Report from the Capital

JULY
AUGUST
1973

Court Strikes Down Parochiaid

WASHINGTON—The U.S. Supreme Court here in a sweeping decision involving five cases struck down laws in two states that were designed to provide financial aid to nonpublic, sectarian schools.

The Supreme Court invalidated as unconstitutional laws in New York and Pennsylvania that provided aid to private religious schools in a variety of ways including (1) funds for maintenance and repairs of facilities and equipment, (2) tuition reimbursement to parents in the low income bracket who send their children to nonpublic elementary and secondary schools, (3) income tax deductions for tuition paid to parochial schools, and (4) across-the-board tuition reimbursement to parents of parochial school pupils.

The Court vote was 8-1 against public funds for maintenance and repair in parochial schools. The vote was 6-3 on the other questions.

Justice Lewis F. Powell delivered the opinion of the Court in both the New York and Pennsylvania cases, in which he was joined by Justices William J. Brennan, William O. Douglas, Potter Stewart, Thurgood Marshall, and Harry A. Blackmun. Dissenters were Chief Justice Warren E. Burger and Justices William H. Rehnquist and Byron R. White.

Burger and Rehnquist joined the majority in the "maintenance and repair" decision, but White dissented on every decision.

In New York the state granted $30 per pupil in nonpublic schools, or $40 if the facilities are more than 25 years old, for maintenance and repair of facilities and equipment to ensure the student's health, welfare and safety.

The Supreme Court said that although the stated purpose of such grants was to protect the health, welfare and safety of pupils, the primary effect of such aid was to advance religion. Therefore, the provision violates the Establishment Clause of the First Amendment, according to the Court.

Another program in New York provided reimbursement in part of tuition paid to nonpublic schools by parents with an annual taxable income of less than $5,000. The amount of reimbursement was $50 per grade school child and $100 per high school student so long as those amounts did not exceed 50 per cent of the actual tuition paid.

The Court ruled this provision unconstitutional, even though the funds were delivered to parents rather than to schools, because "the effect of such aid is unmistakably to provide financial support for nonpublic, sectarian institutions."

A third New York program provided income tax deductions for parents of parochial school pupils whose annual taxable income exceeds the $5,000 level. This is a variation of the "tax credit" proposals that have been advocated by those seeking public funds for parochial schools.

To this provision the Supreme Court said: "The system of providing income tax benefits to parents of children attending New York's nonpublic schools also violates the Establishment Clause because, like the tuition reimbursement program, it is not sufficiently restricted to assure that it will not have the impermissible effect of advancing the sectarian activities of religious schools."

The Pennsylvania law involved in the Court test was the "Parent Reimbursement Act for Nonpublic Education." This act provides that public funds are to be paid to parents who pay tuition for their children to attend the State's nonpublic elementary and secondary schools. Qualifying parents were entitled to receive $75 for each dependent enrolled in an elementary school and $150 for each dependent in high school.

The Supreme Court said that this program has no constitutionally significant difference from the New York tuition reimbursement program that was held unconstitutional.

To the Pennsylvania tuition reimbursement plan the Court commented: "The

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Public School Prayer Issue Faces Congress

By Beth Hayworth

While the proponents for a constitutional prayer amendment are strengthening their ranks aiming for action in the latter part of the 93rd Congress, a coalition is moving in with reinforcements which it claims "will have prayer back in the schools by September."

The coalition, Leadership Foundation, Inc., is made up largely of women from "four and a half million active groups" in the nation, according to the Foundation. The group is lobbying for legislation that would circumvent the Supreme Court's ruling 10 years ago this summer against state-sponsored prayers in public schools.

Leadership Foundation, Inc., a Washington-based organization founded by Radio and TV personality, Martha Rountree, is crusading "against moral pollution." Getting prayer back in public schools is only

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Two Pamphlets Available

Two new pamphlets, published by the Baptist Joint Committee on Public Affairs, are available for the asking. Both are by James E. Wood, Jr., executive director of the Committee.

1. The Commitment and Witness of Baptists in Public Affairs.

This pamphlet is an abridgement of Wood's inaugural address to the Baptist Joint Committee. He became the third executive director September 1, 1972. The address was delivered to the October meeting of the Committee in 1972. It sets forth the rationale and policy position that Wood intends to follow as executive director.

2. Religious Liberty and the Bill of Rights.

This pamphlet is the complete text of an address delivered by Wood, November 8, 1972, to the 15th Religious Liberty Conference sponsored by the Baptist Joint Committee. It is a learned discussion of religion, freedom and the American Bill of Rights. Included is an approach to the theological foundations of religious liberty and the Bill of Rights.

These pamphlets would be useful for study groups, pastors' conferences, college or seminary classes, denominational gatherings, individual study. They are free in limited quantity. Larger orders should include postage and a small price. Write for information to W. Barry Garrett, editor, Report From The Capital, 200 Maryland Ave., N.E., Washington, D.C. 20002.

Public Funds and Nonpublic Hospitals

By James E. Wood, Jr.

Ever since the Supreme Court's landmark decision of January 22 on abortion (*Roe* v. *Wade* and *Doe* v. *Bolton*), reaffirmed February 26, considerable attention has been given, at both state and federal levels, to overturning the Court's ruling.

In summary, the Court declared by a vote of 7 to 2 that "the right to privacy . . . founded in the Fourteenth Amendment's concept of personal liberty . . . is broad enough to encompass a woman's decision whether or not to terminate her pregnancy."

Wood

Admittedly, one of the more controversial decisions handed down by the U.S. Supreme Court, the decision was not, strictly speaking, the legalization of abortion as such, nor a moral sanction of abortion. Rather, the decision was an affirmation of the right of a woman to this medical service, by and upon the counsel of a licensed physician, during the first trimester of pregnancy (usually defined as the first 13 weeks of gestation).

The decision in no way endorsed or recommended abortion nor in any way placed anyone under obligation to perform or to submit to this surgical procedure.

Nevertheless, in an obvious attempt to mollify and nullify the Court's decision, the Senate on March 27 (S. 1136) and the House on May 31 (H.R. 7806) passed legislation (Public Health Services Extension Act) which would expressly allow federally built and federally funded hospitals to refuse medical services of abortion and sterilization, even if recommended by the physician and requested by the patient, whenever such services are in conflict with the "religious beliefs or moral convictions" of the medical institution. On June 5, the Senate agreed to the House amendments and, by unanimous vote, cleared the measure for the White House.

Such legislation raises serious questions concerning the viability of the First Amendment as it applies to the separation of church and state and the free exercise of religion on the part of those physicians and patients who find these medical services to be completely harmonious with their own "religious beliefs for moral convictions."

The absence of neutrality in this legislation is evident in view of the fact that the abortion decision of the Supreme Court may be regarded as generally compatible with positions taken by some of the major religious denominations of America.

The General Synod of the United Church of Christ in 1971 called "for the repeal of all legal prohibitions of physician-performed abortions. This would take abortion out of the realm of penal law and make voluntary and medically safe abortions legally available to all women."

The United Presbyterian Church in its 184th General Assembly (1972) declared "that women should have full freedom of personal choice concerning the completion or termination of their pregnancies and that the artificial or induced termination of pregnancy, therefore, should not be restricted by law, except that it be performed under the direction and control of a properly licensed physician."

A resolution adopted by the General Conference of the Methodist Church affirmed, "We urge . . . that church related hospitals take the lead in eliminating those hospital administrative restrictions on voluntary sterilization and abortion which exceed the legal requirements in their respective potential jurisdictions, and which frustrate the intent of the law where the law is designed to make the decision for sterilization and abortion largely or solely the responsibility of the persons most concerned."

A resolution adopted at the 1970 convention of the Lutheran Church of America declared, "On the basis of the evangelical ethic, a woman or couple may decide responsibly to seek an abortion."

The American Baptist Convention in 1968 urged that legislation be enacted to provide that "the termination of a pregnancy to the end of the twelfth week (first trimester) be at the request of the individual(s) concerned and be regarded as an elective medical procedure governed by the laws regulating medical practice and licensure."

In 1971 the Southern Baptist Convention adopted a resolution calling "upon Southern Baptists to work for legislation that will allow the possibility of abortion under such conditions as rape, incest, clear evidence of severe fetal deformity, and carefully ascertained evidence of the likelihood of damage to the emotional, mental, and physical health of the mother."

Regardless of one's own moral or religious views on abortion and sterilization, the legislation cited here must be viewed as incompatible with the American tradition of public control and public interest as a necessary accompaniment to the appropriation of public funds. The legislation is a violation of the separation of church and state in permitting publicly funded church hospitals to refuse to perform medical services declared not to be prohibited by the U.S. Supreme Court.

Furthermore, this legislation is a denial of the rights of individual citizens, most of whom are reported to support the Supreme Courts decision according to a recent Harris poll. Both physicians and patients will be denied any freedom of choice with regard to these medical services in those publicly funded medical institutions which refuse to permit these medical services to be performed.

To permit publicly funded hospitals to choose to ignore a decision of the U.S. Supreme Court is a serious departure from American principle and practice in church-state relations. It is to deny the right of patients to receive and the right of doctors to perform these services, when in conflict with the stated policy of the religious beliefs or moral convictions of a publicly supported hospital.

In numerous cities and counties of America which have no public or general hospital, where the only hospitals available are

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REACTION TO COURT DECISION (see page 1 for story) ON AID TO PAROCHIAL SCHOOLS

JAMES E. WOOD, JR., executive director of Baptist Joint Committee on Public Affairs: "Along with its decisions of June 1971, the United States Supreme Court has for the second time reaffirmed the impermissibility of public funds, direct or indirect, to church schools as a guarantee of the First Amendment of the separation of church and state. While clearly consistent with its previous decisions prohibiting public funds to church schools, the Court in these decisions of June 25, 1973, has sustained the inviolability of the no-establishment clause of the First Amendment."

FLORENCE FLAST, vice chairman of PEARL, the group which brought the suit in New York, challenging the State's parochiaid laws of 1970 and 1972: "The Court's rulings are the most far-reaching and significant to be handed down since the historic decisions of June 1971 which voided attempts by various states to finance secular education in religious schools. They may be viewed as a major victory for religious freedom and church-state separation and for the public schools which face increasing financial difficulties from the siphoning off of education dollars for nonpublic schools."

BISHOP JAMES S. RAUSCH, general secretary of the U. S. Catholic Conference: The conference "is in fundamental disagreement" with the high court's decision. He said the Court's reliance on the argument of "divisiveness" amounts to a "gag rule for religion (that) is not tolerable in a free society." The USCC issued a fighting statement: "Supporters of nonpublic education, church-related and otherwise, will now redouble their efforts to maintain and strengthen their schools."

FR. ALBERT C. KOOB, president of the National Catholic Educational Association: "We cannot believe that the doctrine of separation of church and state was ever intended by our forefathers to be interpreted in this manner."

GLENN L. ARCHER, executive director of Americans United for Separation of Church and State: "There is now no way that churches or their schools can receive direct government support. The door is slammed shut, as our forefathers intended. We hope that this will end the drive for unconstitutional aid for church institutions."

DAVID MUTCH, staff correspondent of The Christian Science Monitor: "The future of state aid to parochial schools in the United States -- a concept favored by the Nixon administration -- now looks bleak.... It seems clear to many observers now that a majority of the present court is firmly opposed to any legislative action that would bridge the constitutional gap between church and state."

PAUL FREUND, constitutional scholar of Harvard University: Three decisive Supreme Court rulings June 25 on state aid to church schools "looks like the end of the line."

Major Proposals for National Health Insurance Currently Before the 93rd Congress

	HEALTH SECURITY (S. 3) (H.R. 22-23)	MEDICREDIT (S. 444) (H.R. 2222)	HEALTH CARE SERVICES (H.R. 1)	HEALTH CARE (S. 1100) (H.R. 5200)	CATASTROPHIC HEALTH INSURANCE (S. 1416)	NATIONAL HEALTH INSURANCE PARTNERSHIP
CONCEPT	Universal comprehensive health insurance for all U.S. residents.	Voluntary income tax plan. Tax credits to partially offset cost of qualified private health insurance. Amount of credit graduated. Medicare retained, Medicaid eliminated.	Comprehensive health care benefits for all residents of the nation through a reorganized and coordinated health system.	Tax penalties for employers failing to purchase broad standard coverage; private health insurance for poor, near-poor, and uninsurables through government-subsidized state insurance pools.	Catastrophic health insurance for all persons now insured under Social Security, plus spouses and dependent children.	Family Health Insurance Plan (FHIP): federally subsidized insurance for poor families; National Health Insurance Standards Act (NHISA), a modest medical insurance program for employed persons under 65.
BENEFIT PATTERN	Benefits cover the entire range of personal health care services including prevention and early detection of disease, care and treatment, and medical rehabilitation. There are no cutoff dates, no co-insurance, no deductibles, no waiting periods. Some limitations on adult dental care, psychiatric care, nursing home care, and drugs. Provides pilot project benefit for home care for chronically ill and aged.	A "qualified" policy would offer insurance against the expenses of illness, subject to deductibles, co-pay and limitations. Benefits include payments for doctor and hospitals, and dental services for children aged 2-6	Hospital and doctor benefits would include insurance against cost of catastrophic illness. Special benefits would be provided for children up to age 12: medical, dental, eye care. Outpatient care would be emphasized. Primary reliance would be on local and state facilities.	Phased-in benefits. Physicians services (office, home, and health facility), laboratory and X-ray expenses, general and psychiatric hospital services (in- and outpatient), home health services, dental care for children, prescription drugs, and catastrophic illness coverage. Most of these are subject to sizable deductible and co-insurance requirements.	Covered services same as Part A and B of Medicare except there would be no upper limit on hospital days. Benefits payable only after 60th day of hospitalization and after patient incurs $2000 in other medical expenses. Co-payment required up to a family maximum of $1000.	NHISA requires employers to offer minimal health insurance to employees. Basic health care plan includes inpatient hospital, physician, and other services with heavy deductibles and co-pay and well-child care with no co-pay. FHIP provides limited ambulatory and institutional care (30 days), with deductibles and co-pay for all but poorest.
FINANCING	Health Security Trust Fund derived as follows: 50% from general tax revenue; 38% from a 3.5% tax on employer payroll; 12% from a 1% tax on the first $15,000 of individual income; 2% from a 2.5% tax on the first $15,000 of self-employment income.	The government would pay all premiums for the destitute—individuals and dependents with no income-tax liability. For others, the government would pay between 10% and 99%, based on family or individual income. It would pay everyone's premium for catastrophic expense coverage. Coverage would be provided through private health insurance. Enrollment in prepaid groups would be permitted.	Employers would be required to purchase for their employees a comprehensive level of benefits, paying at least 75% of the premium costs. Registrants at Health Care Corporations would be entitled to a 10% federal subsidy on their health insurance premiums. Health services for the aged would continue to be financed through a combination of the Social Security taxes and general federal revenues.	General revenues and Social Security. Tax incentives to encourage purchase of insurance policies (individual and employer contribution 100% tax-deductible if coverage meets federal standards). Very poor pay no premiums. Near-poor pay increasing amounts; balance financed by federal (up to 90%) and state general revenues.	Social Security financing with a 0.3% tax on the first $9,000 of employees' wages and a 0.3% tax on employer payroll (first $9,000 of each employee's earnings).	Increase in Social Security tax base for catastrophic insurance. NHISA employer required to pay 65% of employee's coverage the first 2½ years, 75% thereafter, employee pays balance. FHIP paid from federal general revenues.
ADMINISTRATION	Publicly administered program in HEW, Policy-making, five-member, full-time Health Security Board appointed by the President. Field administration through ten HEW regions and approximately 100 health subregions. Advisory councils at all levels with the majority of members representing consumers. Single national financing system supports pluralism in organization and delivery of health services.	Establishes an 11-man Health Insurance Advisory Board, including the HEW Secretary and the IRS Commissioner. The remaining members, not otherwise in the employ of the U.S., shall be appointed by or under the direction of an MD or DO.	Would establish a new Department of Health headed by a Cabinet-level Secretary of Health. State health commissions would implement federal legislation and regulations and would develop state plans, subject to approval by Secretary of Health. Bill also provides for creation of Health Care Corporations (HCC), community-based, not-for-profit, private or governmental organizations	Council of Health Policy Advisors established to coordinate federal health programs. Program subsidizes and retains private health insurance carriers with some supervision by state insurance commissioners. More controls on insurers.	Through Social Security Administration using carriers and intermediaries as in Medicare	Private health insurance industry retained and financially supported. Medicare and parts of Medicaid retained with modifications.
QUALITY	Establishes quality control commission and national standards for participating professional and institutional providers. Regulation of major surgery and certain other specialist services; national licensure standards and requirements for continuing education.		The Department of Health would set basic standards for care and establishing the scope of health insurance benefits for all. It would have final authority over program activities at the state level.	Federal tax leverage used to bring insurance benefits and coverage up to new federal standards.		Establishment of Professional Standards Review Organization (PSROs) to review health insurance and HMO contracts and quality standards.

Health Insurance and Church-State Problems

By John W. Baker

The United States is in the midst of a many faceted crisis in health care. The aspect of the crisis best known to Americans is the rapidly inflating cost involved in a health care delivery system.

Hospital costs have risen. Doctor bills have risen. The premiums on hospitalization and health insurance have risen to keep pace. The average wage earner now works one month each year to pay for health care and health insurance bills.

In 1950 personal health care spending in the United States totaled $12 billion, representing 4.6 per cent of the gross national product. In 1972 spending for health care totaled $83.4 billion which represented 7.6 per cent of the gross national product.

Even the elderly pay more money annually for health care now than they did before the advent of Medicare. In 1966 the elderly paid $309 per capita for personal health care. In 1972 they paid $404—including the average $67 Medicare premiums.

According to Alfred C. Neal of the Committee for Economic Development the largest element of the increased costs can be attributed to inflation. Neal stated that the rate of inflation in medical costs since 1960 "has averaged well over half again as much as that of consumer prices generally, and has even exceeded the rate of inflation in the cost of housing."

The Nixon Administration, the Health Insurance Association of America, the American Hospital Association, the American Medical Association, labor unions, churches, and consumer groups have all agreed on the necessity of some form of national health insurance program. Generally, they have not been able to agree on a single program. Hence, there are a number of proposals which are briefly summarized in the chart above.

Baptists, in response to Jesus' example and command, are ministering to the health needs of a variety of people by providing hospitals, clinics, nursing homes, day care for the elderly, care for the mentally retarded, etc. There seem to be clear indications that the 93rd Congress will complete action on a national health insurance bill by the end of 1974. The form which that bill takes could have far-reaching effects on the scope of our ministries.

The Nixon Administration has introduced the National Health Insurance Partnership program but has not been particularly active in promoting it in Congress. This plan and the American Medical Association's Medicredit plan would provide minimal protections utilizing private insurance companies.

Most of the Washington offices of Protestant, Catholic, and Jewish denominations have joined with labor, social welfare, and consumer groups in supporting the Health Security Act. This is the most comprehen-

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TO FIGHT ANTI-CATHOLICISM

A recently formed national "Catholic League for Religious and Civil Rights" was launched in Washington, D.C. "to protect Catholics and their Church against defamation, to defend our religious and moral values against ridicule and abuse on radio, television and in the press, and to defend the religious and civil rights of all Catholics," according to Virgil C. Blum, S. J., president.

The stated purpose of the new Catholic agency, which claims to be an independent agency with no official relationship to the U.S. Catholic Conference is rather broad. It is to protect the religious and civil rights of Catholics and others as expressed in the Declaration of Independence and the U.S. Constitution, to inform Catholic people about discriminatory practices against Catholics, and to engage in activities to counter anti-Catholicism in the U.S.A.

Specifically the Catholic League is setting out to advance Catholic views on abortion, to protest against immorality, drug abuse, pornography, and to advance the idea of the rights of parents to direct the education of their children. Other objectives of the Catholic League will be to protect "the rights" of individuals and institutions to practice medicine according to conscience and to defend "the right" of institutions to determine their religious orientation and to enforce their own employment policies.

High on the priority list of objectives will be to obtain public funds for Catholic schools.

The Catholic League views itself as similar to the Jewish Anti-Defamation League and the National Association for the Advancement to Colored People.

In a letter to subscribers of selected Catholic papers soliciting financial support of the Catholic League, Fr. Blum wrote: "Today there is a surge of anti-Catholicism in America. The Catholic League is the only group that is organized to stem this tide. The times are highly critical for the Church and for Catholics. Our task is enormous. We need your help and we need it now, so that we can better serve you in Washington, D.C. and throughout the nation."

The new organization has declared its readiness to do battle with two others which it considers to be "the most staunchly anti-Catholic," namely, Americans United for Separation of Church and State and the American Civil Liberties Union.

The Catholic League has already published large ads in the Washington Post and the New York Times, possibly other papers, raising the question of suppression of Catholic religious freedom by the U.S. Supreme Court, and asking readers for contributions to support the League.

MINIMUM WAGE ADVANCES

WASHINGTON—On June 6, the House of Representatives approved and sent to the Senate a bill (H. R. 7935) that will eventually increase the federal minimum wage to $2.20 an hour for all workers covered by the Fair Labor Standards Act and extend coverage of the law to about 5 million federal, state and local government employees and to about 1 million domestic household workers.

Besides the new extensions in coverage, the bill would increase the present minimums as follows: more than 34 million non-agricultural workers covered by that law before 1966 (the last time the law was amended) would have their minimum raised from $1.60 an hour to $2 immediately, and then to $2.20 an hour July 1, 1974; for those workers first covered in 1966, the minimum would go to $1.80 an hour July 1, 1974; for those workers first covered in 1966, the minimum would go to $1.80 an hour at once, to $2 on July 1, 1974 and to $2.20 on July 1, 1975. For about 535,000 agricultural workers, the increases would go from the present $1.30 an hour to $1.60 immediately; to $1.80 in 1974, to $2 in 1975 and to $2.20 on July 1, 1976.

FAMILY PLANNING SERVICES

WASHINGTON—Proposed regulations imposing financial penalties established by Congress for States which fail to provide certain groups with family planning services have been set forth in the June 21 issue of *Federal Register*. Persons or groups wishing to make comment, suggestions or objections have until July 23, 1973 to do so.

Such comments must be made in writing to Administrator, Social and Rehabilitation Service, Department of H.E.W. 330 Independence Ave., SW, Washington, D.C. 20201. The proposed regulations, when amended and finalized, will have the effect of law.

The regulations are made to carry out provisions of Public Law 92-603, Social Security Amendments of 1972. Among other things they would require States to:

- Furnish family planning services to present and former recipients of aid to families with dependent children;
- Permit States to deny or discontinue assistance to aged, blind or disabled persons who have been out of the State for more than 90 days, until they have been back in the State for a specified period of time;
- Permit States to charge for the cost of reproducing State program manuals and other policy issuances made available to individuals, agencies, or organizations;
- Provide for Federal financial participation in rent payments to public housing agencies on behalf of needy aged, blind, or disabled recipients;
- Permit States (specifically Arizona) that have no Medicaid program (under Title XIX of the Social Security Act) to continue providing care in Intermediate Care Facilities with Federal matching supplied under Title XI of the Act.

PUBLIC FUNDS AND PUBLIC POLICY

WASHINGTON—Objections to proposed legislation that would allow tax-supported institutions to prohibit the performance of abortions and sterilizations were voiced here May 30 by a coalition of religious and women's groups.

The law has since been enacted by Congress and signed by the President.

In a press conference in the United Methodist Building, the groups supported the portion of House Bill 7806 which would protect doctors and others from being compelled to participate in such procedures contrary to their religious beliefs. But they strongly criticized other provisions which would allow an "entity" such as a hospital administrator or board to deny total health care through control of facilities and staffs.

The statement read by A. Dudley Ward, general secretary of the United Methodist Board of Church and Society, said the provisions would "unfairly favor the religious beliefs of one or a few groups at the expense of the religious beliefs and professional commitments of health care personnel" and potential patients.

Particularly in areas served only by religiously-affiliated hospitals, the bill would permit them to receive federal funds "while effectively denying total health care" to the community, it was said, thus "undermining the Supreme Court's recent decisions" on abortion.

Ward said the group was concerned not only that the doctors not be required to perform abortions but also that they not be prohibited from it by lack of facilities or staff privileges.

The United Methodist board joined in the statement along with such groups as National Council of Jewish Women, United Church of Christ Board of Homeland Ministries, American Baptist Division of Social Ministries, YWCA, Planned Parenthood, Women's Lobby, National Organization for Women and Women's Equity Action League. (UMC)

WITNESSES BANNED IN KENYA

NAIROBI—Kenya is the second African country to ban the Jehovah's Witnesses. The banning order published in the government gazette listed six other sects and societies also prohibited.

Earlier this month Minister of Home Affairs Daniel Arap Moi said freedom of worship was enshrined in the Kenyan constitution. But "there is no room in Kenya for those who create panic in the country under the pretext of religion".

First country to ban the Witnesses was Malawi, from which thousands fled to neighboring Zambia claiming they had been persecuted and beaten. (EPS)

CHURCH-STATE IN ZAIRE

KINSHASA—Church-State relations in Zaire entered a new phase this month with the publication of a communiqué from the Department of Political Affairs which ordered an end to the activities of the permanent committee of Roman Catholic bishops and forbad all religious meetings with the exception of mass and confession. Other religious gatherings are regarded as clandestine and therefore illegal.

Further it is stipulated that meetings can only be held "within the framework of the activities of the Popular Movement of the Revolution and the JMPR," its youth branch. Severe punishment will be meted out to those who disregard the decision of the political bureau.

The latest action is in line with earlier decisions affecting the churches. Last November the government disbanded church youth groups and the beginning of March it suspended 31 religious journals. (EPS)

FOUR BAPTISTS SENTENCED

MOSCOW—A court in Byelorussia has sentenced four "evangelical Baptists" to prison terms for giving children illegal religious instruction, according to the newspaper *Sovetskaya Byelorussia*. The four are Lidiya Korzhanets, Nina Masyuk, Yevgeni Silchukov and Ivan Trukhan. They had been tried in Soligorsk.

Although all religious communities are required by law to register with the state, the four belonged to an unregistered sect. Silchukov had served a prison term beginning in 1967 for encouraging Baptists to break the law. Upon his release in 1970 he became head of the unregistered sect. (EPS)

RESOLUTION ON GOVERNMENT

LINCOLN, Neb.—In a "statement of immediate concern" on the Watergate affair, delegates to the biennial convention of American Baptist Churches in the USA here called on President Nixon to "provide leadership that is open, direct, and honest."

The resolution, which was adopted by a vote of 892-69, also asked Congress to "re-

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sive of the proposals which have any possibility of being passed by Congress.

The Court's position that public funds should not be used to advance or inhibit religion leads to the question of whether a public health insurance program, which will pay for health services performed by institutions under the control of religious groups, violates that position. The answer, then, becomes important to Baptists and their institutions.

It is important to stress that all of the proposed plans are insurance plans. Some of the proposals would rely primarily on existing private underwriters and other proposals would make health insurance the responsibility of public agencies. Emphasis is placed on the fact that premiums would be paid by individuals, employers, and, in some cases, by the government. Payments would be made to medical practitioners and hospitals on the same basis that they are now.

There seems to be no indication that a church-state issue would arise simply because checks came to institutions from public rather than private sources. There have been no church-state complications in the Medicare and Medicaid programs and it is logical to assume that health services to a wider clientele would not violate separation of church and state.

If an entirely public insurance system is established and government agencies administer the program, they will probably establish standards of quality and performance for all participating institutions. However, all of these institutions are currently subject to state licensing and subsequent regulation. It is generally conceded that such licensing has not violated the separation of church and state. The First Amendment would still prevent both political and administrative entanglement of church and state.

It is conceivable that a church-state problem could arise if the government, as the carrier of the public health insurance policies, attempted to use payments to control the religious character of the participating institutions. However, the Constitution expressly forbids government taking such actions, and attempts by public administrators to alter the religious character of the institutions would be summarily dismissed by the courts.

Church-state problems have arisen in the past over such issues as governmental funds for building sectarian hospitals and the rights of those hospitals to refuse to provide medical services when those services violate the religious beliefs of the sponsoring denomination. However, none of the pending legislation raises problems of a similar nature. Often potential religious liberty questions arise when government and the churches cooperate on programs. This program of insurance does not appear to raise the issue of separation of church and state.

If, as seems evident, some form of national health insurance is coming, Baptists individually and Baptist institutions should remain informed about the proposals and should act as they feel their interests demand.

assert its leadership role in the initiation and development of government policy" and urged all Americans "to participate in the democratic process by voting and making their expectations known to elected and appointed government officials."

Earlier, in an address to the convention, Sen. Mark O. Hatfield (R., Ore.) denounced what he said was a "political maxim" that one should never admit wrongdoing. "Now that may be wise politics," he said, "but it's terrible Christianity."

DATA BANK DISCOVERED

WASHINGTON—Sen. Sam J. Ervin (D., N.C.) has announced his discovery of "the ultimate in governmental data banks," maintained by the Office of Emergency Preparedness but containing secret information accessible only to the White House. This secret White House data bank unearthed by Ervin contains information on some 5,000 persons which is "utilized and kept current on a regular basis by authorized specialists in the Personnel Operations element of the White House staff. No other agencies or individuals have access to these files, according to the OEP. Ervin denounced such surveillance of private citizens by government.

Parochiaid

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State has singled out a class of its citizens for a special economic benefit. Whether that benefit be viewed simply as a tuition subsidy, as an incentive to parents to send their children to sectarian schools, or as a reward for having done so, at bottom its intended consequence is to preserve and support religion-oriented institutions."

In disallowing tuition reimbursements, the Court drew a distinction between this and earlier rulings related to other types of benefits for parochial school pupils. It said, "We think it is plain that this is quite unlike the sort of 'indirect' and 'incidental' benefits that flowed to sectarian schools from programs aiding all parents by supplying bus transportation and secular textbooks for their children. Such benefits were carefully restricted to the purely secular side of church-affiliated institutions and provided no special aid for those who had chosen to support religious schools. Yet such aid approached the 'verge' of the constitutionally impermissible."

Public Funds and Nonpublic Hospitals

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church-owned and church-operated, this legislation will mean that medical services of abortion and sterilization may be expressly denied all citizens even though the hospitals in these localities may have been built and are still heavily supported by public funds. As approved by Congress the legislation forbids "any court or any public official" from compelling any hospital to "make its facilities available for the performance of any sterilization procedure or abortion."

Understandably, strong objection to this legislation has already come from a number of organizations, including the Division of Social Ministries of the American Baptist Churches, the United Methodist Board of Church and Society, the Board of Homeland Ministries of the United Church of Christ, and the National Council of Jewish Women, to name a few.

By this legislation Congress is ignoring neutrality in matters pertaining to religious beliefs and moral convictions of individual patients and physicians. In effect, it is giving full sanction to the right of publicly funded hospitals to determine the availability of medical services based solely upon the moral and religious views of the medical institution. As approved, the legislation clearly favors the moral and religious views of one group over others.

Those who take seriously the implications of the First Amendment cannot have it both ways: one way for public funds and nonpublic schools and another for public funds and nonpublic hospitals. The issue here is not one of abortion or sterilization *per se*, but religious liberty, human rights, and the separation of church and state.

Public School Prayer Issue Faces Congress

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one of several goals of Mrs. Rountree's crusade "to right the wrongs in our country."

The group has formulated proposed legislation to remove the appellate power of the U.S. Supreme Court over prayer and Bible reading in the public schools. The measure could be passed with only a simple majority rather than the two-thirds majority required for a constitutional amendment. Spokeswomen for the Foundation say the legislation "would not interfere" with efforts for a constitutional prayer amendment which, if approved by Congress, could take up to seven years for ratification by three-fourths of the states.

The suggested 33-word proposal reads: "Be it enacted that the Supreme Court of the United States shall not have jurisdiction to enter any judgment, decree or order, denying or restraining, as unconstitutional, voluntary prayer in any public school."

The proposal had not yet been introduced in Congress at the time of this writing. A spokeswoman for the coalition said at press time that response in Congress was "coming along real well" and that the legislation will be introduced "when we have all our support lined up . . . because we don't want to leave anyone out."

When news of the different strategy was announced in Washington, the executive director of the Baptist Joint Committee on Public Affairs, James E. Wood, Jr., issued a statement describing the suggested legislation as "unnecessary and dangerous to the concept of a free society."

Such a proposal, Wood declared, "must be viewed as . . . an abridgement of the First Amendment, and in no way an aid to real, meaningful prayer.

"It is lamentable that after a decade since the historic decisions of the U.S. Supreme Court on state-sponsored prayers (*Engel v. Vitale* and *Abington School District v. Schempp*) that so many Americans still have failed to understand either the limits or the reasoning of the Court's decisions," Wood said.

"This, in spite of the fact," Wood continued, "that the Court clearly did *not* rule out religion from the curriculum of the public schools, but, in effect, affirmed that the public school is not a place for worship but for learning."

Wood pointed out further that the new proposal does not have the support of most major religious groups in the country.

Many of the same prayer amendment advocates in Congress apparently are supporting the coalition's approach. At a May meeting of Leadership Foundation, Inc., Senators Howard Baker (R., Tenn.) and Richard S. Schweiker (R., Pa.) and Rep. Chalmers Wylie (R., Ohio) were among the handful of congressional leaders present for parts of the two-day program. Wylie sponsored the unsuccessful effort in the House of Representatives in the 92nd Congress to get a prayer amendment approved. Baker and Schweiker are presently the leading spokesmen in the Senate for a school prayer amendment.

Meanwhile, on June 17, the 10th anniversary of the Supreme Court's decision banning state-sponsored prayers in public schools, a small band of lawmakers observed "National Rededication Day" in the Congress, at the call of Sen. Baker. Five senators, in addition to Baker and Schweiker, made speeches or submitted statements critical of the Court's rule on prayer. In the House of Representatives nine congressmen responded with statements of support for a school prayer amendment.

The Schweiker amendment reads: "Nothing contained in this Constitution shall prohibit the several states and the District constituting the seat of government of the United States from providing for voluntary prayer in the public schools of that jurisdiction, nor shall it abridge the right of persons lawfully assembled in any public building to participate in voluntary prayer."

The Senate has six prayer amendment proposals at this writing. The House has 36. Many of the measures have several sponsors. Schweiker's resolution, for example, has 28 co-sponsors.

Several observations can be made about the school prayer issue.

1. Though the congressional numbers are small now, the movement could become a steamroller when the political pressures build in an election year. Grassroots pressure is powerful and, congressmen say, it is plentiful in the case of pleas for "our children to be able to pray in schools."

2. The U.S. Catholic Conference, earlier allied with most major Protestant and Jewish groups in opposition to a prayer amendment, is now searching for an alternative method of allowing prayer in public schools. If the USCC supports the legislation sponsored by Leadership Foundation, Inc., this would add strength to congressional efforts to get it approved

3. The Baptist Joint Committee on Public Affairs is convinced that the First Amendment to the U.S. Constitution is adequate protection for the free exercise of religion.