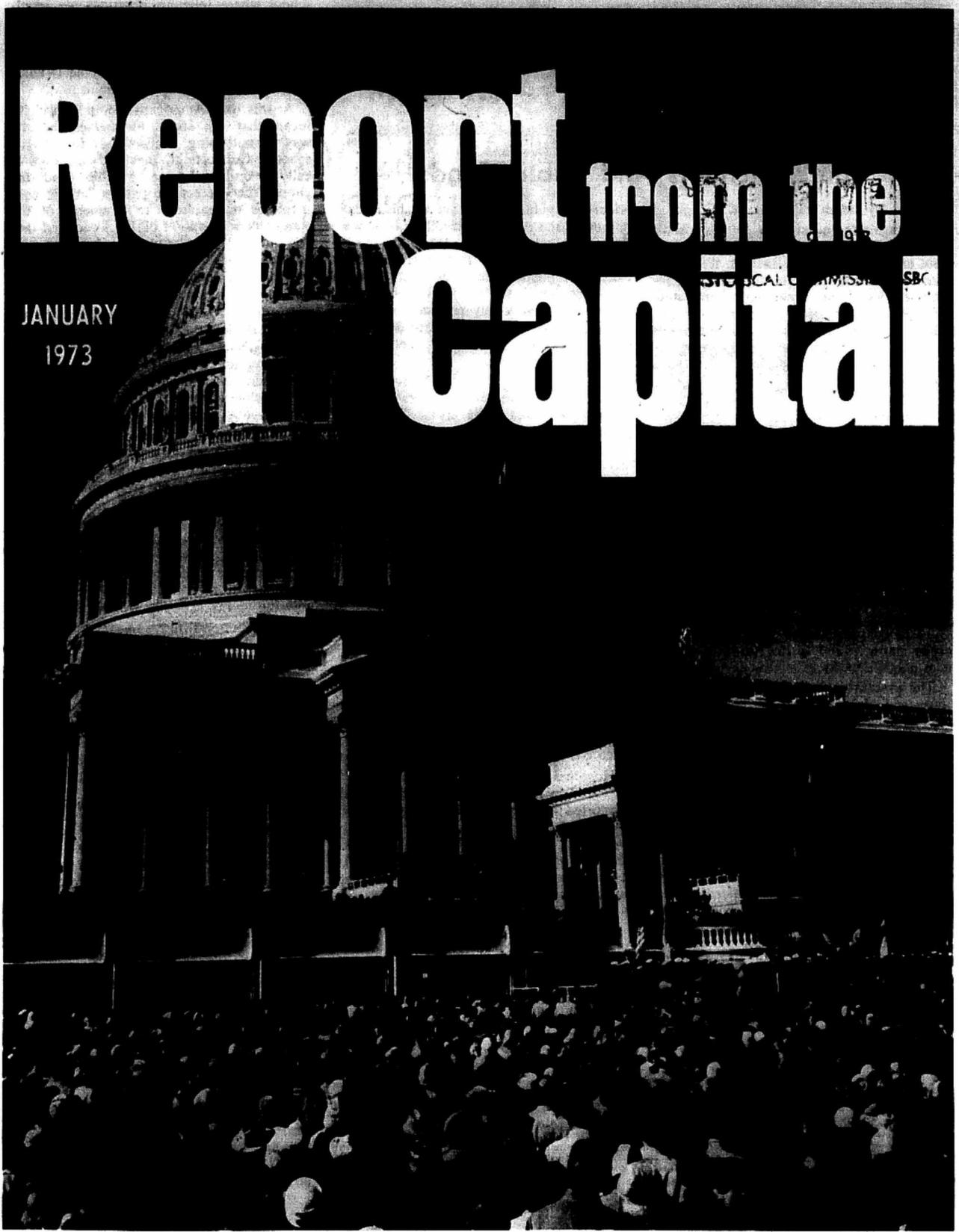
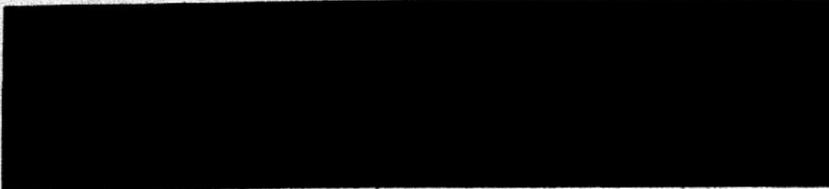


Report from the Capital

JANUARY
1973



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Church Schools And Public Funds

By James E. Wood, Jr.

Once again the question of church schools and public funds has emerged as a major state and national issue. In fact, it has become one of the most controversial and inflamed issues in American church-state relations, divisive both religiously and politically. Heatedly debated in numerous states in which tax support is being increasingly sought and demanded by church and private school lobbies, public aid to nonpublic schools—elementary, secondary, and colleges—was promised in this past election year by both major presidential candidates.



Wood

The question of church schools and public funds is crucial both to American church-state relations—integral to both the "no-establishment clause" and the "free exercise clause"—and to the future of American public education.

The present controversy is not without a long and dramatic history in American church-state relations, without some consideration of which much of the present debate and furor over church schools and public funds would hardly be comprehensible. An important reason for this is that the American public school and the American tradition of church and state are historically, inextricably intertwined.

As Ied Pfeffer perceptively observed, "The origin of public education in the United States not merely antedates separation of Church and State, to a considerable extent, it owes its very existence to the fact that it antedates separation."

The First Amendment was rooted in conflict over the use of public funds for the support of religion and religious education. The

American public school is as historically unique as the American tradition of separation of church and state. While the American view of church and state has been called the "greatest single concept America" has contributed to the world, the public school has been widely regarded as the supreme achievement of American democracy and the greatest institution produced by American civilization.

Opposition to public funds for church schools, or schools under ecclesiastical or religious control, dates from the earliest days of the republic. In Virginia, James Madison and Thomas Jefferson opposed any attempt to secure state funds for church schools. It was Madison's resistance in 1784 to a "Bill Establishing a Provision for Teachers of the Christian Religion" which provoked his "Memorial and Remonstrance Against Religious Assessments," one of the great documents in the history of religious liberty, in which Madison presented 15 arguments against the assessment bill.

It was Jefferson who first conceived of public schools, free and tax supported, as the basis of an informed, democratic citizenry. According to Jefferson, these public schools were not necessary to replace church or private schools, but to provide education for all, "tuition gratis." These free common schools should be, Jefferson argued, nonsectarian and without any religious control.

Horace Mann exerted particular influence on the state legislatures to provide for tax-supported schools in which sectarian textbooks and all sectarian practices would be prohibited. Significantly, Mann's first speech after his election to the Massachusetts Assembly was on religious liberty. Mann contended for the free public school, tax-supported, and without sectarian control, on the basis of the principle of religious liberty and the separation of church and state.

In Mann's *Final Report to the Massachusetts State Board of Education* in 1848, he wrote, "If a man is taxed to support a

school where religious doctrines are inculcated which he believes to be false, and which he believes that God condemns, then he is excluded from the school by the divine law, at the same time that he is compelled to support it by the human law."

At this time Americans would do well to recall that the states themselves led the way in outlawing public funds for church schools. Connecticut, the first state specifically to outlaw the use of public funds for church schools, set the pattern for the constitutions or statutory requirements of the states. Its constitution of 1818 declared that "no law shall ever be made authorizing such [school] funds to be devoted to any other use than the encouragement and support of public or common schools."

By the 1870s most state constitutions expressly denied the use of public funds to church schools. Finally, in every state without exception it became unlawful to grant tax-raised funds for the support of church or parochial schools.

Murray A. Gordon in a scholarly essay on the subject public funds and church schools noted, "Few verdicts of history are clearer than the purposeful determination of the states to bar the church from public schools and the church schools from public funds." With the incorporation of the First Amendment into the Fourteenth Amendment the constitutional provisions "respecting an establishment of religion or prohibiting the free exercise thereof" became explicitly applicable to the states as well as the federal government.

Unable to secure direct aid from public funds, a limited number of church schools have for more than four decades been receiving "indirect" aid in the way of providing such services as free textbooks and free bus transportation. While *Everson v. Board of Education* (1947) has been interpreted by some as an opening wedge for the use of public funds for church schools, the language of the decision itself left no doubt that the Court regarded any direct aid to church schools as clearly unconstitutional.

Thus, those who may have drawn encouragement from the decision itself to mean possible assistance to church schools on a broader scale were categorically and expressly reminded of the constitutional unavailability of public funds for church schools.

In 1947, for the first time, the Court expressly sought to define the meaning of the (See, CHURCH SCHOOLS, page 8)

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The views of writers of material for *Report From The Capital* are not necessarily those of the Baptist Joint Committee on Public Affairs or its staff. The bulletin also provides for the sharing of views between leaders of the cooperating conventions and between leaders of various religions and traditions.

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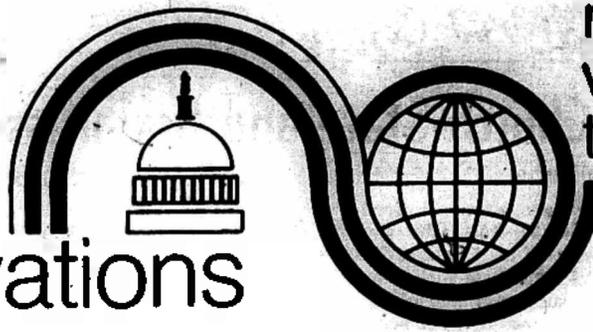
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washington observations



news
views
trends

December 20, 1972

RELIGIOUS AFFILIATIONS of members of Congress are most interesting, but not most significant. This is the way it should be. The U. S. Constitution provides: "No religious test shall ever be required as a qualification to any office or public trust under the United States." It would be unfortunate, indeed, if a candidate ran for public office pledged to enact into law the tenets or the moral, political and social views of his particular religious faith.

JOHN F. KENNEDY, a member of the Catholic Church, running for President in 1960, told the Greater Houston Ministerial Association: "I believe in an America where the separation of church and state is absolute -- where no Catholic prelate would tell the President, should he be a Catholic, how to act, and no Protestant minister would tell his parishioners for whom to vote."

KENNEDY THEN DECLARED a basic principle that should be a guide for all elected officials: "Whatever issue may come before me as President, if I should be elected -- on birth control, divorce, censorship, gambling, or any other subject -- I will make my decision in accordance with these views, in accordance with what my conscience tells me to be in the national interest, and without regard to outside religious pressure or dictates. And no power or threat of punishment could cause me to decide otherwise. But if the time should ever come -- and I do not concede any conflict to be even remotely possible -- when my office would require me to either violate my conscience or violate the national interest, then I would resign from office, and I hope any conscientious public servant would do the same."

IT IS THE OBSERVATION of the editor of "Report From The Capital," after 15 years in Washington, that religious affiliations of congressmen are not the determining factors in their positions on public issues. Other factors far overshadow their religious connections. For instance, a strong public opinion in a congressman's home district on an issue will come nearer determining how the congressman will vote than the official position of his church on the same issue.

IN SPITE OF THESE POLITICAL 'FACTS OF LIFE,' interest continues in the religious make-up of a new Congress following each election. Religious News Service has issued a report on the religious affiliations of the new 93rd Congress that convenes on January 3. Here is the RNS tabulation for the House of Representatives.

ROMAN CATHOLICS, METHODISTS AND PRESBYTERIANS dominate the new House of Representatives elected last November. The next Congress will have 101 Roman Catholic Representatives, 65 Methodists and 63 Presbyterians. Others are: Episcopal, 48; Baptist, 46; Disciples of Christ, 9; Lutheran, 13; United Church of Christ, 19; Jewish, 12; Orthodox, 3; Christian Science, 4; "Protestant," 17; Latter Day Saints (Mormon), 7; Churches of Christ, 6; Friends (Quaker), 4; Unitarian-Universalist, 5; Evangelical Free, 2; one each of the following, Apostolic Christian, Seventh-Day Adventist, Bible Church, Evangelical Covenant, Christian and Missionary Alliance, United Brethren in Christ, Churches of God in North America; and four congressmen list no religious affiliation.

Church-State and Social Issues Loom Large

By John W. Baker

President Nixon won re-election by polling 61.3% of the popular vote. This gave him 96.8% of the votes of the Electoral College. It could be anticipated that such a lopsided victory would carry with it a substantial increase in the number of Republicans in the new 93rd Congress.

However, the President's coattails were short or nonexistent. The Republicans captured a few additional seats in the House of Representatives and lost a few in the Senate. The major changes which will show up in Congress this year will come from a large number of congressmen who did not seek re-election. Many of these were senior members who were encouraged to retire by a substantially improved retirement program. There are eight former committee chairmen who did not return to Congress this year.

The credentials of members who come new to the Congress and the addition of eight new committee chairmen seem to indicate that the moderate to liberal wing of each party has registered a slight gain in its overall strength. A more conservative sounding President did not bring in a conservative Congress to serve with him.

The divisions between the executive and the legislative branches and the rush of legislative proposals which comes at the beginning of a new Congress seem to indicate that 1973 will be a busy, controversial, and interesting year.

Among the many issues which will be before Congress this year, some are of particular interest to the churches.

Constitutional Amendments

Each session of Congress produces a number of proposals for changing the Constitution to alter both procedural and substantive provisions. Most of them are never scheduled for hearings before the appropriate committee in each house.

There are two proposals which may come to the floor of the House of Representatives through the process of a discharge petition. (If a committee of the House does not report a bill or a proposed amendment for consideration by the whole House, a petition signed by a majority of the members will discharge the committee from further consideration of the act and will re-

quire that the House have an opportunity to vote on the matter.)

There is a consensus that a new prayer in public buildings amendment and an amendment prohibiting busing of school children to achieve racial balance will be introduced. Peter Rodino (D., N.J.), who succeeded Emanuel Celler (D., N.Y.) as Chairman of the House Judiciary Committee, will probably try to keep these proposals from coming to a final vote in committee. It is anticipated that pressures will be strong enough that discharge petitions will bring them out of committee later this year.

The prayer resolution which was defeated in the 92nd Congress will again lead to a confrontation between those who support an alteration of the First Amendment to permit state authorized prayers in buildings supported in whole or in part by public funds and those who oppose state prayers and want the First Amendment to remain unchanged.

In November 1970, when the prayer resolution was defeated, the pro-amendment groups vowed to work to defeat those who voted against the resolution. Named as the "core four" and principal targets were Rep. Fred Schwengel (R., Iowa), Rep. James Corman (D., Calif.), Rep. Robert Drinan (D., Mass.) and Rep. John Seiberling (D., Ohio).

Of these four, only Schwengel was defeated. However, his vote on the prayer resolution was not an issue in his re-election campaign. Rep. Edward Mezvinsky, who won against Schwengel, publicly stated that he too would vote against a prayer amendment.

An analysis of the election returns indicates that there was no correlation between a member's vote on the prayer resolution and his return to Congress. This should give courage to House members who probably will have to vote on this emotion-laden issue this year. They may need further encouragement from their constituents, however.

The anti-busing amendment has the blessing of President Nixon and will create a strong tension within Congress. At present, indications are that the proposal can get the necessary two-thirds vote in the House but will fall short in the Senate. The Baptist Joint Committee has not taken a position on this issue.

Tax Reform

The income tax laws in the United States have grown without a master plan and create many inequities and windfalls.

There have been piecemeal alterations of the income tax laws in the past but no "root and branch" reforms. A thorough re-examination of the entire system has priority in this Congress.

In 1972 Congressman Mills and Senator Mansfield introduced bills which called for a systematic review over a three-year period of all tax deductions and special tax advantages enjoyed by some taxpayers. Of interest to the churches were such items as the deduction of gifts to churches, schools, charities and other nonprofit organizations, and the tax-exempt housing allowance which ministers receive.

Mills has indicated that he has abandoned this approach to tax reform and will press for a more general review of the tax structure. As Chairman of the Committee on Ways and Means, Mills is in a position to determine what direction the legislation will take.

Tax Credits

Although tax credits to parents of children in nonpublic schools is an integral part of tax reform and will be considered by the Committee on Ways and Means when it takes up general tax reform, the issue is of such importance to the churches that it needs to be considered separately.

Both President Nixon and Senator McGovern endorsed the idea of tax credits to help parents with the tuition costs of sending their children to private and parochial schools.

An informal group representing churches, education groups, and civil rights organizations met in December with legislative staff members to begin discussing strategy to counteract the proposal.

Tax credits were opposed by the group on the constitutional basis that the proposal violates the Supreme Court's constitutional tests, namely, that the basic purpose and primary effect of the legislation would be to advance religion and that tax credits would lead to excessive entanglement of the state in religion. Tax credits are also opposed on the grounds that they would tend to weaken the public schools and could seriously fragment the American society.

Tax credits are opposed by church groups on the basis that they infringe on religious liberty. By taking tax money which is collected from everyone and using it to support parochial schools established to teach a particular religion to children, the state is compelling those who believe differently or who do not have religious beliefs to support that religion. Thus it becomes compulsory religion rather than religious freedom.

Political pressures will be strong on the



Baker

new Congress. Unless a massive campaign is mounted in opposition to tax credits, it seems likely that they will be passed by Congress and signed by the President this year.

National Health Services

Chairman Mills and Senator Kennedy have stated that a major priority item for the new Congress will be a bill which establishes some form of national health service and insurance.

Both Mills and Kennedy are considered as serious candidates for the Democratic presidential nomination in 1976 and it seems that they both see some form of a health program as a vehicle to help achieve their nomination.

Without attempting to pass judgment on the merits of bills whose contents are not presently known, some observations need to be made on the importance of such legislation to churches.

The Christian concern for the poor and the sick is well-known. We have not made serious inroads on solving the problems of an adequate health service for all of our people or of overcoming the rapid rise in the costs of major surgery or illness. The proposals should be studied intensively as they are presented to see if they are adequate solutions to people's medical problems.

Another aspect of a national health program which should concern the churches is the impact which major governmental involvement in health would have on denominational hospitals and medical and dental schools.

Elementary—Secondary Education

Chairman Perkins (D., Ky.), of the House Committee on Education and Labor, has determined that the first item on the agenda of his Committee will be to hold hearings and develop a new act which will extend the Elementary and Secondary Education Act of 1965.

This Act, known as ESEA, is the broad-based federal aid to education act which had foundered on the reef of separation of church and state for many years. A majority of the Committee wanted federal aid to education but some of them insisted that the aid must also go to parochial schools.

Opponents of federal aid played one group off against the other and insured the defeat of similar bills year after year. In 1965, however, a compromise was worked out and the "child benefit" theory was developed whereby most federal aid went to public schools but some of it went to pay for such things as school lunches and health services for children wherever they attended school.

The entire program will be re-examined this year and it is rumored that a major push will be made to achieve additional funds for children in parochial schools.

Welfare Reform

President Nixon has stated in the past that the reform of the "welfare mess" is high on his agenda for legislative action. Last year the House passed H.R. 1 which provided for some substantial changes in the national welfare system. Many church and welfare rights groups raised serious questions about the House's approach to welfare reform.

The Senate Finance Committee, which is chaired by Senator Russell Long (D., La.), approved a radically changed and much more punitive version of H.R. 1 in the closing weeks of the session.

The conference committee, which was set up to iron out the differences between the bills as passed by the two houses, decided to eliminate most of the welfare reform provisions and agreed only on some modification of the social security system.

This year the congressional leadership

has said that they would try again to bring about needed reforms. There does not seem to be a strong commitment on the part of the rank and file member of Congress or the President to make a concerted effort to get something constructive enacted into law.

Peace

Congressmen express the hope, with little firm conviction, that all of the talking in Paris will bring about a lasting peace in Asia. Congress seems to be in the mood to assert its constitutional powers as a check on the President's future war making power. In addition, Congress is considering how it can cut the expenditures of the Defense Department as the American presence in Southeast Asia dwindles.

The struggle for peace and the establishment of peacetime national priorities will take up much of Congress's time this year. May God bless them in their difficult task.

Adventists Set Rules In Church School Aid

WASHINGTON, D.C. (RNS)—The Seventh-Day Adventist Church has adopted a new policy on federal aid to education that establishes "guidelines for the acceptance of aid in setting of complete separation of church and state."

An announcement from the denomination's world headquarters here said the policy "is actually no softening of church-state separation principles, but rather a fresh interpretation of the Church's attitude toward acceptance of public aid in the light of recent court decisions."

The statement explained that "every function of Adventist educational institutions is inextricably bound up with the total purpose of the Church—the development of Christian men and women in the Advent faith."

To this end, it added, the Church "maintains the right to control election of trustees and hiring of teachers, and to employ those who willingly support its religious concepts and educational philosophy."

According to the Adventist statement, "preferential selectivity on the basis of religious conviction in a Church college is not to be confused with discrimination on the basis of religion in a secular enterprise."

In listing requirements that must be met for any application for financial assistance from government "or other sources," the Adventists statement declared that "first and foremost is the protection of freedom of religion with support of the principles of free enterprise and avoidance of anything that would smack of establishment of reli-

gion on the part of government."

Vice-president C. Neal Wilson asserted that "like it or not, government is becoming ever more intimately involved in education, and we must concede that government has a legitimate interest in the quality of private as well as public education."

In clarifying what he described as "misunderstanding" on the denomination's attitude toward accepting government funds, Mr. Wilson commented:

"Some have considered this to be a moral issue, which is not the case. The Church has simply attempted to honor the concepts of the Constitution of this great country as interpreted by its courts. With changing interpretations by our courts, we have moved ahead."

Mr. Wilson said the Church has "a commitment not only to preserve the distinctiveness of the Adventist schools but also the distinctive separation enunciated in the First Amendment" of the U.S. Constitution.

In other countries "where laws did not prohibit contributions by government to parochial institutions," Mr. Wilson commented, "Adventists have long been recipients of state aid."

This year, the Seventh-Day Adventist Church has been celebrating the 100th anniversary of the world's largest Protestant parochial school system.

According to statistics it released last February, the two-million-member denomination operates 4,557 schools having a total enrollment of 372,092. In the United States, it has 948 schools with an enrollment of 71,449.

EVANGELISM AND SOCIAL ISSUES

ATLANTA—The executive secretary of the Southern Baptist Home Mission Board told the directors that he is optimistic about the future of national missions and the nation. "Some of the tensions we experienced a few years ago are practically non-existent now," Arthur B. Rutledge reported.

Rutledge said although progress in race relations leaves room for continuing improvement, there have been great changes for good since 1968, when the Southern Baptist Convention approved the significant "Statement Concerning the Crisis in Our Nation."

"The polarization between those believing in Christian social ministries and those strongly committed to evangelism has largely dissolved," he continued, "as it has become clear that social ministries are not antithetical to Christian evangelism but furnish another avenue for sharing our faith." (BP)

JEWES AND KEY '73

HOLLYWOOD, Fla.—The year-long evangelical campaign known as Key '73, which is scheduled to begin in January, "could well become an historic turning point in relations between evangelical Christians and Jews of the magnitude of Vatican Council II, provided it is used as an opportunity to clarify Christian recognition of Jews and Judaism as valid sources of truth rather than as objects of conversion," declared Rabbi Marc H. Tanenbaum, National Director of Interreligious Affairs for the American Jewish Committee.

Key '73 is a nation-wide campaign involving more than 130 Evangelical, main-line Protestant, and Catholic denominations, church bodies, and para-ecclesiastical groups, using all forms of mass media as well as personal persuasion to "call the Continent to Christ."

Catholic news sources report that there are an estimated 10,000 so-called "Jews for Jesus" in the country, and that the number of young people from Jewish backgrounds being converted to a fundamentalist faith in Christ appears to be growing.

As a counter-measure the American Jewish Congress in New York has announced a nationwide "College Student Outreach Program" to provide Jewish young people with "solid and intellectually challenging information and insights about the Jewish experience."

Rabbi Arthur Hertzberg of Englewood, N.J., president of the Congress, said, "My experiences on campus and as a rabbi have

convinced me that Jewish youngsters today simply do not know or understand the dynamics of American Jewish life."

He continued, "However wise and sophisticated many of our young people are about everything else, many of them are Jewishly illiterate. Their confusions, their rejections and their courtship with different religious ideologies too often are based on a lack of familiarity with Judaism and the Jewish community."

SUNDAY CLOSING LAWS

NASHVILLE—By a unanimous voice vote, the Metro (city) Council here wiped out Nashville's controversial blue laws. Repeal came just as the rush of Christmas shopping began, a time in the past which prompted a police crackdown on violators of the Sunday closing statute.

Thus ended a long controversy over enforcement of the complicated Nashville blue laws, which officials had called inconsistent, unequitable and unenforceable. Reaction from the religious community was mild.

NEW YORK, N.Y.—One of New York City's largest department store chains has cancelled its plans to operate on Sundays after getting opposition from other retailers. Alexander's Inc. announced its Sunday closing policy after opposition from the R. H. Macy and Co. was expressed.

Family-operated stores are legally permitted to open on Sunday in New York if they close for their Sabbath another day of the week. There has been some confusion in recent years over the exact specifications of the Sunday closing laws in relation to the items which may and may not be sold. The statutes prohibit the sale of "unnecessary" items on Sunday, except for the Sabbatarian exemptions. Merchants in the Times Square area of Manhattan who wish to operate their stores seven days a week generally do so and pay fines ranging from \$5 to \$25. (RNS)

POLICEMAN FEELS 'ROTTEN'

NEW YORK—"I've done a lot of rotten things in this job but this has to be the rottenest," declared a policeman after he handed a ticket to the manager of Alexander's department store in the Bronx. The store was open on Sunday for its annual "holiday gift" to handicapped shoppers. Over 800 handicapped shoppers were in the store for their Christmas shopping when the order to close arrived.

"I felt like a Communist doing what I did," the policeman continued. "Those people in the store must have thought I was some kind of dirt bag. I snuck out of there by a side door. I'm disgusted," he said.

The store for years had opened its doors one Sunday during the Christmas season to allow the patients from the Jewish and Catholic Guilds for the Blind, Bird S. Coler Hospital, and the House of the Holy Comforter to shop without interference from the normal crowd of shoppers.

Arthur Wolfson, secretary-treasurer of the New York State Retail Labor Council, explained that the action was a result of a misunderstanding. The protest against Sunday openings was against regular opening on Sunday for all shoppers, but not against the special opening for the handicapped, he said. Nevertheless, technically, the Sunday law was violated and a summons was required after a complaint was filed. (RNS)

STATE LAWS ON FAMILY PLANNING AND POPULATION

WASHINGTON—A new publication, *Family Planning/Population Reporter*, is now being published bimonthly by the Center for Family Planning Program Development, the Technical Assistance Division of Planned Parenthood-World Population, 1660 L Street, N.W., Washington, D.C. 20036.

The purpose of the publication is to provide a review of state laws and policies related to family planning and population. It is hoped by the publishers that it will be of help to individuals, agencies and organizations in the development of state laws and policies.

The publication was started to provide information on state laws and policies on contraception services, family planning programs, sterilization policies and regulation of abortion. Prior to this, the new publication states, little systematic attention has been given to these state developments. As a result, it continued, neither the interested public nor the decision-makers have had access to the kind of timely and complete information which could have provided a framework for the consideration of policy changes.

RELIGION IN RUSSIA

Whether or not there is religious persecution in Russia may depend partly on a person's viewpoint. The following item is taken from the November issue of the *Ecumenical Press Service* of the World Council of Churches.

Religious Persecution: Myth or Reality? Religious persecution in the Soviet Union is a myth, according to the Soviet review *Science and Religion*. Religious communities that are loyal to the State are guaranteed the freedom to fulfill their function. If action is taken against certain "extremists,"

it is because they defy existing laws and not because of their religious convictions.

Meanwhile, a recent article in *Pravda* indicated that "a large number of party members take part in religious ceremonies." This is why it is important, the newspaper states, to renew efforts to "eliminate religious faith." It is a question of "showing our new society the hostile nature of religion, one of the most obstinate survivals from the past."

ZERO POPULATION GROWTH

WASHINGTON—For the first time, the U.S. birth rate has dropped below the so-called replacement level necessary to achieve Zero Population Growth (ZPG), according to the Department of Health, Education and Welfare here.

The data show that for 19 consecutive months the birth rate has declined and that for the first nine months of 1972 the birth rate was 2.08 children per family. This is below the 2.1 figure necessary for eventual zero population growth.

According to demographers, if the U.S. can maintain a 2.1 fertility rate for 70 years, the population would stop growing after it reached about 320 million. The population now is just over 209 million.

Factors for the drop in birth and fertility rates cited by population experts include the growing proportion of single women, the desire by married women to have children later, and the expressed desire of many parents to have smaller families. (RNS)

SUNDAY LAW AND ORDER

NEW YORK—Milton E. Mermelstein, board chairman of Alexander, Inc., a major retail store chain here, has demanded that all violators of New York's "Sunday-closing" law be given police summonses.

He issued his demand a day after the manager of the chain's Bronx outlet was served with a police summons for opening on a Sunday (Dec. 3) to enable hundreds of physically handicapped persons to do their Christmas shopping.

"There are places open every Sunday in New York in clear violation of the law," Mr. Mermelstein said. "The law should be enforced equally against everyone."

On the same day that the Bronx department store received a summons, managers of nine stores in Utica, N.Y., and 11 employees of two stores in suburbs of Hudson, N.Y., were arrested for violating the Sunday-closing law. (RNS)

PROPOSES 'GROUP LIBEL LAW'

NEW YORK—New York State's human rights commissioner, Jack M. Sable, has proposed a "group libel law" designed to protect members of racial, religious and ethnic groups from defamatory slurs.

In his address to the Columbia Association of New York State Employees, Sable defended governmental protection of the human rights of each citizen. Today, he said, these rights "are being eroded because

of smears against groups and pressures being brought to curtail those rights."

Sable attacked such slurs as "all Italians are Mafia-oriented," "all blacks are lazy," or "all Jews are money-mad." He said that these are in essence attacks on the individual rights of individual persons.

Asked whether a "group libel law" might infringe on First Amendment freedoms of speech and press, the commissioner emphasized "that I plan in every way, shape, or form to observe the First Amendment and to protect freedom of speech and freedom of the press, which are the foundations of this nation, but I must also protect the right of the individual concerning his life, liberty and property." (RNS)

CANADIAN SOCIAL ACTION

WINNIPEG, Man.—Delegates to the triennial assembly of the Canadian Council of Churches (CCC) endorsed a number of social action positions that put the churches in the middle of the process of formation of public policy.

Among the positions the CCC took are the following: endorsement of a guaranteed annual income, abolition of the death penalty, no Canadian should be required to take work which pays less than the barest living wage, opposed development projects that have adverse ecological side effects, pledged renewed commitment to social justice, and asked both the federal and provincial governments to protect the rights of Canada's native peoples from adverse social, cultural or environmental damage from development projects.

Later the newly elected president of the CCC, Dr. Norman Berner of Kitchener, Ont., in an interview said that he hoped the CCC "can get on with ecumenical work," as well as dealing with social action resolutions. (RNS)

FREEDOM IN KENYA

NAIROBI—President Jomo Kenyatta reaffirmed that freedom of worship is firmly safeguarded in Kenya's constitution as he addressed 150,000 members of the Independent Church in Kenya at an outdoor rally here.

Mr. Kenyatta pledged himself to assist the development and growth of the Independent Church movement which, he said, had been banned by British colonialists.

Recalling that he himself had been a pioneer in the movement during the early years of the struggle for Kenya's independence, the President said that the aim of the movement, at that time, was "to fight against discrimination" and "to achieve full independence for Kenya."

CHURCHES IN RHODESIA

NEW YORK—The government of Rhodesia is removing certain segregationist provisions from a 1971 law that threatened interracial worship, education and social

services sponsored by churches, the New York Times reported here.

A Land Tenure Act adopted by the white-dominated regime of Ian Smith in 1970 divided Rhodesia into two parts, one for the 250,000 whites and one for the 5.5 million blacks. Under the Act, churches were required to register as voluntary organizations to be able to operate as multi-racial institutions on land allotted to either racial group.

Virtually every church vigorously protested the Land Tenure Act. (RNS)

JEHOVAH'S WITNESSES IN GREECE

ATHENS—A Greek court has ruled that the Jehovah's Witnesses is a "sect of the Christian faith" and has freedom of worship in Greece.

The verdict, issued by the Court of Berea, was considered highly significant since Jehovah's Witnesses have frequently been sentenced in Greek courts on charges of proselytizing. The Greek Orthodox Church does not consider the Jehovah's Witnesses to be a church and has frequently accused it of promoting "anti-Christian" activities. (RNS)

CHURCH TAXATION IN VIRGINIA

RICHMOND—Early this year the Virginia General Assembly passed an enabling act permitting cities to levy service charges for police and fire protection and garbage collection on charitable and religious institutions and state-owned properties.

The Richmond City Council imposed the service charge on such agencies in May.

In its May action, however, the City Council imposed the service charge—amounting to 40 per cent of the city's real estate tax—on religious and charitable organizations, including "religiously-operated" schools. This was applied to Catholic parochial schools but not to Protestant Sunday Schools.

At the time the charge was levied, Auxiliary Bishop Walter F. Sullivan noted the distinction between the Catholic and Protestant schools. He remarked: "It is ironic that when Catholic schools seek public aid they are denied because they teach religion. But when the city seeks revenue it regards those same schools as purely educational institutions. (RNS)

RELIGIOUS FREEDOM IN HANOI

NEW YORK—Religious groups appear to have as much freedom under the Communist government of North Vietnam as they do in the United States, a top official of the National Council of Churches declared here after a seven-day visit to North Vietnam.

"There is every indication," said Dr. David Hunter, deputy general secretary of the NCC, "that religion is as free to practice its faith in the Democratic Republic of (See, PUBLIC AFFAIRS, page 6)

Church Schools And Public Funds

(Continued from page 2)
no-establishment clause. Justice Hugo Black stated that "the 'establishment of religion' clause of the First Amendment means at least this: Neither a state nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. . . . No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion. Neither a state nor the Federal Government can, openly or secretly, participate in the affairs of any religious organization or groups and vice versa. In the words of Jefferson, the clause against establishment of religion by law was intended to erect 'a wall of separation between Church and State.'"

These words have now been used by the Court on four different occasions in render-

ing its decisions on church and state during the past 25 years.

No amount of arguments on behalf of public funds for church schools, whether elementary, secondary, or colleges, can obscure the danger of such a practice to American public education and to religious liberty and the separation of church and state.

For the churches the real issue is not whether church schools should accept public funds or not. It is first whether or not these schools should claim any religious identity or remain church-related and church-controlled. The problem only appears when schools which are religiously oriented and/or church-controlled seek the benefits of public funds without accepting state control or public identity. It is the determination of this question which remains the crucial one with regard to church schools and public funds.

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Vietnam as in the USA, with the limitation in both places that when it deviates from the policy of the government it meets opposition on the part of the state and pays a price, and this no more in the DRV than in the USA."

Dr. Hunter said that he could learn of no instances of churchmen being imprisoned in North Vietnam for their opposition to the government "as has happened in the United States and South Vietnam." But he added that this may be due to a lack of any opposition. (RNS)

ABORTION IN CALIFORNIA

SAN FRANCISCO—California's State Supreme Court has further liberalized the state's Therapeutic Abortion Act by striking down two sections of the 1967 law—one stating that an abortion is illegal unless delivery of a child would "gravely impair" a woman's mental or physical health, the other requiring that a hospital committee of physicians approve the operation.

The state's highest court upheld all other sections of the abortion act, which provides that a licensed physician must perform the abortion in any hospital approved by the Joint Commission on Accreditation of Hospitals. It implied, however, that the question of abortion of pregnancy was strictly a matter for a woman and her doctor to decide. (RNS)

ABORTION IN PENNSYLVANIA

PHILADELPHIA—Protestant leaders in the Philadelphia area—who have previously not taken sides in the abortion issue—appealed to Pennsylvania Governor Milton J. Shapp to veto the state's proposed "anti-

abortion" bill. The legislation passed by the legislature would allow abortion only if a panel of three doctors agreed it was necessary to save the mother's life. The present abortion law forbids unlawful abortions, but does not define it.

"We are led to this stand by many considerations of public health and morality, and particularly by our concern for the right of conscience of women," the Protestant officials said in a letter to Gov. Shapp. The letter was signed by chief executives of 12 Philadelphia-area Protestant organizations representing a membership of some 750,000 people. Gov. Shapp has called the proposed measure "unacceptable," but he has not announced whether he would veto it. (RNS)

NCC HEARINGS ON DRUGS

WASHINGTON—The three days of public hearings on the ethics of current drug advertising practices sponsored by the National Council of Churches achieved "at least" two of three primary objectives in holding them.

This assessment was given at the close of the hearings here by Dr. Thomas E. Price, director of the NCC's Drug Advertising Project.

The two achieved objectives are: the "religious community has raised the issue of social responsibility involved in drug promotion with the drug industry," and "we have begun to dialogue with them on how these issues can be resolved," Dr. Price said.

"The third objective—raising public awareness of the issues—is our next big task," he said, adding: "We (the American people) will not really deal with the questions until the public becomes concerned." (RNS)

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Cover Picture Presidential Inauguration

President Richard Nixon and Vice President Spiro Agnew will be installed on January 20 to their second terms in office in ceremonies in front of the East Portico of the Capitol. An estimated 70,000 persons will be present to view the inauguration at a site used for this purpose since 1828.

Of the 70,000 braving the cold Washington weather, only 19,487 can be seated in the stands built for the occasion. Work on the inaugural stands began the day after Labor Day with finishing touches of white paint put on the platform early in the New Year. The cost of the stands, including the public address system and associated work, was \$420,000.

The cover picture is of the presidential inauguration stand which is reconstructed every four years. Photo is by John E. Fletcher of the National Geographic Society and is used through the courtesy of the U.S. Capitol Historical Society.