

Senate Tables Effort To Ban All Abortions

By W. Barry Garrett

WASHINGTON—The U.S. Senate in a 47-40 vote rejected consideration of a proposed constitutional amendment that would forbid abortion under all circumstances.

The rejected proposal was one advocated by Sen. Jesse Helms (R-N.C.). It provided that a fetus "shall be deemed, from the moment of fertilization, to be a person and entitled to the right to life." Such a definition by the Constitution would prohibit legal abortions under any and all circumstances.

The Senate vote to reject consideration of the proposed constitutional anti-abortion amendment in effect sustained a decision last year by the Senate Subcommittee on Constitutional Amendments not to recommend any anti-abortion amendment.

Sen. Birch Bayh (D-Ind.), chairman of the subcommittee, held hearings and worked over a period of two years, to consider all viewpoints on all proposed anti-abortion constitutional amendments. The hearings were triggered by efforts of anti-abortionists to overthrow the 1973 Supreme Court decision on abortion.

The action of the subcommittee last year and the current decision of the Senate effectively kills any chance for consideration of any constitutional amendment on abortion by the Senate in the 94th Congress. The process in the House of Representatives is still in the hearing stage, which means that in all probability there will be no action there on abortion amendments this year.

In seeking to circumvent the committee process, Sen. Helms moved that his proposed constitutional amendment be taken up immediately. He explained to the Senate that his purpose was to force a vote on abortion by senators who wished to avoid voting on such a "hot issue."

Sen. Bayh, who is personally opposed to abortion, explained why he is opposed to a constitutional amendment prohibiting abortion. "The matter of amending the Constitution supercedes the opinion of individual Senators on the appropriateness of abortion," he said.

"At stake in all of the proposed Constitutional amendments is the broader question of whether the Constitution is the means by which the moral views of certain of our citizens should be imposed on those who hold different views," Bayh said. "It was

(See AMENDMENT, p. 4)

Report from the Capital

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Churches Gain Exclusion from Measure Setting Limits on Lobbies' Spending

By W. Barry Garrett

WASHINGTON—Churches, conventions of churches, and associations of churches and their integrated auxiliaries are excluded from a new proposed lobbying law introduced by Rep. Barber B. Conable (R-N.Y.) and 14 cosponsors.

The bill, H.R. 13500, is the result of four years of work by Conable and was introduced after lengthy consultations with representatives of charitable and religious groups. The churches are excluded at the request of their representatives. A hearing on the bill has been set by the House Committee on Ways and Means for May 12, an unusually short period of time from its May 3 date of introduction.

The chief purpose of the Conable bill is to define more specifically than is done by present law the amount of money which non-religious public charities may spend to influence legislation without losing their tax-exempt status.

Current law provides for tax exemption for certain charities, including churches and their agencies, "no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation."

The rule of thumb interpretation of the present lobbying law that applies to such organizations is that five percent of their budgets is the limit which they can spend on influencing legislation without losing their right to receive tax deductible contributions.

The objection to the present five percent rule is that it is not statutory, is applied unevenly, and thus causes confusion and uncertainty.



Conable

The new rule, however, would spell out the exact amounts that non-religious charities could spend on efforts to influence legislation and at the same time retain their tax exemption.

In introducing his bill, Conable explained, "Under the new standards, an organization incurs a tax if it spends more on influencing legislation than the permitted amount determined under a formula in the bill. The limits are set on a sliding scale, which allows proportionately lesser expenditures for larger organizations."

Conable further explained, "The permitted nontaxable amounts are: 20 percent of the first \$500,000 of the organization's total expenditures; 15 percent of the second \$500,000; 10 percent of the third \$500,000; and 5 percent of any additional expenditures."

(See LOBBYING, p. 4)

From the Desk of the Executive Director

'One Nation Under God'

By James E. Wood, Jr.

Perhaps no single phrase in our national liturgy describes more profoundly, theologically, the nature and destiny of America than "One Nation Under God." Thus the United States stands in this Bicentennial Year, as it has stood in every year since its founding two centuries ago. At the same time, no phrase is used more often to mythologize and sanctify this nation before the world—whether right or wrong, good or bad, just or unjust. In the case of the latter use of the phrase, it often epitomizes national arrogance and furnishes the basis of the absolutizing of our "national interests," at home and abroad.



Wood

I

The phrase, "One Nation Under God," may appropriately speak to the important role played by religion in the history of this nation. After all, it was religion, at least in part, which gave birth to America. "Religious considerations," Charles A. Beard observed, "entered into the founding of every colony from New England to Georgia." New England clergy not only took an active part in government, in large measure they were the government. Clergymen played a prominent part in the American Revolution, particularly as chaplains and pamphleteers. They also used their pulpits to recruit men to bear arms in the cause of American independence. Clergymen dominated the Continental Congress. The clergy and the churches—even though only a small fraction of the population were church members—constituted an active pressure group during both the American Revolution and the formative years of the new Republic.

From the beginning, religious language has been used to convey the national self-identity of America. This in spite of the fact that America is viewed as the oldest secular state and as "the most thorough-going, if not the only truly secular state" in the world. While church-state separation 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 society.

To the Puritans of New England, this was the new Israel, so frequently referred to by them as the "American Israel." America's greatest theologian, Jonathan Edwards, presupposed that America was ordained of God. The Declaration of Independence begins with the affirmation, "We hold these truths to be self-evident, that all men are created equal and *endowed by their creator with certain unalienable rights.*" The very adoption of the phrase, "One Nation Under God," in the pledge of allegiance to the flag of the United States bespeaks this religious character of the nation. Again, there is some measure of appropriateness about the phrase, "One Nation Under God," as profoundly descriptive of the American experience.

Religion, far from suffering from the separation of church and state, as guaranteed in the Constitution, has flourished in America

with a record of advance and vitality that is clearly impressive and unique among the nations of the world. The ratio of church membership to the population of the United States is more than twelve times greater today than it was at the time of the founding of the Republic. Here the church has not only been free, but all of the major faiths of America have thrived as have all the minor faiths of America, not to mention the emergence of numerous new indigenous religious denominations. What is even more remarkable is that this has been accomplished without the religious strife which has so tragically marked the history of both Catholic and Protestant Europe.

II

The phrase, "One Nation Under God," has also come to be used, even by the political community, as the basis of American nationalism. This nationalism, which is the most distinguishing feature of America's civil religion, is most often expressed in terms of American democracy, the American way of life, or Americanism, each of which symbolizes for many Americans their national faith.

American nationalism, like all nationalism, is committed first, last, and always to supporting the "national interests" at all costs and exalting national sovereignty in all international relations. All matters of foreign policy and international involvement are to be determined by "national interests." All foreign assistance, whether economic or military, is to be justified only in so far as it promotes the "national interests." Dissent is feared lest the masses lose their faith in and devotion to their country. There is less concern with authentic national history than with perpetuating a national mythology, in order to maintain the fires of patriotic fervor.

Nationalism is always incompatible, even in open conflict, with the prophetic role of religion. Therefore, nationalism in the United States expresses itself whenever and wherever the right of the church is challenged on political or nationalistic grounds. The continued and accelerated assaults in recent years upon the right of the church to speak out on social issues and public affairs, domestic or foreign, when in conflict with the "national interests" or government policy, are ominous evidences of the assumed superiority of national sovereignty over the church in contemporary American life.

American nationalism as expressed in the phrase, "One Nation Under God," has a two-fold significance: it reflects both a way of thinking about the nation-state and a way of thinking about religion. American nationalism has increasingly reflected a way of thinking about the state in religious and spiritual terms for the accomplishment of secular ends. "One Nation Under God," when used to serve secular ends and as a means of absolutizing the state, actually becomes an idolatrous and profane expression of American nationalism.

III

When religion is made an adjunct to state policies and programs the true function of religion is perverted, no matter how naive the advocates of such a viewpoint may be. The church to fulfill its mission simply cannot be made to serve political ends, without degrading itself and thereby denying its Lord.

The rising tide of American nationalism which seeks to express itself in terms of religious faith, would make religion in America a culture religion or tribal faith. Americanism can never be synonymous with true religion, let alone Christianity. God and religion are not national sources which our nation can possess or

(See ONE NATION, p. 6)

Baptists and Religious Liberty

by George W. Truett

(Second in a special Bicentennial series)

It behooves us often to look backward as well as forward. We should be stronger and braver if we thought oftener of the epic days and deeds of our beloved and immortal dead. The occasional backward look would give us poise and patience and courage and fearlessness and faith. The ancient Hebrew teachers and leaders had a genius for looking backward to the days and deeds of their mighty dead. They never wearied of chanting the praises of Abraham and Isaac and Jacob, of Moses and Joshua and Samuel; and thus did they bring to bear upon the living the inspiring memories of the noble actors and deeds of bygone days. Often such a cry as this rang in their ears: "Look unto the rock whence ye are hewn, and to the hole of the pit whence ye are digged. Look unto Abraham your father, and unto Sarah that bare you: for I called him alone, and blessed him, and increased him."

The Doctrine of Religious Liberty

We shall do well, both as citizens and as Christians, if we will hark back to the chief actors and lessons in the early and epoch-making struggles of this great Western democracy, for the full establishment of civil and religious liberty—back to the days of Washington and Jefferson and Madison, and back to the days of our Baptist fathers, who have paid such a great price, through the long generations, that liberty, both religious and civil, might have free course and be glorified everywhere.

Years ago, at a notable dinner in London, that world-famed statesman, John Bright, asked an American statesman, himself a Baptist, the noble Dr. J. L. M. Curry, "What distinct contribution has your America made to the science of government?" To that question Dr. Curry replied:

George W. Truett delivered the address from which excerpts are here printed from the East Steps of the U. S. Capitol on May 16, 1920, at the request of the Baptist churches of Washington, D. C. An estimated 10,000 to 15,000 participated in the ceremony held in conjunction with the annual meeting of the Southern Baptist Convention. At the time, Dr. Truett was pastor of Dallas' First Baptist Church.



Courtesy Historical Commission, SBC

"The doctrine of religious liberty." After a moment's reflection, Mr. Bright made the worthy reply: "It was a tremendous contribution."

Supreme Contribution of New World

Indeed, the supreme contribution of the new world to the old is the contribution of religious liberty. This is the chiefest contribution that America has thus far made to civilization. And historic justice compels me to say that it was pre-eminently a Baptist contribution. The impartial historian, whether in the past, present or future, will ever agree with our American historian, Mr. Bancroft, when he says: "Freedom of conscience, unlimited freedom of mind, was from the first the trophy of the Baptists." And such historian will concur with the noble John Locke who said: "The Baptists were the first propounders of absolute liberty, just and true liberty, equal and impartial liberty." Ringing testimonies like these might be multiplied indefinitely.

Not Toleration, But Right

Baptists have one consistent record concerning liberty throughout all their long and eventful history. They have never been a party to oppression of conscience. They have forever been the unwavering champ-

ions of liberty, both religious and civil. Their contention now is, and has been, and, please God, must ever be, that it is the natural and fundamental and indefeasible right of every human being to worship God or not, according to the dictates of his conscience, and, as long as he does not infringe upon the rights of others, he is to be held accountable alone to God for all religious beliefs and practices. Our contention is not for mere toleration, but for absolute liberty. There is a wide difference between toleration and liberty. Toleration implies that somebody falsely claims the right to tolerate. Toleration is a concession, while liberty is a right. Toleration is a matter of expediency, while liberty is a matter of principle. Toleration is a gift from man, while liberty is a gift from God. It is the consistent and insistent contention of our Baptist people, always and everywhere, that religion must be forever voluntary and uncoerced, and that it is not the prerogative of any power, whether civil or ecclesiastical, to compel men to conform to any religious creed or form of worship, or to pay taxes for the support of a religious organization to which they do not belong and in whose creed they do not believe. God wants free worshipers and no other kind.

A Fundamental Principle

What is the explanation of this consistent and notably praiseworthy record of our plain Baptist people in the realm of religious liberty? The answer is at hand. It is not because Baptists are inherently better than their neighbors—we would make no such arrogant claim. Happy are our Baptist people to live side by side with their neighbors of other Christian communions, and to have glorious Christian fellowship with such neighbors, and to honor such servants of God for their inspiring lives and their noble deeds. From our deepest hearts we pray: "Grace be with all them that love our Lord Jesus Christ in sincerity." The spiritual union of all true believers in Christ is now and ever will be a blessed reality, and such union is deeper and higher and more enduring than any and all forms and rituals and organizations. Whoever believes in Christ as his personal Saviour is

(See TRUETT, p. 8)

Lobbying

(Continued from page 1)

"No matter how large the organization, if it spends more than \$1 million on influencing legislation in any one year, it would have to pay a tax of 25 percent of the amount of any excess over this permitted level," the Congressman added.

During the formative period of the proposed legislation, representatives of the nation's churches struggled against any effort on the part of government to define the mission of the churches by legislative definition of what they could or could not do to maintain their tax exempt status.

As a matter of history, the churches have never approved of the "substantiality" provision contained in the present law. The churches have felt, that, under principles of religious liberty and separation of church and state, government has no authority and

is incompetent to define the kinds of activities or to set limits on the activities that the churches determine for themselves are a part of their mission in the world.

For this reason, the church representatives insisted that the following provision be included in the bill: "It is the intent of Congress that enactment of this Act is not to be regarded in any way as an approval or disapproval of the decision of the Court of Appeals for the Tenth Circuit in *Christian Echoes National Ministry, Inc. v. U.S.*, 470 F. 2d 849 (1972), or of the reasoning of any of the opinions leading to that decision."

In the case cited above, an organization headed by Billy James Hargis of Tulsa, Okla. lost its right to receive tax deductible gifts because it engaged in excessive political activity.

If the new proposed lobbying bill becomes law, the following definition of "in-

fluencing legislation" will be approved: "The term 'influencing legislation' means—(a) any attempt to influence any legislation through an attempt to affect the opinion of the general public or any segment thereof, and (b) any attempt to influence legislation through communication with any member or employee of a legislative body, or with any other government official or employee who may participate in the formulation of the legislation."

The outlook for the enactment of the Conable bill into law this year is uncertain. It has been introduced late in the session when Congress is struggling for adjournment to campaign in the elections. Major objections could be raised in the hearing slated for May 12.

On the other hand, the work that has been done thus far may pave the way for an early enactment of the bill when it is reintroduced when Congress comes back in 1977. (BPA)

Amendment

(Continued from page 1)

the judgment of the Constitutional Amendments Subcommittee, which studied this issue through a hearing record of more than 3,000 pages, that it was not appropriate to amend the Constitution in regards to abortion," he concluded.

The Senate's rejection of consideration of proposed anti-abortion constitutional amendments is in harmony with positions taken by a number of Baptist bodies, including the American Baptist Churches in the U.S.A., the Southern Baptist Convention, and the Baptist Joint Committee on Public Affairs.

The American Baptist Churches in the U.S.A. went on record at its annual meeting in Boston in 1968 as recognizing "that abortion should be a matter of responsible personal decision."

The resolution stated further that legislation should be enacted to provide abortion services when the physical or mental health of the woman is endangered, when the fetus has been documented to have physical or mental defect, and when pregnancy results from rape, incest, "or other felonious acts."

The Southern Baptist Convention adopted a resolution at its 1971 meeting in St. Louis urging enactment of 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."

That position was reaffirmed in 1974 at the convention's annual meeting in Dallas.

The Baptist Joint Committee on Public Affairs at its October 1973 meeting on the subject of anti-abortion constitutional amendments voted to "go on record as opposed to the Buckley-Hatfield amendment and any like or similar constitutional amendments, and that the staff be authorized to take all available action to oppose them."

The Committee felt that a controversial moral issue such as abortion should not be the subject of a constitutional amendment. In addition, the Committee felt that civil and religious liberties would be restricted by such proposed amendments to the Constitution. (BPA)

Wright State U. Offers Aid in Religion Studies

DAYTON, Ohio—Teachers of religion in public schools can now get full scholarships for a two-summer Institute at Wright State University here, according to an announcement by Professor William Collie of the Public Education Religion Studies Center.

The Teacher Education Institute on the Religious Dimensions of World Culture has been funded by a \$75,675 grant from the National Endowment for the Humanities. Financial assistance to those accepted for the Institute includes full tuition and room-and-board stipends.

The dates for the Institute are June 15-July 16, 1976 and June-July, 1977 at Wright State University, Dayton, Ohio.

Participants in the Institute will receive 6 hours of graduate credit each summer session. They will have the option of applying the credit in the field of education or religion.

Although public school teachers from all over the nation who are interested in help for teaching religion may apply for the Institute, the emphasis will be on drawing teachers from the four-state area of Ohio, Kentucky, Indiana and Michigan.

Wright State University has been a leader in the growing awareness in the nation that education without study about religion is incomplete. To this end the University maintains its Public Education Religion Studies Center (PERSC).

The purpose of PERSC is to encourage and facilitate increased and improved teaching about religion within constitutional bounds, mainly in elementary and secondary public schools. PERSC emphasizes the natural inclusion of study about religion within regular curricular offerings such as history, art, English, music and geography. In addition PERSC has curricular materials for specific courses or units on "Religious Literature," "World Religions," and "Religion and Literature."

Contrary to what many people have been led to believe, the Supreme Court did not ban religion from the curriculum of public schools in its 1962 and 1963 rulings on prayer and Bible reading. While the Court

(See WRIGHT STATE p. 6)

Bicentennial Proclamation

"Proclaim liberty throughout the land to all the inhabitants thereof."

In this Bicentennial we American Baptists remember that the roots of our freedoms go deep. They can be traced to Hebrew prophets, Christian apostles, the Magna Charta, and the early Baptists, among others. Thomas Helwys, co-founder with John Smyth of the first Baptist church ever organized, wrote thus to King James I of England: "The king is a mortal man and not God, therefore hath no power over the immortal souls of his subjects, to make laws and ordinances for them, and to set spiritual lords over them. If the king has authority to make spiritual lords and laws, then he is an immortal God and not a mortal man."

In the Amsterdam Confession of 1611 the earliest Baptist congregation affirmed "that the magistrate is not by virtue of his office to meddle with religion, or matters of conscience, to force or compel men to this or that form of religion or doctrine, but to leave the Christian religion free to every man's conscience, and to handle only civil transgressions, for Christ only is the King and lawgiver of the church and conscience."

Then, less than 30 years later, consistent with that insight, a small company of free men established in Rhode Island the first civil government in which full religious liberty was mandated for all citizens participating in the Providence Compact which limited governmental authority to the civil realm, because the domain of conscience is reserved for God alone. On that principle Roger Williams became the Apostle of Religious and Civil Liberty in the New World and on the same principle John Clarke secured from Charles II in 1663 a charter in which religious liberty was guaranteed through royal decree. Thus for the first time

in human history a civil government was founded upon a guarantee of absolute religious freedom for all its citizens.

But the extension of that precious right was achieved at great cost. In the Colony of Virginia 42 Baptist ministers were jailed between 1767 and 1778 for preaching the gospel of liberty. In this Bicentennial we pay tribute to valiant souls such as John Leland and George Mason who, with the invaluable assistance of Thomas Jefferson and James Madison, led the Baptists of Virginia in achieving the free exercise of religion through the passage of the Statute Establishing Religious Freedom in 1786. Then, having won freedom for Virginia, they persevered until they were instrumental in securing the adoption of the First Amendment which guaranteed nationally the emancipation of religion from governmental and coercive restrictions and assured the rejection of every form of compulsion in religion, so that under the voluntary principle, free churches could emerge and flourish in a free state. We proclaim our gratitude that under the leadership of Roger Williams, John Clarke, Isaac Backus, and John Leland the Baptists of New England and Virginia carried on with others a long and valiant struggle that culminated victoriously in the omission of any religious tests or restrictions when the Constitution of the United States was being framed.

On this national birthday we remember that America was born out of revolution against intolerable invasions of personal liberty. Accordingly, we believe that a worthy celebration of our American Bicentennial requires a repudiation of all those forces which are subversive of liberty in our own time.

Today the cause of liberty is beset by perils in dimensions that could not have been imagined by the founding fathers. We are appalled and saddened by the sophisticated electronic surveillance of many citizens by investigative agencies of government. Widespread disobedience of law by the government itself, involving domestic spying, break-ins, wiretaps and buggings, mail interceptions, and the infiltration of civilian organizations has implicated the most powerful agencies of the mightiest government in the world in a vast network

of activities that were "plainly unlawful and constituted improper invasions upon the rights of Americans." In the arrogance of power they forgot that they were the servants, not the masters of the people. By transgressing the fundamental law of our land and violating many laws and statutes they broke the faith which binds our people into one nation.

This Bicentennial is the proper occasion for patriotic Americans to sound an alarm at the massive invasions of privacy, at the eclipse of equal justice under law, at the improper and illegal activities of governmental agencies, and at the widespread lawlessness among officials entrusted with the administration and enforcement of law.

In faithfulness to the heroic witness and service of our forefathers we are called anew to that eternal vigilance which remains the price of liberty.

In the light of our glorious heritage, we American Baptists, assembled for the worship of God on this 200th birthday of our nation, join hands and hearts and voices with multitudes of our fellow citizens in grateful remembrance of two centuries of American freedom in one nation under God with the exalted goal of liberty and justice for all.

As Christians and as Americans we proclaim the message of freedom affirming our two commonwealths. As Christian Americans we acknowledge ourselves to be citizens of two realms: one earthly, the United States of America, and the other heavenly, the Kingdom of God. We claim to be loyal citizens of both. We recognize the sovereignty of the United States government and we gladly give it our allegiance, but we reserve to God alone the commitment of our consciences. We maintain that our two citizenships support and complement each other, for religion and government together undergird the social order. It is the function of free government to safeguard the soil in which religion may grow and flourish. It is the function of religion to bring truth, integrity, and conscience to society so that it may be fit to govern itself. Accordingly, church and state must remain separate so that each will

(See PROCLAMATION, p. 6)

Editor's note: As a special resource for our readers, Report from the Capital is pleased to print the "Bicentennial Proclamation" adopted by the General Board of the American Baptist Churches in the U.S.A. It is designed to be read in the churches on Independence Day, July 4, 1976.

Proclamation

(Continued from page 5)

be free under God to perform its appropriate function.

We proclaim a new dedication to the maintenance of free churches marked by the supremacy of Spirit over form and ceremony, an evangelical expression of the gospel, liberty of the congregation to order its own church life, and freedom from civil coercion in order to be obedient to God who alone is Lord of the conscience; and to a free state marked by respect for the consciences of all people, believers and unbelievers alike, existing under the sovereignty of God, and recognizing that religious and civil liberties are not favors to be granted by a benevolent government but fundamental attributes which every government should recognize and respect.

We proclaim that our religious and civil freedoms are more than important historical achievements. They are rights which have existed from time immemorial because they are rooted in the nature of God, the Creator, and of mankind made in the divine image.

The Bicentennial is time for the Liberty Bell to ring out its ancient message to all the land. Furious assaults upon the Bill of Rights from without and from within impel us as American Baptists to underscore again our eternal opposition to every form of tyranny over the mind and spirit of mankind.

Therefore we American Baptists urgently summon our fellow citizens of all faiths to join us in ceaseless vigilance to safeguard and maintain our priceless heritage of freedom and to reaffirm the right of all mankind under God, the Creator and Lord of Life, to

enjoy freedom of thought, of expression, of information, of assembly, of petition, of worship; freedom from unwarranted search and seizure, as together we engage in the issues of life, liberty, and the pursuit of happiness. To that end we pledge our unyielding resistance to any and every conspiracy against the cause of freedom, and we call for a new dedication to the First Amendment as the basic, abiding policy that protects the integrity of free churches in a free state, preventing the legislative establishment of religion and safeguarding the free exercise of religion, and thus making possible a measure of religious freedom not achieved previously under any other system.

In this Bicentennial we implore ourselves and our fellow Americans to "read, mark, learn, and inwardly digest" the Declaration of Independence and the Bill of Rights so that all may be secure in those liberties which were purchased for us at a great price. We call upon all people of good will to join us in that creative and constructive revolution of thought and life which is dedicated to the liberation of the human spirit from every form of bondage. To that end we proclaim that a worthy goal for the Bicentennial is so to embody the ideals of justice and brotherhood and so to enrich American life with the virtues of courage, patience, truth, honesty, faithfulness, and love that no alien philosophy can find a point of penetration.

As we are grateful for an illustrious past, we proclaim our confidence in an even brighter future. The Spirit of the Lord, the spring and fountain of freedom, is alive in the world and will not be defeated. The death knell of every form of tyranny has been sounded by God in Christ. The kingdoms of this world will become the king-

dom of our Lord and of His Christ, and He will reign for ever and ever; for the Prince of Peace is also the Lord of history and prophecy.

On this Bicentennial Day we face forward in the confidence that the dream of the ancient prophet Micah will yet come true, for "they shall sit every man under his vine and under his fig tree, and none shall make them afraid."

Wright State

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did ban officially sponsored religious devotions, it left the door wide open for an academic approach to religion in the public schools.

Associate Justice Tom C. Clark said in the majority opinion in the *Abington v. Schempp* and *Murray v. Curlet* cases, "One's education is not complete without a study of comparative religion or the history of religion and its relationship to the advancement of civilization. . . . Nothing we have said here indicates that such study of the Bible or of religion, when presented objectively as a part of a secular program of education, may not be effected consistently with the First Amendment."

Implementing this concept PERSC conducts and recommends workshops, seminars and conferences throughout the nation. It also serves as a resource center on available curriculum materials and provides a research center for scholars studying religion in public education.

More information about the two-summer Institute for teachers of religion in public schools can be obtained by writing to Professor William Collie, Public Education Religion Studies Center, Wright State University, Dayton, Ohio 45431.

One Nation

(Continued from page 2)

source we can harness or use to serve our "national interests."

America is a "Nation Under God," but so is every other nation in the world. God remains always above culture and nation, which are ever under his divine judgment. The mere claim of a nation that it is on God's side is of no real consequence at all, and may actually be more of an expression of pride, if not blasphemy, than any actual godliness. An incident during the Civil War speaks dramatically of this truth. One of the few statements Abraham Lincoln ever made that drew Confederate praise was his reply to a minister who expressed the hope to the President that "the Lord was on our side." Lincoln demurred: "I am not all concerned about that, for I know that the Lord is always on the side of the right. But it is my constant anxiety and prayer that I and

this nation should be on the Lord's side."

Nationalism is a denial of the universalism of the Christian gospel, that God is the creator of all men and "hath made of one blood all nations of men to dwell on all the face of the earth," to which the church must give continual witness. To link God and country too closely is inevitably to make an idol of the nation-state. Today to call America—or Germany, or France, or Great Britain, or Liberia, or Japan, or Israel, or Egypt—"God's nation" is blasphemy and spiritual arrogance. No one nation is "God's nation," rather all men and all nations are equally dear and equally close to God.

God's kingdom can never be coterminous with the nation-state. God comes to us and reveals himself to us beyond nationalism. While a Christian ought to be a good citizen, and wherever possible a good patriot, his faith inevitably identifies him with the noble aspirations and deepest needs of all mankind.

Justices Act on Obscenity, Women's Rights, Flag Burning

By Stan L. Hasty

Obscenity

WASHINGTON—In the latest of a long series of actions dating to 1973, the U.S. Supreme Court declined to hear a case challenging state obscenity laws. What makes the latest action significant is the positioning of new Associate Justice John Paul Stevens.

In a brief written opinion concurring with the court's majority in an Oregon case, Stevens declared that he was unwilling to join with a minority of the court's justices who have consistently voted to hear such cases.

The high court has been badly divided on the obscenity issue. A 5-4 decision in June 1973 (*Miller v. California*) set forth the principles which the court is currently using in deciding all obscenity appeals.

That decision set up a three-part test to help local communities and states decide what written materials and films are obscene. The court said that local authorities may decide whether "the average person, applying contemporary community standards" would find that the work appeals to "prurient interest."

In addition, the court said that states may declare written material and films obscene if sexual conduct is presented in a "patently offensive" way or if the work "lacks serious literary, artistic, political, or scientific value."

Because of varying community standards, however, the court has been flooded with appeals to reconsider its 1973 guidelines. Three justices on the high court have consistently voted to hear such cases, but the five-man majority which decided *Miller* has stood firm.

Justice Stevens' statement makes it clear that he will not side with the minority, although he also indicated he did not know how he might vote on the merits of obscenity cases if and when they reach the court.

"Until a valid reason for voting to grant one of these petitions is put forward," he said, "I shall continue to vote to deny."

Justice William J. Brennan, Jr. who is regularly joined by justices Potter Stewart and Thurgood Marshall in dissenting from

(See OBSCENITY, p. 8)

Women's Rights

WASHINGTON—The U.S. Supreme Court reversed an earlier action by announcing it will not hear a Mississippi school board's argument that it should be allowed to deny employment to unwed mothers.

The decision not to hear the case means that five women either denied employment or fired by the Drew Municipal School District in Sunflower County, Miss. must be given equal consideration with other teachers or potential teachers.

One factor in the unusual action by the high court is a new regulation by the Department of Health, Education, and Welfare (HEW) that school boards which discriminate on the basis of sex will no longer be eligible for federal funds.

The regulation by HEW resulted from passage by Congress of a controversial section of the Education Amendments of 1972. Title IX of those amendments states that "no person in the U.S. shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

The Title IX implications were brought to the court's attention by the chief U.S. lawyer at the Supreme Court, Solicitor General Robert H. Bork. He quoted from a recent opinion by Chief Justice Warren E. Burger to support the view that the Mississippi school board's policy violated the law. The chief justice wrote that unlike unwed mothers, unwed fathers are sometimes hard to find, often deny responsibility for their actions, show little concern for the welfare of the child, and many times are simply not aware that they are fathers.

The National Education Association (NEA) joined the solicitor general in asking the court to reverse its earlier decision to hear the case.

In written legal briefs submitted earlier, the school board argued that its regulation was designed to protect the community's moral standards. It also contended that the

(See WOMEN, p. 8)

Flag Burning

WASHINGTON—Despite the objections of three of its justices, the U.S. Supreme Court declined here to schedule for argument a challenge to Illinois' flag desecration law.

The case has been in the courts, state and federal, for more than six years. It involves the conviction of three teenage women in Rock Island, Ill. for burning an American flag near the federal building there. They were protesting American involvement in the Vietnam War and the deaths of four students at Kent State University in Ohio on May 4, 1970.

Three of the justices, William J. Brennan, Jr., Thurgood Marshall, and John Paul Stevens, dissented from the majority action, saying that they would have heard the case. Nevertheless, four justices must want to take on a case before it can be argued.

In spite of the fact that they were warned by an onlooking FBI agent, the girls set fire to the flag on a lawn adjacent to the federal building in Rock Island one day after the Kent State killings.

Their action violated the Illinois Flag Act, which makes contempt for the flag a felony punishable by a fine and confinement in the state penitentiary.

After each of the women was found guilty by a jury and sentenced to one year's probation and a \$100 fine, the three argued before a state appellate court that their conviction violated their freedom of expression as guaranteed by the First Amendment to the federal Constitution.

The appellate court disagreed with them, however, upholding the jury's guilty verdict. The women then appealed to the Illinois Supreme Court, which declined to hear the case.

This is the second time the case has been considered by the nation's highest tribunal. Nearly two years ago, the high court sent the case back to Illinois state courts for further action in light of two 1974 decisions involving other flag desecration statutes.

The Supreme Court ruled that year that wearing the flag on the seat of the pants or

(See BURNING, p. 8)

Truett

(Continued from page 3)

our brother in the common salvation, whether he be a member of one communion or of another, or of no communion at all.

How is it, then, that Baptists, more than any other people in the world, have forever been the protagonists of religious liberty, and its compatriot, civil liberty? They did not stumble upon this principle. Their uniform, unyielding and sacrificial advocacy of such principle was not and is not an accident. It is, in a word, because of our essential and fundamental principles. Ideas rule the world. A denomination is moulded by its ruling principles, just as a nation is thus moulded and just as individual life is thus moulded. Our fundamental essential principles have made our Baptist people, of all ages and countries, to be the unyielding protagonists of religious liberty, not only for themselves, but for everybody else as well.

A Free Church In a Free State

That utterance of Jesus, "Render therefore unto Caesar the things which are Caesar's, and unto God the things that are God's," is one of the most revolutionary and history-making utterances that ever fell from those lips divine. That utterance, once for all, marked the divorcement of church and state. It marked a new era for the creeds and deeds of men. It was the sunrise gun of a

new day, the echoes of which are to go on and on and on until every land, whether great or small, the doctrine shall have absolute supremacy everywhere of a free church in a free state.

In behalf of our Baptist people I am compelled to say that forgetfulness of the principles that I have just enumerated, in our judgment, explains many of the religious ills that now afflict the world. All went well with the early churches in their earlier days. They were incomparably triumphant days for the Christian faith. Those early disciples of Jesus, without prestige and worldly power, yet aflame with the love of God and the passion of Christ, went out and shook the pagan Roman Empire from center to circumference, even in one brief generation. Christ's religion needs no prop of any kind from any worldly source, and to the degree that it is thus supported is a millstone hanged about its neck.

The Present Call

And now, my fellow Christians, and fellow citizens, what is the present call to us in connection with the priceless principle of religious liberty? That principle, with all the history and heritage accompanying it, imposes upon us obligations to the last degree meaningful and responsible. Let us today and forever be highly resolved that the principle of religious liberty shall, please God, be preserved inviolate through all our days and the days of those who come after us.

Burning

(Continued from page 7)

attaching a peace symbol to the flag are both actions protected by the free speech provision of the First Amendment.

Illinois courts, nevertheless, stood by their actions in the Rock Island case, holding that unlike those cases, the women had mutilated and destroyed the flag.

After the Illinois Supreme Court refused for a second time to hear their arguments, the women appealed again to the U.S. Supreme Court. Its refusal to hear the case marks the end of their long legal fight.

Obscenity

(Continued from page 7)

such actions, was indirectly reprimanded by Stevens. Stevens wrote that "in the interest of conserving scarce law library space," he would not repeat his explanation to deny hearings in such cases.

The statement was an obvious reference to a standard dissent which Brennan issues

for himself, Stewart, and Marshall each time the court is asked to clarify its position on the matter.

Women

(Continued from page 7)

rule against unwed mothers as teachers involved a "legitimate government interest" and that it did not "invade any constitutionally protected right" of the women either fired or denied employment.

The five women, all black, argued on the other hand that the rule violated the principle of equal protection under law, that it was a "sex-based classification" which perpetuated the "historic condemnation of the unwed mother," that it was racially discriminatory, and that the rule punished "refusal or inability to use contraception or to have an abortion."

By deciding not to hear the case, the high court fell short of affirming a lower federal court which earlier declared the rule unconstitutional. But the effect of the action is to let the lower court's decision stand.

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