND

The Present Situation

With increasing frequency Church State relations have been the focus of public discussion and debate. In recent decades several decisions by the U.S. Supreme Court have stirred public reaction. A new political climate reflects a national mood of uncertainty and insecurity. Many persons are seeking certainty and authority in personal and public life. Changing attitudes toward the role of religion in public life are observable.

A few recent developments some positive, some negative, from a historic Baptist perspective illustrate this changing climate:

- The cry "to put God back in the classroom" by the provision of designated periods of prayer is heard.

- Some Baptists, and even some Baptist bodies, have reversed long held historic positions regarding state sponsored prayer in public schools.
• There is a demand for tuition tax credits and vouchers under the rubric of "choice" for parents with children in private elementary and secondary schools, including church sponsored schools.

• There have been numerous court cases over the display and even public funding of nativity scenes and other religious displays on public property.

• Use of government funds for textbooks or instruction for children in church sponsored schools is under challenge.

• There are efforts to establish and impose doctrinal positions regarding abortion through legislation.

• The rise of aggressive "new religions" or "cults" has brought public cries for control of different and unpopular religions.

• The Internal Revenue Service, the Federal Bureau of Investigation, and other federal and state government agents have often selectively invaded the privacy of confidential files and records of religious organizations, leading to frequent charges of harassment of religious institutions by government.

• Government, at various levels, has intervened in the internal affairs notably by audits of financial records of churches and even "taken over" day to day operation of some religious organizations.

• There have been instances, alleged and demonstrated, of government infiltration of selected religious organizations which have opposed certain government policies and activities for the purpose of obtaining evidence for arrests and prosecution.

• The "Sanctuary Movement," in offering assistance to undocumented Central American refugees for reasons of faith, has been threatened by government harassment, infiltration and selective prosecution of participants.

• Church bodies, including American Baptists, have gone on record as opposing governmental eavesdropping on church meetings and activities.

• Questions are being raised as to what extent government can, or should, forbid or regulate conscience motivated activities by religious groups or attempt to define and regulate the nature and scope of religious activity.

• The use by the Central Intelligence Agency of overseas missionaries and the employment of government agents in the guise of missionaries for gathering of information and other activities has generated opposition by church officials.

• The exchange of ambassadors with the Holy See (a religious personage) by the President of the United States met only mild opposition, whereas in the past the
appointment of a presidential representative to the Vatican State (a political entity) was so vigorously protested that the appointment was withdrawn.

- The virtual elimination of constitutional safeguards for the free exercise of religion by the United States Supreme Court's ruling in Employment Division v. Smith (1990) in which the Court repudiated the long standing compelling interest standard for testing governmental action that burdens religious liberty.

- A proposal by the President in his budget that would require churches to gather and report to the Internal Revenue Service the names of donors and the amount given when contributions exceed $500 annually.

- The priority that some federal and state public officials are giving to voucher schemes and other so called "choice" proposals that would expend public monies for private and parochial schools.

- The proliferation of government regulations related to religion.

- The criticism by the Chief Justice of the United States Supreme Court of the concept of a separation of church and state as a “metaphor which has proved useless as a guide to judging. It should be frankly and explicitly abandoned.”

- The Supreme Court’s recommendation of its traditional requirement of government neutrality toward religion.

- The 1996 federal welfare reform law included a provision that permits states to involve churches and other houses of worship in the delivery of some social services funded by the federal government. This provision, known as “charitable choice,” represents a significant departure from the past practice of allowing organizations affiliated with churches, but not churches themselves, to form partnerships with government to receive public funds. Since 1996, other legislative initiatives referred to as “charitable choice” have been introduced in Congress and states, and some have been enacted.*


There are other Church State issues not as frequently in the headlines recently, but, nevertheless, of long standing concern:

- The exemption of conscientious objectors from military service.

- The payment and control of chaplains for the military, legislative bodies and government operated institutions.

- The issue of "released time" for religious education.
• The right of courts to require medical procedures for children when parents refuse such procedures (e.g. blood transfusions) on religious grounds.

• The issue of taxation of church property.

These present day instances of tension and conflict between Church and State demonstrate the need for a clear and workable policy of Church State relations and increased vigilance by all Christians to insure religious liberty in today's changing society.

The increasing intrusion of the State into areas previously considered beyond the control of the State poses two threats:

1. The State's control, restriction or co opting of religious institutions in such a way as to neutralize their historic role.

2. The Church's use of the State to do what it finds difficult to accomplish in home and church and/or to promote its own tenets.

Both the efforts of some religious groups to impose their beliefs and principles upon others through legislation and recent U.S. government policies and practices toward religious groups' criticism of the social and political order, including its treatment of unpopular religious views, violate the policy of separation of Church and State and pose a threat to religious liberty.

Present trends indicate a new form of "civil religion" emerging as a "generalized form of national faith which mixes religious metaphors with nationalistic aspirations.""2 This civil religion involves "the state's use of consensus religious sentiments, concepts, and symbols for its own purposes. It transcends specific denominations and mixes piety with patriotism and traditional religion with national life until it is impossible to distinguish between them."3 Civil religion has emerged out of an apparent desire to cloak national interest in a robe of righteousness by imposing a particular understanding of Christian destiny upon the nation.

Confronted with such a situation, it is imperative that American Baptists address the challenges to our heritage and to long held historical patterns of Church State relationships.

Recent American Baptist Responses

In recent years, among other responses, American Baptists in the U.S.A. have focused on Church State issues by legal actions, having filed several legal briefs or suits in religious liberty cases. Several examples are:
1. The filing of an amicus curiae (friend of the court) brief in the case of the Unification Church founder and leader, the Rev. Sun Myung Moon, charged and later convicted of tax evasion when he failed to report, as personal income, earnings on church monies held by him for the church.

2. The filing of an amicus curiae brief in the case of fundamentalist Bob Jones University, when tax exempt status was denied the school on grounds that it has racially discriminatory policies, even though such policies were based on its interpretation of biblical teachings.

3. Joining in the filing of a suit against the U.S. Attorney General and Director of Immigration and Naturalization Service, seeking to bar actions against churches and individuals offering aid to Central American refugees, when persons and groups involved claimed their actions were motivated by their understanding of biblical injunctions.

4. ABC v. Reagan (ABC = lead plaintiff) arguing that religious organizations have standing to seek enforcement of the First Amendment, that the President is subject to the establishment clause even in the conduct of foreign affairs and that the appointment of an ambassador to a church is strictly forbidden by the Constitution.

5. U.S. Catholic Conference v. Abortion Rights Mobilization, Inc. and Baker (ABC listed separately from Baptist Joint Committee as amicus) a free exercise and free speech case involving a church's right to lobby and engage in political speech without jeopardizing its tax exempt status.

6. Bennett v. Wamble and Ferguson (amicus brief written by ABC House Counsel Earl Trent for Baptist Joint Committee) asking the Supreme Court to consider Wamble case before deciding Felton and Grand Rapids because the former contained an extensive record of establishment clause violations in administration of Title I programs in parochial schools and arguing that the remedial instruction program in Wamble unconstitutionally entangled the state with the affairs of parochial schools.

7. Molko and Leal v. Holy Spirit Association for the Unification of World Christianity (ABC = amicus) arguing that the matters appellants are asking courts to regulate, namely speech used in evangelizing and the nature and circumstances of the conversion experience, are inextricably intertwined with religious doctrine and essential both to the existence of churches and to the course by which each individual comes to accept faith and to participate in a religion; therefore this case directly implicates religious liberty.

There are numerous other cases in which ABC has filed through the Baptist Joint Committee, one of the most important being Lee v. Weisman, the "graduation prayer case" in which petitioners and the United States asked the Court to abandon the fundamental requirement that government be neutral toward religion and substitute
instead the requirement that government refrain from "coercion" which they define very narrowly.

These legal actions all filed jointly with other religious groups are based upon previously adopted American Baptist policy statements and resolutions. In addition to these legal actions the Office of Governmental Relations of the American Baptist Churches has engaged in advocacy to Congress and the Executive Branch on key religious liberty and Church State issues, and our denominational leaders have made public statements opposing the erosion of historic principles. The Baptist Joint Committee on Public Affairs, in which ABC/USA is active, also addresses crucial issues in these fields. Not all American Baptists agree with these actions. Objections reflect differing interpretations of the principle of "Separation of Church and State" within American Baptist ranks, and highlight the danger that contemporary moods may erode or weaken our long held positions.

Our historic statements on Church State relations need to be affirmed, our members sensitized as to their significance, and our proclamation of our position strengthened.

Historical Review

The foundations of American Baptists' position of separation of Church and State are grounded in the Bible and in the history of the church and western civilization. History bears testimony to the inhumanity of religious zealots who, convinced of their rightness, resorted to violence and political domination to force their beliefs upon others. In earlier centuries the prevailing pattern of alliances between Church and State throughout Europe brought forth small dissenting groups who became the spiritual forerunners of today's Baptists and of Baptists in America in particular. Conflict and tension between Church and State in Europe were primary factors in the settlement of America. Today, when this history is being romanticized and distorted, it is easy to lose sight of certain historical facts:

• Dissenting individuals and "sects" represented only a few of the many who fled Europe to find a haven in America.

• Nine of the colonies, once founded, "established" a particular religion as the "State" religion. In some colonies dissenters were persecuted or exiled; taxes were levied for the support of the established churches.

• The desire for full religious freedom for all religions motivated the establishment only of Rhode Island. Freedom of religion was only part of the motivation in the settlement of Pennsylvania, New Jersey, and Delaware.

• After a century and a half of colonization, religious freedom was not a universal reality throughout the uniting states. The fear that the federal government would infringe upon
religious liberty was a concern at the time of the adoption of the U.S. Constitution and one reason for the addition of the First Amendment.

• Article 6 of the Constitution provided that "no religious test shall ever be required as a qualification to any office or public trust" in the new federal government, but many colonists notably Baptists insisted upon more explicit and extensive assurances.

• The religion clauses of the First Amendment resulted: "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof."

• The commitment to complete religious liberty by Baptists such as John Leland and Isaac Backus was complemented by the Enlightenment thought (in the marketplace of ideas truth would finally prevail) of leaders like Jefferson and Madison.

• The thought that the United States was or ever should be a "Christian Nation" was foreign to many of those who drafted and voted for the Bill of Rights. They subscribed to a concept which barred the establishment of any religion as the official faith of the new nation.

• The principle of Church State separation is grounded in the concept of "soul freedom" in commitment to religious liberty for all persons and groups.

Not all the earliest colonists came seeking religious liberty. At best, our forebears came seeking personal freedom and had only a limited understanding of the principle of separation of Church and State as we know it today. It was the religion clauses of the Bill of Rights that constitutionally established the principle of religious liberty in the U.S. setting. The policy that civil power should be neutral and impartial as regards different forms of faith did not reach maturity until well after the Bill of Rights.

Religious liberty was not universally recognized when our nation began, it was a dynamic concept which emerged and developed as the nation emerged and developed. Church State relations today are endangered by the failure to comprehend this. Religious liberty will be sustained only so long as men and women of faith continue the struggle to maintain separation of Church and State.

The issue of religious liberty is a worldwide concern. The American "experiment" has become a model to both the old world from which the colonists came and to emerging nations struggling to perfect their own governments. The Helsinki Accords and the recent adoption (1981) of the United Nations' "Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief" are testimonies to the dynamic nature of the concept of religious liberty.

While the First Amendment has become the constitutional guarantor of religious liberty
in the United States, the interpretation of its phrasing and meaning has been a continuing
source of dissent and conflict throughout the history of
the U.S. Some feel it is not "clear" or precise. The interpretation of the religion clauses
(the "establishment clause" and the "free exercise clause") of the First Amendment has
come to the fore repeatedly in the past decade.
While the question of interpretation is being debated, American Baptists must not remain
silent. We will continue to wrestle with the issue of Church State relations in light of our
heritage, postulate a contemporary statement of our
current position, and speak out with clarity as have those before us.

The Theological Biblical Basis

The biblical basis for the concept of separation of Church and State is implicit, not
explicit, but the issues of religion and politics are inseparable throughout the Bible.
"Scripture nowhere enjoins in so many words separation of Church and State. It requires
spiritual discernment to discover the doctrine...and yet when once discovered by the
unbiased mind, it is
accepted as a self evident truth."4

Church and State in the modern sense were unknown in biblical Israel. Israel was a form
of theocracy. Initially the Bible presents Israel as a family nation. This family nation is
called by God, "My people." In the Promised Land the "chosen people" mixed political
and religious structures.

The advent of kings is clearly presented as God's concession to the Hebrews' desire to be
like other nations. The kingdom eventually turns away from God and is divided as the
result of its faithlessness. The prophets counter balances to the kings became the
dominant figures. They were both political and religious figures with divine authority.
Addressing political, social,
-economic and religious issues from a moral and religious stance, they confronted both
king and priest with the resounding, "Thus saith the Lord..."

In the Old Testament the independence of the prophet from the king was essential. The
call and authority of the prophet to stand in judgment upon political leaders and actions is
assumed. Prophets who spoke only what the king wanted to hear were identified as "false
prophets."

The importance of prophetic witness within and against the nation at the command of
God through dramatic, dynamic interaction is illustrated in specific injunctions such as:
"Let justice run down like waters, and righteousness like a mighty stream" (Amos 5:24).
There was the promise that "nations shall see thy righteousness, and all kings thy glory"
(Isaiah 62:2a),
but always righteousness was a voluntary response of God's people to the prophetic call.

This is of significance in the contemporary debate over Church State relationships
because some Christians seek to identify the U.S. as God's "New Israel," the chosen
successor and modern counterpart of biblical Israel. We cannot accept this interpretation nor any effort to claim for any nation the biblical identity of "chosen people." The church, in its widest international scope, is the "People of God," free of all nationalistic limitations.

In the New Testament a markedly different relationship of government and religious institutions was presented. At the birth of Jesus, Israel was a subjugated people. Israel existed more as a religious entity than a political reality. Civil affairs were basically the affairs of Caesar; the "things of God" were the affairs of the Temple. Jesus is presented in conflict with both State and Temple and virtually the only pronouncement he made on the question of State Temple relations was his seemingly enigmatic injunction, "Render unto Caesar the things that are Caesar's and unto God the things that are God's" (Matthew 22:21; Mark 12:17; Luke 20:25).

While some interpreted these words as dividing the realms of obligation to Church and State, in context they declare the ultimate authority of God and set forth the need for ultimate allegiance to God. The verse "doesn't begin to solve the questions it raises but leaves it to the faithful person and to faithful communities to discern in each instance where the limits of Caesar's claims can be discerned." Unquestionably, Jesus taught that the claims of God take precedence over the claims of the State.

Jesus was tried before both religious and civil authorities, charged with both a religious offense (blasphemy) and a civil crime (treason). After the death and resurrection of Christ, the apostles took the Gospel beyond Palestine into the Greco Roman world, and, like Jesus, found themselves in conflict with both religious authority and civil authority.

In this environment, and under civil injunction not to preach, Peter (and "the other apostles") echoed Jesus' stance: “We must obey God rather than any human authority” (Acts 5:29).

Paul, speaking from his Jewish background, provided another enigmatic statement: "the powers that be are ordained of God" (Romans 7:10; 13:1 2). While some Christians read this as meaning that all government is ordained of God, the biblical record supports the view, that while God ordains civil authority (human life requiring governance), this does not mean that any particular government is favored by God simply by virtue of its existence. Ultimate allegiance to God may put a person in opposition to a given government, and prophetic responsibility often calls for pronouncing judgment upon government. Arrested and accused, Paul appealed to Caesar (Acts 25:11), thus recognizing civil authority. Submitting himself to Roman justice, he accepted the consequence of disobedience to government. In other instances, he and other New Testament Christians defied government.
In summary, the Bible teaches that:

• Moral and religious concerns are inseparable from the affairs of governments and are to be addressed by religious communities.

• God and only God is worthy of ultimate human allegiance and worship: "You shall love the Lord your God with all your heart, and with all your soul, and with all your mind, and with all your strength..." (Deuteronomy 6:4; Mark 12:30).

• God's absolute dominion requires absolute allegiance (Psalms 24, 47; Colossians 1:15 18).

• The role of prophet is central and demands both independence from civil authority and interaction with that authority.

• Freedom is fundamental to human life. God framed us to be creatures of free choice and action, and without free will we are not what God intended us to be. From Genesis' Garden of Eden to Revelation's City of God, the biblical record is the story of human choice: "Choose this day whom you will serve...but as for me and my house, we will serve the Lord" (Joshua 24:15).

• The divine human relationship is predicated upon free human embrace of a relationship with God. Human beings are created free, and freedom is essential to our realization of God's purposes in our lives.

Freedom "soul liberty" is of the very essence of human existence. Political structures must not be allowed to inhibit, deny, or destroy this basic individual liberty to respond to God.

The Church State relationship is ultimately grounded in religious liberty, and religious liberty is rooted in God's gift of soul freedom. Our heritage requires American Baptists to act upon these biblical and theological understandings, proclaiming liberty to, and claiming liberty for, all peoples.

POLICY

As American Baptists we hold religious liberty to be fundamental to human freedom, a gift of God without which the essential character of human life is violated; it is not a privilege to be granted or denied by government, but a right and obligation required of government. Without religious liberty all other human rights are in jeopardy and in danger of being perverted or abused.

Though churches and governments are humanly structured, we hold both to be divinely ordained with distinct roles, rights and responsibilities, not essentially equal nor inherently in conflict. Neither should be subservient
to, nor dominate, the other.

The Church has the duty and right to worship, educate and witness through evangelism and prophetic action; to provide spiritual nurture, encourage self discipline and teach morality.

We believe that churches, as institutions, and believers, as individuals, have the right and responsibility to make moral and ethical judgments including judgments upon the State.

We further believe that the State has the right and responsibility to maintain social order, to promote the general welfare and to protect its citizens and their rights, both from external threat and internal erosion, i.e., "the care of other peoples' safety; which consists in protecting and securing them from being destroyed or oppressed by one another as well as by strangers."6 Thus government can claim a "compelling interest" in the conduct of religious institutions in matters of health, education, safety and fraud, within the bounds of the First Amendment.

We acknowledge that the respective spheres of Church and State are not easily delineated, and, therefore, an inevitable tension exists. This tension must be understood and minimized. There must be a recognition of the respective roles of Church and State as institutions which must never be merged and the role of religion (faith) and politics as legitimate aspects of personal and public life which should never be separated.

We believe that Christian faith produces political consequences but that politics devoid of respect for religious differences tends to produce tyranny and terror.

As Americans and as Baptists we possess a long heritage as lovers and defenders of religious liberty that we trace from creation through the Hebrew prophets, Christian apostles and our European Baptist forebears. We hold that "The magistrate is not by virtue of his office to meddle with religion, or matters of conscience, to force or compel anyone to this or that form of religion or doctrine, but to leave the Christian religion free to everyone's conscience, and handle only civil transgressions, for Christ only is the King and lawgiver of the church and conscience."7

In our nation's history Baptists played a leading role and paid a high price in securing, establishing and protecting religious liberty. In New England, Roger Williams founded Providence Plantations on the assertions that government's authority was limited to the civil realm and that the domain of conscience is reserved to God alone. In Virginia, Baptist ministers accepted imprisonment for preaching without a state license.

We gladly claim this heritage and rededicate ourselves to the continuing struggle to preserve and perfect what those who came before us began.
THEREFORE:

We affirm the principle of religious liberty to be essential to the security and well being of both Church and State. We embrace the institutional separation of Church and State as essential, demanding constant vigilance and reapplication, in light of changing governments, cultural and social practices and our own growing maturity in Jesus Christ.

Contemporary challenges to this heritage prompt us to declare anew our dedication to the securing and maintaining of the following rights of both individuals and groups, and to oppose certain government intrusions into religion, as stated in previous American Baptist resolutions and policy statements:

1. The right to choose and change religion freely, to maintain religious belief or unbelief without coercion;7

2. The right of communities of faith to meet together and engage in ministry and worship, both publicly and privately;9

3. The right to witness publicly to others and to speak freely from religious conviction to both government and society;8

4. The right to live out basic religious beliefs free of governmental intrusion, coercion and control, providing others are not harmed thereby;8

5. The right to follow the dictates of conscience, to express dissent, individually or in groups, to prevailing ideas, governments and institutions,8 including the right of religious groups to engage in education9 and operate schools, and the right of the individual to participate or to refuse to participate in conscripted service10 on the grounds of conscience.

In keeping with these claims, we declare our explicit opposition to:

• Any attempt through legislation or other means to allow discrimination in hiring on the basis of religious faith when those programs are funded with public monies and/or which fails to adequately protect the beneficiaries of publicly funded programs from religious coercion.

• Any attempt through legislation or other means to require or permit mandated prayers or mandated participation in religious practices in public institutions;11

• Any benefits such as tuition tax credits or vouchers,12 which use public funds for the support of religion sponsored activities and institutions;9

• The recognition of Church or religious entities by government (e.g. financial support or delegation of official representatives, such as the appointment of an ambassador to the
Holy See);

- Government efforts to define legally such basic terms as "Church," "Religious Society," "Minister," "Priest" or mission activity of a church;

- Governmental surveillance, overt or covert, of religious organizations and activities.

OUR COMMITMENT

We realize that our concern for, and action on behalf of, the religious liberty of others is too often in direct proportion to our sense of our own religious liberty. We are grateful for the freedom to exercise our rights, and we will not lose sight of the denial or violation of the rights of others. We will not allow fear of differing religious practices, insecurity in our own beliefs, convictional differences or evangelistic zeal to prompt us to condone or ignore discriminatory practices or persecution of unpopular religious groups. We will not forget that we were once "outsiders" ourselves.

Confessing our sin and frequent failure in these matters we rededicate ourselves to the struggle for religious liberty and to the exercise of vigilance that prevents either majority or minority from dictating in matters of faith. Recalling our own history as a religious minority and acknowledging our present status as a "mainline" denomination prospering under freedom, we call ourselves back to the task of proclaiming and securing religious liberty for all people through such means as are available to us and consistent with God's gift of choice to all persons.

We claim our right, and declare our intention to:

1. Address our governments at all levels local, state and federal on issues which we believe impinge upon religious liberty;

2. Oppose our governments when their actions threaten, limit or deny the religious liberty of any person or group;

3. Address governments of other nations since ours is a call to world wide witness when their policies or actions endanger the religious liberty of any persons or groups;

4. Cooperate with other persons and organizations who share our concern for religious liberty;

5. Encourage and assist American Baptists and American Baptist congregations to speak out and to act appropriately when religious liberty is at stake in their communities or in the nation;
6. Identify with and defend the religious liberty of others, even if we disagree with their views or actions;

7. Support the right of those who, for reasons of conscience, are led to take a particular nonviolent course of action, however unpopular it may be.

Finally, in keeping with our polity, which authorizes and empowers the officers and boards of the American Baptist Churches to speak out and act on behalf of the denomination wherever and whenever these issues need to be addressed, we urge our officers and boards, on our behalf, to continue aggressive efforts in the arena of Church State relations.

As American Baptists, born under religious oppression, nurtured in persecution, growing in a climate of religious freedom, we pledge ourselves to the continuing struggle for religious liberty and the separation of Church and State and to the support of all who yearn for the freedom we know in Jesus Christ.

NOTES


(2) Robert D. Linder, professor of history at Kansas State University, in material submitted to the Task Force.

(3) Ibid.


(6) John Locke, Essays.

(7) The Amsterdam Confession of 1611, the earliest known Baptist congregational confession.


(9) Resolution on Separation of Church and State, 1961, 1983.


(11) Resolution on Church and State, 1964, and Resolution Against State Mandated Prayer, June 1980.
(12) See June 1978, Resolution on Tuition Tax Credits.

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