Report from the Capital

November
1975

William O. Douglas: An Assessment

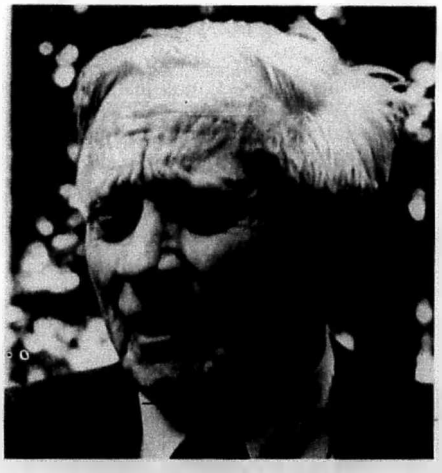
By John W. Baker

On November 12, 1975, Justice William O. Douglas retired from active duty on the United States Supreme Court. Justice Douglas, 77, suffered a stroke last year which left his left side paralyzed. The continuing pain and an awareness tha' he would not be able to continue to carry his full share of the court's work load led to the Justice's decision to retire.

Justice Douglas was a controversial member of the court. He was regarded as a liberal and was often accused of being a judicial activist (i.e., interpreting the Constitution broadly and applying it to legitimize particular economic or social values).

However, Justice Douglas has always considered himself to be a strict constructionist (i.e., interpreting the Constitution narrowly and literally) at least where the Bill of Rights, and particularly the First Amendment, is concerned. His record developed over the more than thirty-six years he served actively on the court would tend to substantiate that self-judgment.

The First Amendment begins "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof . . ." Justice Douglas takes this limitation on government's power over religion literally and whether he was with the majority or in dissent he has been one of the most articulate defenders of religious liberty this country has known.



Justice William O. Douglas

On November 14, 1975, the District of Columbia Baptist Convention in its annual meeting adopted the following resolution:

Resolution on Religious Liberty and the Supreme Court

BE IT RESOLVED that the D.C. Baptist Convention in its meeting on Nov. 14, 1975 express its appreciation for the more than 36 years of service to his country which William O. Douglas has given as Justice of the United States Supreme Court through his unswerving support of the First Amendment rights of freedom of religion and expression; and,

BE IT FURTHER RESOLVED that we encourage President Gerald Ford that he replace Justice Douglas with a person who has a commitment to religious liberty; and,

BE IT FURTHER RESOLVED that the Executive Secretary of this Convention be directed to inform both the President and Justice Douglas of this action.

The Convention's Executive Secretary, James A. Langley, in his letter of transmittal to Justice Douglas stated, "Mr. Justice, your defense of human freedom in every arena will stand as a towering example of courage and a great legacy to coming generations. Free men everywhere, and those who yearn to be free will long derive inspiration from your life and service to the American people."

Friends of religious liberty in this country will forever owe a debt of gratitude to Justice William O. Douglas. We can begin the repayment of that debt by a renewed dedication to the principle of religious liberty and the constitutional provision for the separation of church and state which Justice Douglas worked so diligently to maintain.

From the Desk of the Executive Director

Interaction and Separation: A Church-State Paradox

By James E. Wood, Jr.

The historical and political uniqueness of the American tradition of church and state has been widely recognized by both American and European observers alike. While church-state separation, the institutional independence of church and state, has been both a constitutional and political reality in the United States, it would be difficult to conceive of a nation in which there has been closer interpenetration of religion and the state. To many, this has seemed and remains a strange paradox and an obvious inconsistency.

Wood

I

Religion has clearly played a formative role in the shaping of American life. To Americans it has been inextricably intertwined with their nationhood, their national holidays, and their civil and political liberties.

Nineteenth century visitors to America were impressed with the fact that here they found on the one hand the unmistakable influence of religion on the total life of the republic and on the other hand a constitutional guarantee of church-state separation. Indeed, it was this apparent paradox that prompted Alexis de Tocqueville, a French Catholic, "to inquire how it happened that the real authority of religion was increased by a state of things which diminished its apparent force."

Tocqueville came to see that church-state separation had a direct relationship to the influence of religion in American life. From individual members of the clergy, both Catholic and Protestant, he found that "they all attributed the peaceful dominion of religion in their country mainly to the separation of church and state," and among Americans generally he found that religion was regarded as "indispensable to the maintaining of republic institutions." Tocqueville wrote, "On my arrival in the United States, the religious aspect of the country was the first thing that struck my attention; and the longer I stayed there, the more I perceived the great political consequences resulting from this new state of things. In France I had almost always seen the spirit of religion and the spirit of freedom marching in opposite directions. But in America I found that they were intimately united and that they reigned in common over the same country."

II

The fact that religion has played a major role in American life ought not to be viewed in and of itself as incompatible with the principle of the separation of church and state. There has been a dual relationship of church and state in this country marked both by a legal separation and an interpenetration of religion and society.

The secular state and the religious society are not, in principle, contradictions in the American tradition of church-state relations. Rather, as Peter F. Drucker has written, "It is basic to the American creed that a society can only be religious if religion and the state are radically separated, and that the state can only be free if society is basically a religious society."

Except for "no religious test" for public office, the entire constitutional provision for church-state relations in the United States is to be found in the sixteen words of the First Amendment: "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof."

While the U.S. Supreme Court has repeatedly declared that the First Amendment is to be interpreted as meaning nothing less than the separation of church and state, it is clear and significant that the wording of the Constitution places the prohibition on the state and not on the church. This is not to suggest that independence of both church and state is not the intention of the Constitution, but it does indicate that the church is legally free to operate in the political sphere and, so far as the American Constitution is concerned, is free to engage in political action. This the church has done throughout the history of this nation, from the colonial period down to the present.

To be sure, the political actions of America's religious denominations have not always been in the spirit of the Constitution or even compatible with the principle of religious liberty; nevertheless denominations of the widest variety have freely operated as pressure groups, even directly in the body politic, without legal discrimination or restraint.

III

At this time of the nation's Bicentennial, some knowledge of the record of American churches and political action in historical perspective is essential to understanding both America's political as well as religious history. For with the American tradition of the separation of church and state there has been a long history of the interaction of church and state in American life.

Today, as in years past, the right of the church to engage in political action and to make political pronouncements is vigorously challenged by those without and within the religious communities. There are still those who see separation of church and state as the exclusion of public affairs from the mission of the church. But separation of church and state has not meant that church and state stand in isolation from one another or that they do not act or react on each other.

While admittedly the debate continues today concerning the "mixing of religion and politics," the fact remains that the religious denominations have been a very important part of the political arena in the United States. Not only churches, but churchmen in politics have been and remain a familiar feature of American life. Far from being a contradiction, separation of church and state makes true interaction between church and state a living reality.

Ecumenical Tax Consultation

Churches Warned Against New Tax Threats

WILLIAMS BAY, Wisc.—A landmark ecumenical meeting here documented that the tax exemption of U.S. churches and their agencies is being questioned, and in some cases seriously threatened, by government.

Federal, state, and local actions and proposals that in some way point to the narrowing of church exemption and to other "chilling effects" on free exercise of religion were probed in detail at a three-day Consultation on Churches and Tax Law, held at George Williams College.

The consultation, first of its kind, brought together 91 Protestant, Roman Catholic, and Greek Orthodox representatives, leaders of state and national ecumenical organizations, tax specialists, and two officials of the Internal Revenue Service (IRS).

It was sponsored by the National Council of Churches' Division of Church and Society, the Wisconsin Catholic Conference and the Wisconsin and Michigan Councils of Churches. Many of those attending were legal or financial officers of churches and religious organizations.

Among the participants was James E. Wood, Jr., executive director of the Baptist Joint Committee on Public Affairs, who underscored the significance of the meeting:

"The Consultation was a significant one not only in an historical sense, but more especially because of the substantive question it raised regarding the rationale of tax exemption for religion in the United States. Is tax exemption for the churches, for example, to be maintained at the expense of their right to religious liberty?"

Wood commended the place given religious liberty in the consultation. "It is the defense of religious liberty," he said, "that forms the basis of the opposition of the churches to government threats of the loss of tax exemption if that religious liberty is exercised in public affairs."

Clarification of new tax regulations affecting churches and discussion of ways to reverse the trend toward restrictions on exemptions were the major purposes of the gathering, chaired by William P. Thompson, Stated Clerk (chief executive) of the United Presbyterian Church and president-elect of the National Council of Churches (NCC).

None of several attorneys and tax experts who spoke expect church income or properties used "exclusively" for religious purposes to face taxation.

Some, however, foresaw an upswing in efforts to tax facilities that serve religious interests but are themselves not churches. They also anticipated governmental reviews to determine exemption eligibility.

One theory advanced was that governments on all levels are finding considerable citizen support for their attempts to tax previously exempt organizations and to regulate the affairs of all public charities, including churches. The need for revenue and a demand for greater "public accountability" were listed among reasons for the trend.

Case studies illustrative of municipal assessment of church-related properties dealt with situations in New York City, Nashville, Tenn., and Madison, Wisc. Similar cases were reported from Boston, Minneapolis, Washington State, Illinois, and Michigan. An IRS audit of the NCC in the early 1970s was also described.

Mr. Thompson said the Williams Bay consultation provided the basis for a network through which churches can continue to stay in touch on tax problems.

Consultation topics ranged from a complicated federal law, effective next year, taxing churches' "unrelated" business income to the legal definitions, or lack of definitions, of "church" and "religion." The meaning of various words in tax provisions covering churches was discussed. An example: What does "substantial" mean when the law prohibits exempt organizations from "substantial" activity aimed at influencing legislation? The term has never been legally defined.

An opening address by the Rev. Dean Kelley, the NCC's director for civil and religious affairs and the man most responsible for the consultation, set forth a strong argument for church tax exemption on the basis of religion's secular function.

Mr. Kelley said that religion's function in society is to explain life in "ultimate" terms and the function is "essential to the very survival of society" even if all citizens are not "consumers" of what the churches offer.

"The best thing government can do to foster the fulfillment of the religious function is to leave it alone," he declared, adding that a hands-off policy is precisely what the First Amendment mandates.

The consultation was sparked by a U.S. Appeals Court ruling, sustained in effect by the Supreme Court, denying tax exemption to Evangelist Billy James Hargis' Christian Echoes National Ministries.

While some speakers insisted that the Hargis organization was not a "church" and the ruling against it did not jeopardize churches, Mr. Kelley and others were not convinced that the decision might not be used as a legal precedent in future cases involving churches.

Mr. Kelley also introduced the question of how tax law should understand "church," an issue that arose frequently at the consultation, often in relation to new organizations and religious movements. The United Methodist clergyman proposed the "test of time" in determining whether a new religion is a valid church, eligible for exemptions that go beyond those enjoyed by public charities and religious organizations.

"The life-span of religion is measured in centuries and millenia," he stated. "Fifty years, for example, would mark the merest infancy of a religion."

Mr. Kelley said that 20 to 50 years as a "test of time" for providing the validity of a religious movement as a church would avoid excessive church-state entanglement in attempting to define "church."

Charles Ramph, a special IRS assistant on exempt organizations, said that since the words "church" and "religion" appear in the tax law, his agency must make some attempt to define them. He also maintained, in contrast to Mr. Kelley's position, that churches are not free from reviews of their activities in establishing compliance with tax code provisions.

Mr. Ramph said IRS is sensitive to the special situation of religion in tax legislation and is anxious to work with churches when problems arise.

The presence and active participation of Mr. Ramph and a colleague in the consultation had "particular significance," according to Mr. Thompson.

"Too often," he said, "communication between churches and the IRS are in the

(See TAX THREATS, p. 7)

High Court Review

Supreme Court: Religion in Schools, Abortion

By Stan L. Hastey

WASHINGTON—In a unanimous action, the U.S. Supreme Court declined to hear a Massachusetts woman's case against a local school district on the volatile subject of religious exercises in public schools.

The high court's refusal to schedule the case for argument has the effect of letting stand the decisions of two lower federal courts which supported Brockton, Mass. school officials in their refusal to allow an eighth grade pupil to conduct public prayer on school premises during school hours.

Massachusetts law provides for a one-minute period of silent meditation at the beginning of each school day but forbids that the time be used in any kind of activity.

Ruth Warren, a Brockton resident, petitioned local school officials in 1969 to grant her daughter permission to pray orally either before class or during recess or lunch, without teacher involvement, in the classroom. She also proposed that if such an arrangement were not agreeable, the school designate a special room or "nondenominational chapel" where students could engage in public prayer.

School officials declined to grant the request and Warren took her case to the U.S. District Court for the District of Massachusetts.

The district court ruled earlier this year that authorizing oral prayer in the classroom "would be constitutionally infirm" because "it would require an impermissible involvement of the school system in religious practices."

The court ruled that the alternate proposal to designate a separate room where oral prayers could be said "is but another version of the 'released time' approach" which the U.S. Supreme Court struck down in 1948.

In addition, the district court declared that the practice of providing for the one-minute period for silent meditation "is consistent with the individual coexistence mandated by the First Amendment with respect to church and state."

The U.S. Court of Appeals for the First Circuit affirmed the district court's decision last June, saying that "the First Amendment does not confer upon persons a right to engage in public prayer in state-owned facilities wherever and whenever they desire."

The decision also held that "the refusal to permit such prayer in school is not an establishment of Atheism." That same argument was used in 1963 in the Supreme Court's decision striking down Pennsylvania's practice of having the Lord's Prayer recited each day at the beginning of classes.

In her written brief asking the Supreme Court to take on her case, Warren argued that the case differed from previous similar ones in that "the force of the public school system would not be used to propagate religion."

"School officials," the brief stated, "have merely been asked to tolerate oral prayer, and tolerance is on the level of accommodation rather than establishment."

The brief argued further that if the proposals to the Brockton school officials violate the Establishment Clause of the First Amendment, so do other practices such as opening each day in the U.S. Congress with prayer, beginning each day's Supreme Court proceedings with the cry, "God save the United States and this Honorable Court," and inscribing "In God We Trust" on U.S. coins.

The court also ruled that state laws which forbid nonphysicians from performing abortions do not violate a woman's constitutional right to a medically safe abortion.

The high court overturned an earlier decision by the Connecticut Supreme Court holding that a state law prohibiting nonphysicians from performing abortions violated the controversial 1973 U.S. Supreme Court abortion rulings. Those decisions held for the first time that women's privacy was being violated by most state abortion laws.

The sweeping Connecticut law under which Patrick Menillo was convicted makes unlawful an attempted abortion by "any person" except when the life of the mother or the unborn fetus is at stake.

Because the statute is in clear contradiction to the Supreme Court's 1973 guidelines, the Connecticut court felt compelled to declare the entire law unconstitutional.

The Supreme Court's written opinion states that the Connecticut court should not have reversed the conviction of Menillo because the 1973 decisions are based on the assumption that abortion is permissible only when sound medical procedure is used.

The high court reaffirmed its view that "a State cannot restrict a decision by a woman, with the advice of her physician, to terminate her pregnancy during the first trimester because neither its interest in maternal health nor . . . in the potential life of the fetus is sufficiently great at that stage."

Just the same, the court also said that the states do have a legitimate interest in requiring that the abortion be performed "by medically competent personnel under conditions insuring maximum safety for the woman."

In another action, the Supreme Court announced that it will decide whether unmarried women under 18 years of age must have parental consent before qualifying for a legal abortion.

The abortion suits were appealed to the court by the state of Massachusetts and the mother of three underaged daughters. They are challenging a U.S. district court ruling that the Massachusetts law requiring parental consent for abortions performed for unmarried women under age 18 is unconstitutional. The district court also forbade the state of Massachusetts from enforcing the law.

The state law under challenge requires the consent of both parents unless they are divorced or one or both is dead. If one or both of the parents refuse, consent may be obtained after a hearing from a superior court judge.

Violation of the consent law brings with it a fine ranging from $500 to $2000 or a jail sentence between three months and five years, or both.

(See HIGH COURT, p. 7)

Safety Bills No Threat to Liberty

By John W. Baker

Congress seems closer to passing a children and youth camp safety act than it has ever been. If it does, the passage will constitute success out of tragedy for Mitch Kurman of Westport, Connecticut.

Baker

Ten years ago last summer Kurman's young son lost his life while attending a summer camp. The camp lacked some basic protections of the safety of the campers. There were no federal camp safety laws and those states which attempted to regulate camp safety had no comprehensive standards and few means for enforcement. The camping industry has shown a disinclination to regulate itself in a meaningful way.

Kurman dedicated himself to the task of encouraging Congress to pass a camp safety act which would protect the lives of other people's children when they are at camp. H.R. 46 and S. 422, titled "Child and Youth Camp Safety Act," seem to have a very good chance of being combined into an effective piece of camp safety regulation.

There is opposition, however, from many of the operators of profit-making camps. Also opposed are a number of groups which operate religious camps and see in these bills a threat to religious liberty because government could set standards affecting their camps. It is to this latter group that the explanation below is directed.

In the Subcommittee Report on S. 422 the purpose of the legislation is stated to be "... to protect and safeguard the health and well-being of the children and youth of the Nation attending camps, to provide Federal assistance to the States in developing programs for implementing safety standards for children and youth camps, to provide for the Federal implementation of standards for children and youth camps in States which do not implement such standards . . . , providing assurance to parents and interested citizens that children and youth camps . . . meet minimal safety standards."

The need for safety standards which do not run afoul of religious liberty is emphasized by the facts that in 1973 in camping programs at least 25 children died, 1448 were injured, and 1223 suffered serious illness while attending camp. The Department of Health, Education, and Welfare, the source of these figures, states that they are minimum figures based on an incomplete survey of camps.

The acts encourage the camp operators to work with a state camping authority to establish safety rules. If this group fails to come up with a plan for camp safety standards, the minimal federal standards would be applicable in that state.

In order to guarantee that neither the federal nor state governments will be involved in any way in the religious aspects of the camping programs, the Senate version of the camp safety act establishes the following limitations:

1. "Nothing in this Act or regulations issued under this Act shall be construed to interfere with the religious activities of any youth camp that is operated by any religious corporation, association, or society or operated for a particular religion."
2. "Nothing in the Act or regulations issued under this Act shall authorize the Secretary [of H.E.W.], a State agency, or any official acting under this Act to restrict, determine, or influence the curriculum, program, or ministry of any youth camp."
3. "Nothing in this Act or regulations issued under this Act shall be deemed to authorize or require medical treatment for individuals who object thereto on religious grounds, nor shall examination or immunization of such individuals be authorized or required except during an epidemic or threat of an epidemic of a contagious disease."

Churches should not permit any governmental interference in the religious aspects of their camping program. The First Amendment as well as the limitations listed above guarantee that government may not do so. However, churches should not operate camp programs which endanger the lives or health of their minor charges. These acts seek to assure that provisions for minimum safety will be enforced.

(See CAMP SAFETY, p. 7)

Wood Scores U.N. Vote On Zionism

WASHINGTON—The head of a Baptist agency here condemned the United Nations action equating Zionism with racism.

James E. Wood, Jr., executive director of the Baptist Joint Committee on Public Affairs, declared that "the deplorable action of the General Assembly on Nov. 10 is unprecedented in the history of the United Nations."

Wood, who has edited a book dealing with Jewish-Christian relations, said also that the U.N. action has the effect of "endorsing bigotry and racism." He called those forces "age-old maladies of mankind against which the U.N. heretofore has stood unalterably opposed" both in its charter and in its 1948 Declaration of Human Rights.

He said further that "this endorsement of anti-Semitism can only seriously erode the future credibility and effectiveness of the U.N. as an international organization dedicated to peace and human rights."

Earlier, Wood and five other representatives of the religious community in Washington had written a letter to the president of the General Assembly urging action to block adoption of the proposal. That resolution came to the General Assembly through the U.N.'s Third Committee.

The letter expressed the view that "the modern Jewish state is itself a consequence of racism, a reminder of the holocaust of World War II and the inhumanity that man has inflicted on his fellow man."

The group warned that "the struggle against global racism can only be weakened and debased when the term 'racism' loses its meaning and is transformed into a vehicle for the expression of odious political and ideological considerations."

In addition to Wood, those signing the letter were Jack Corbet of the United Methodist Board of Church and Society, James Hamilton of the National Council of Churches, Sister Margaret Hohman of the Sisters of Charity of Nazareth, Mary Jane Patterson of the United Presbyterian Church, and David Saperstein of the Religious Action Center. (BPA)

Public Affairs . . . . and the Churches

BOURDEAUX REPORTS ON VINS

NEW YORK—A British authority on religion in Communist countries has reported that dissident Baptist leader Georgi Vins is now in a Siberian prison under a "severe regime."

The Rev. Michael Bourdeaux, director of Keston College and its center for the study of religion in Communist countries, told Religious News Service in an interview of what happened to Mr. Vins after his trial and conviction last January. Mr. Bourdeaux, an Anglican priest, was in the U.S. in connection with the publication by David C. Cook of Mr. Vins' prison letters.

Mr. Vins is now in prison for the second time as a result of his religious activities. He has been sentenced to five years in prison to be followed by five years in exile on a charge of damaging the interests of Soviet citizens under the "pretext" of religious work.

Mr. Bourdeaux reported that the Baptist leader was taken on a prisoners' train on the Trans-Siberian Railway from Moscow to Irkutsk. From that point, he was flown on a commercial plane to Yakutsk Prison.

According to Mr. Bourdeaux, Mr. Vins' identity card has a red stripe on it, indicating that he is "liable to attempt to escape." He is subject to a body search four times a day, while most other prisoners are searched twice a day.

In August, Mr. Vins' mother and eldest daughter visited him in prison. Mr. Bourdeaux said they reported that he was "in bad health, suffering from severe pains in his neck and chest."

Keston College reported in early September that Mr. Vins' 500-member congregation in Kiev has been permitted to register with the Soviet government without condition and are now allowed to meet in a building. Asked about the significance of this development, Mr. Bourdeaux said, "I suspect that there is a tactical motive behind this from the regime's point of view."

Mr. Vins' group broke with the officially recognized All Union Council of Evangelical Christians-Baptists 10 years ago because it objected to restrictions that went along with registration. Mr. Bourdeaux commented, "The state wants the split to go on. The state fears a divided church much less than a united church." (RNS)

CHILE SEEKS TO BAN GROUP

SANTIAGO—Chile's military junta has ordered a crackdown on the interreligious Committee of Cooperation for Peace in Chile (COPACHI), a human rights organization formed after the 1973 military coup.

The committee was sponsored by the Roman Catholic, Lutheran, and Methodist Churches and the Jewish community to aid in the legal defense of political prisoners and collect information on abuses of human rights. More than 33,000 people have sought its assistance.

According to a COPACHI statement, President Augusto Pinochet asked Cardinal Raul Silva Henriquez of Santiago to dissolve the organization because "there are roots of grave conflicts between the Catholic Church and the government" in the organization.

The committee is headed by Catholic Auxiliary Bishop Fernando Aristia Ruiz of Santiago, Dr. Angel Kreiman, Grand Rabbi of Chile, and —until he was recently refused re-entry into the country— German-born Bishop Helmut Frenz of the Evangelical Church of Chile. (Catholics consitute about 87 per cent of the total population of more than 10 million.)

The COPACHI statement said Cardinal Silva, in a reply to General Pinochet's letter, asked that a deadline be established for disbanding the organization, but that no date had been set.

At the same time, however, said the statement, the cardinal declared that the committee's involvement in human rights would continue "within church organizations and with brotherly ecumenical collaboration."

The statement said the prelate warned that General Pinochet's decision could cause damage in Chile and abroad "which will not be the responsibility of the church."

Earlier, according to the Commission of the Churches on International Affairs of the World Council of Churches (WCC), agents of the state-security force DINA (National Intelligence Agency) arrested Jose Zalaquett, the head of the legal department of COPACHI.

The department coordinates the work of several dozen lawyers in the defense of thousands of political detainees and persons unemployed for political reasons.

The WCC Commission said that the DINA agents told Mr. Zalaquett's wife that her husband was being taken to Tres Alamos, a detention center outside Santiago.

Later, the WCC Commission said, Mrs. Zalaquett went to Tres Alamos to visit her husband and was told he was not in custody there.

Chile's press, which operates under government-scrutinized "self-censorship," has attacked COPACHI in recent weeks, charging that it is "infiltrated by Marxist elements."

At the time the COPACHI statement was issued in Santiago, Cardinal Silva was in the United States for a visit prior to flying to Rome for talks with Vatican officials. (RNS)

COURT TO DECIDE DISPUTE

WASHINGTON—A 12-year-old controversy in the Serbian Eastern Orthodox Church in the United States and Canada has reached the U.S. Supreme Court.

The court is to hear oral arguments on the subject sometime after Dec. 1. The case, Serbian Eastern Orthodox Diocese for the United States of America and Canada v. Milivojevich, is an appeal of a ruling last March by the Illinois state supreme court.

Three legal disputes are involved in the protracted and sometimes bitter controversy which has polarized Serbian Orthodox in North America since 1963:

—Is the decision by the Serbian Orthodox bishops assembly in Yugoslavia (where the Serbian see is located) to depose and defrock Bishop Dionisije Milivojevich proper? (Charges against the bishop, who was elected head of the church in America by the bishops assembly in 1939, included personal misconduct and defiance of higher church authority.)

—Is the decision of the bishops assembly to restructure the American Church to form three dioceses instead of the one legally enforceable in American courts?

—Is a vote by the American diocesan assembly to make the American Church totally independent of the Yugoslav Church (without its consent) legally possible?

The Illinois Supreme Court said "no" to all three questions. (RNS)

STATE AID VOTED DOWN

SEATTLE—A proposal to eliminate restrictions on state aid to nonpublic schools and colleges from the Washington State constitution has been rejected by the state's voters in a referendum.

By a margin of 60-40 percent, House Joint Resolution 19 was voted down. A report from Americans United for Separation of Church and State, which had opposed the measure, indicated that with 5,355 of the state's 6,127 precincts reporting, the measure was rejected by 469,187 votes to 314,638.

Proponents of the measure had argued that it would bring the state constitution into line with religious freedom guarantees of the First Amendment to the U.S. Constitution, while opponents had contended that it would violate the principle of church-state separation.

According to Americans United, proponents of the measure had spent about $103,000 to publicize their views, while opponents had spent $29,000. The agency indicated that major contributions to the fight for the measure had come from Seattle and Gonzaga Universities (Catholic), Whitworth College (United Presbyterian), and other denominational schools. (RNS)

PENNSYLVANIA TRIES AGAIN

HARRISBURG, Pa.—Almost $60,000 will be spent in a three-county area here to lease 10 vans that will be used to bring auxiliary services to nonpublic school students after the U.S. Supreme Court ruled unconstitutional a law offering such services on nonpublic school premises.

Under a new law just passed by the Pennsylvania legislature, which provides auxiliary services, public school district units were authorized to furnish remedial reading and math instruction, counseling, testing and other services. Yet, instructors may not set foot inside a nonpublic school.

Having instructors in vans just outside the schools is, in most cases, "the best of the lousy options we have," said D. Bruce Conner, executive director of Capital Area Intermediate Unit here.

Intermediate unit directors said they felt it was "fiscally irresponsible" and "damn stupid" to spend so much money on instructional space when it could be better spent on the services. The entire board of directors of the CAIU agreed to draw up a resolution condemning the "wasteful expenditure" and copies will be mailed to state legislators.

The Harrisburg area school unit is receiving $383,670 for the program to provide auxiliary services this year to students in 31 nonpublic schools in the three-county area. Of that amount, the unit is authorized to spend up to $69,061 for space, including the vans. (RNS)

Camp Safety

(Continued from page 5)

These two areas—religious liberty and camp safety—do not raise church-state issues. One may oppose the acts for valid reasons, but an assertion that the acts would interfere with religious liberty is simply not correct. Your congressman will send you a copy of the bills if you request them. They do assure that religious liberty and the separation of church and state will be maintained.

High Court

(Continued from page 4)

Massachusetts is being opposed by a minor woman and her parents, who contend that the state law invades a minor's right to privacy in violation of the Fourteenth Amendment to the U.S. Constitution.

In yet another action, the court ruled that states must pay unemployment compensation to women unable to work because of pregnancy.

The decision resulted from a case brought by a Utah woman, Mary Ann Turner, who challenged that state's law making pregnant women ineligible for such benefits for a period extending from twelve weeks before childbirth to six weeks after childbirth. The Supreme Court of Utah earlier ruled in favor of the state.

Although the woman was initially forced to leave her job for reasons unrelated to pregnancy, her unemployment benefits were cut off twelve weeks prior to her expected date of delivery.

The U.S. Supreme Court, relying in part on a similar decision striking down school boards' mandatory maternity leave regulations, declared that the Constitution required "that unemployment compensation boards no less than school boards must achieve legitimate state ends through more individualized means when basic human liberties are at stake."

The court, in a similar case, decided to let stand a decision by the Supreme Court of Ohio requiring the Goodyear Tire & Rubber Co. to extend accident and sickness benefits to women employees on pregnancy leave. (BP, BPA)

Tax Threats

(Continued from page 3)

context of an audit or a situation of confrontation."

Without either party surrendering its views, he added, the consultation was an opportunity to get to know one another and discuss issues in a relaxed atmosphere.

Participants at the meeting represented 19 Protestant denominations; the U.S. Roman Catholic Church on national, state and diocesan levels; the Greek Orthodox Archdiocese of North and South America; various state councils of churches and such national organizations as the Baptist Joint Committee on Public Affairs and the Lutheran Council in the U.S.A.

Among tax specialists taking part were Father Charles Whelan, S.J., professor at Fordham University Law School and associate editor of America magazine, and Stanley Weithorn of New York and William Lehrfeld of Washington, attorneys noted for their knowledge of tax exemption matters. (RNS)

Time is Growing Short
to register for the

Baptist Bicentennial Convocation in Washington, D.C. January 12-15, 1976

1. There is a limited number of hotel rooms available.
2. Registration fee needs to be paid as soon as possible.
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Report from the Capital

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