Report from the Capital

JUNE 1976

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Religious Groups Stay Neutral on Conable Bill

By Stan L. Hastey

WASHINGTON—Major religious groups joined here in protesting the use by the Internal Revenue Service (IRS) of its so-called "substantiality" test in limiting lobbying activities by the churches. They indicated, however, that they do not oppose a bill currently being considered which would set dollar guidelines for lobbying by nonreligious charities.

Church groups filing statements with the House Committee on Ways and Means included the Baptist Joint Committee on Public Affairs, the National Council of Churches, and the U.S. Catholic Conference. All three statements indicate neutrality in the debate over passage of H.R. 13500, a bill designed to specify how much money nonprofit groups may spend in influencing legislation before Congress.

The bill exempts churches from the dollar limitations placed on other charitable groups.

Most nonreligious charitable groups favor the measure introduced on May 3 by Rep. Barber B. Conable (R-N.Y.). Conable has been seeking passage of such a bill for the last five years.

It is designated to clear up confusion over the application by IRS of what constitutes "substantial" lobbying activities. The IRS Code states that for a charitable group to preserve its tax-exempt status, it must not engage in "substantial" lobbying. Until now, however, no one has known precisely what the term means.

On several occasions in recent years, IRS has launched what many church officials consider harassing investigations because their public policies disagreed with those of the administration.

In a statement submitted by James E. Wood, Jr., the Baptist Joint Committee on Public Affairs insisted that the IRS substantiality test amounts to an invasion by the state into church affairs.

"Religious liberty," Wood stated, "denies to the state the authority to define for the churches the nature and scope of their religious missions." He went on to say that "because some churches define their religious missions as including an obligation to speak out on the attempt to influence public affairs," IRS violates religious liberty when it attempts to set the boundaries of such efforts.

Because of opposition to the IRS policy, a number of religious groups worked with

(See CONABLE, p. 5)

Baptists, Other Church Groups Oppose New Proposed IRS Rules

By W. Barry Garrett

WASHINGTON—Baptists joined hands with representatives of major religious bodies to oppose proposed regulations by the Internal Revenue Service (IRS) which they claim will result in an excessive entanglement of government in the affairs of churches.

The Internal Revenue Service is seeking to define "integrated auxiliaries of a church" by amending Section 6033 of the Internal Revenue Code. The IRS claims that it is merely carrying out the mandate imposed by Congress in the Tax Reform Act of 1969.

The churches, on the other hand, charge that IRS lacks legislative authorization for its proposal which, they say, results in the definition of the nature and mission of the church by government. This is a violation of the First Amendment which provides for separation of church and state, the churches claim.

At the all-day hearing here on June 7, four Baptists were among 14 scheduled witnesses from church and religious groups. James E. Wood, Jr., executive director of the Baptist Joint Committee on Public Affairs, represented eight national Baptist bodies in the United States.

Other Baptists opposing the proposed IRS regulation were: Gary S. Nash, attorney for the Annuity Board of the Southern Baptist Convention, Earl Trent, attorney representing James A. Christison of the Board of National Ministries of the American Baptist Churches, U.S.A., and Wayne Dehoney, pastor of the Walnut Street Baptist Church, Louisville, Ky. and former president of the Southern Baptist Convention.

Spokesmen for other religious bodies also opposed the proposed IRS regulations. They were the Church of Jesus Christ of Latter-Day Saints (Mormons), the Lutheran Council in the U.S.A., the Roman Catholic Church, the National Association of Evangelicals, the United Church of Christ, the General Conference of Seventh-Day Adventists, the Western Association of Christian Schools, and the American Association of Christian Schools.

Not a single spokesman for the religious groups favored the proposed IRS regulations on "integrated auxiliaries."

The importance of the hearing was emphasized by the presence of Internal Revenue Service Commissioner Donald C. Alexander and other highly placed officials in the Internal Revenue Service.

While the church spokesmen attacked the proposals head-on, the IRS representatives were defensive of what they were trying to do. It was not clear at the end of the day what IRS intends to do about its proposed regulations. Several courses of action seem to be open to IRS.

IRS can proceed to approve the regulations as they are now proposed. It can drop the proposal altogether. It can modify the proposal in an attempt to satisfy the objections of the churches. It can come up with completely new and different regulations. It could ask Congress to clarify its mandate to IRS in the Tax Reform Act of 1969.

In the event the regulations are approved in their present form, church reaction would range all the way from conformity, to seeking change by Congress, to chal-

(See IRS RULES, p. 6)

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From the Desk of the Executive Director

Baptists and the American Experience

By James E. Wood, Jr.

Religious liberty is the key to our Baptist witness in public affairs. Baptist witness in public affairs is, in fact, the exercise of our religious liberty. This Bicentennial year would be a particularly propitious time for Baptists to rediscover their legacy of religious liberty and to reaffirm unequivocally their commitment to religious liberty for all Americans. Since the Baptist Joint Committee on Public Affairs came out of the concern of Baptists for religious liberty, perceived in terms of a concerted witness in public affairs, particular focus is given by this agency to deepening and enlarging Baptists' understanding of and commitment to religious liberty. In terms of the Constitution of the United States, this religious liberty is always to be understood as "the free exercise of religion." The most distinctive feature of American political and religious life, religious liberty is intimately and inseparably related to Baptists and the American experience.

Wood

I

Prior to the founding of this nation, and the enactment of the First Amendment, religious liberty was expressly denied. Baptist beginnings in America were met by harassment, intolerance, and persecution. In neither a Puritan established Massachusetts Bay nor an Anglican established Virginia could Baptists find any more recognition of religious liberty than in seventeenth-century England. To be sure, the powers of the episcopacy and the Crown were immeasurably weaker in America, but establishment in the New World largely followed the pattern of the Old. Nine of the thirteen colonies had established churches. Both of the original and most influential of the colonies, Virginia and Massachusetts, resisted religious toleration and were slow to permit religious liberty. Except for Rhode Island and Maryland, religious toleration did not come into the colonies until the eighteenth century.

The early Puritans desired freedom *for themselves*. Puritan leaders expressly condemned democracy, which Governor John Winthrop, the real founder of the Massachusetts Colony, called "the meanest and worst of all forms of government," and John Cotton regarded even toleration as "anti-Christian." Theocracy, not democracy, was viewed as the best form of government in the commonwealth as well as in the church. Cotton wrote, "It is better that the commonwealth be fashioned to the setting forth of God's house, which is his church; than to accommodate the church . . . to the civil state."

Accounts of persecution of Baptists during the colonial period are numerous. Roger Williams and John Clarke, both of whom led in the founding of the first Baptist churches on American soil, Providence in 1639 and Newport in 1641 respectively, fled Massachusetts authorities who charged them with disseminating "divers and dangerous opinions."

Harassment followed Baptists also in Virginia, which nevertheless was the scene of the greatest growth of Baptists in the South. Although persecution was less severe generally than in Massachusetts, between 1765 and 1770 in Virginia "the persecution of the Baptists," one historian has written, "may be rated as the worst and most inexcusable assault of freedom of conscience and worship, which our colonial history describes."

II

The eighteenth century holds special significance in the story of Baptists and the American experience, for it was during this century that the Baptist struggle for religious liberty reached its climax. The most influential spokesman during the struggle of this period was Isaac Backus. Called "by far the most active and effective follower of Roger Williams in the struggle for religious freedom and separation of Church and State," the *Dictionary of American Biography* pays Backus this tribute: "No individual in America since Roger Williams stands out so preeminently as the champion of religious liberty as does Isaac Backus."

The American Revolution and the movement for political independence were accompanied by a strong sentiment, led by the Baptists, for religious independence and the separation of church and state. Virginia Baptists were particularly militant in their demands. From 1772 on the General Baptist Association of Virginia frequently petitioned the Virginia General Assembly not only for "liberty of conscience," but also for the complete abolition of establishment and full religious liberty. Earlier, the first plea for religious liberty in Virginia, addressed to the House of Burgesses in 1760, came from the Baptists.

Throughout this period Baptists insisted, as they do today, on the mutual dependence of civil and religious liberty. They repeatedly opposed, as they do today, tax support of any and all religion. Such support, the Virginia Baptist General Committee declared, is "repugnant to the spirit of the gospel" and "should the Legislature assume the right of taxing the people for the support of the gospel, it will be destructive of religious liberty."

With the enactment of the First Amendment to the Constitution, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof," the United States became the first nation in history to make all religions and irreligion equal before the law. For the first time religious liberty, not just toleration, was made a matter of organic law. This constitutional guarantee of religious liberty through the separation of church and state has been frequently and rightfully called, "America's greatest contribution to world civilization." To this, Baptists made a distinct and notable contribution.

III

Although "the free exercise of religion" is guaranteed in the Constitution of the United States, it cannot be conferred by the state upon the church. The real basis of religious liberty for the church is the right to be free in order to *be* the church, to be what it professes to be, the body of Christ in the world. Only then can the church be faithful to its mission. Baptist witness in public affairs, therefore, has been to give corporate and visible expression of the voluntariness of religious faith, the inviolability of the human conscience, and the relevance of Christian faith to all human rights and to the life of the nation.

The American principle of the separation of church and state is the constitutional basis for religious liberty. This constitu-

(See AMERICAN EXPERIENCE, p. 6)

Supreme Court Update

High Court Faces Variety of Civil Rights Issues

By Stan L. Hastey

WASHINGTON—The U.S. Supreme Court agreed here to schedule for argument a case challenging corporal punishment in public schools, affirmed a lower court ruling which held that minors may obtain information about contraception without parental consent, and decided to reargue an important sex discrimination case.

In other actions, the high court also announced it will not hear cases dealing with disclosure by a magazine of truthful but private facts about an individual or with a challenge by women in Louisville, Ky. that they were discriminated against by the Ford Motor Co.

The corporal punishment case came to the high court from Dade County (Miami) Fla., and involves a challenge to school officials' right to inflict "severe bodily punishment."

The suit was first brought in 1971 by the parents of two boys who alleged that school officials at a Miami junior high school had beaten their sons and other pupils. A federal district court dismissed the charges.

A three-judge court of appeals later reversed the district court, however, ruling in favor of the parents. But in a subsequent action, the Circuit Court of Appeals for the Fifth Circuit reversed its own three-judge panel, setting the stage for the appeal to the Supreme Court.

The parents insist that corporal punishment, without "notice of the charges for which punishment is to be inflicted and an opportunity to be heard," violates the equal protection clause of the 14th Amendment.

They also claim that indiscriminate bodily punishment by school officials amounts to "cruel and unusual punishment" in violation of the Constitution's 8th Amendment.

Last year, the Supreme Court ruled unconstitutional an Ohio law which authorized suspension of pupils for up to ten days without notice of their alleged offenses and an opportunity to be heard. The due process argument in the Miami case is similar.

The high court also ruled last year, however, that a North Carolina law permitting "reasonable" corporal punishment is constitutional.

(See COURT, p. 7)

WASHINGTON—In a series of actions announced here, the U.S. Supreme Court left in effect state laws making incompatibility sufficient grounds for divorce, upheld the federal Mann Act forbidding transportation of women across state lines for immoral purposes, and declined to consider reversal of a Norfolk, Va. man's conviction for engaging in sodomy with children.

The actions came as the high court entered the stretch run of its October 1975 term with 86 formal opinions yet to be announced in cases already argued.

In its action relating to divorce, the court denied the request of an Oklahoma woman to declare that state's "incompatibility" provision unconstitutional.

In a written statement, she argued that both she and her husband accepted the biblical teaching that adultery alone constitutes grounds for divorce. By granting her husband a divorce on grounds of incompatibility, she claimed, the state was interfering with her free exercise of religion in violation of the First Amendment.

The Oklahoma Supreme Court, in affirming the trial court's decision, stated that it was a civil court charged with administering "man-made laws justly, fairly and equally." The opinion went on to say that courts have no jurisdiction" to regulate or enforce scriptural obligations."

The woman argued, on the other hand, that laws and court decisions must see to it "that no man-made laws or courts interfere with or prohibit the free exercise of acknowledged spiritual obligations."

The U.S. Supreme Court declined to take on the case, however, saying that it had no jurisdiction.

In another action, the high court refused to review the conviction of a Kansas man for violating the federal Mann Act. That law prohibits the transportation of women across state lines to engage in illicit sexual acts.

John Victor Roeder was convicted in 1974 of taking a woman from Kansas City, Mo. to Overland Park, Kan. to make a pornographic film. During the filming he engaged in sexual intercourse and other sexual acts with the woman before an audience of several other men. He then paid the woman

(See DIVORCE, p. 8)

WASHINGTON—The U.S. Supreme Court agreed to decide if state laws may prohibit over-the-counter sale of contraceptives to minors under age 16 and whether all contraceptive sales may be made only by physicians and licensed pharmacists.

The high court will also decide whether states may forbid advertising and open display of contraceptive products.

In another action, the justices declined to schedule for argument a case challenging a District of Columbia law forbidding solicitation by prostitutes.

The decision to hear the contraceptives case signals a thorough review by the nation's highest court of New York State's comprehensive law which controls both the sale and advertising of birth control devices.

A U.S. district court in New York ruled last year that the law is too broad and infringes on the constitutional rights of both minors and adults.

New York state attorneys argue that selling contraceptives over the counter to young people under age 16 would "sanction sexual activity."

"Because of its strong and abiding interest in youth," a legal brief filed by the state continues, "the state may regulate minors' access to material which a state clearly could not regulate as to adults."

Three physicians, an Episcopal clergyman, a father of four, and two population agencies originally filed the suit challenging the New York law. Their statement to the high court claims that "the constitutional right of privacy includes the fundamental right of access to contraceptives."

They argue further that distribution of birth control devices should not be limited to pharmacists and that the provision of the law prohibiting advertising violates the free speech guarantee of the First Amendment.

Full oral arguments in the case are likely to be scheduled for next fall.

In the District of Columbia case which the court declined to hear, five prostitutes also cited the First Amendment's free speech provision as they argued that the justices strike down the nation's capital's prohibition of solicitation by prostitutes.

The women also held that the law is un-

(See CONTRACEPTIVES, p. 6)

Public Affairs . . . and the Churches

Vins Measure Before Senate

WASHINGTON—Four senators have introduced legislation similar to that submitted by more than 70 members of the House of Representatives seeking the release of Georgi Vins, a dissident Russian Baptist pastor from Soviet imprisonment.

Sen. Henry Jackson (D-Wash.), Sen. Hubert Humphrey (D-Minn.), Sen. Clifford P. Case (R-N.J.), and Sen. Ted Stevens (R-Alaska) have introduced Senate Concurrent Resolution No. 118. It calls on the Soviet Union to honor its commitments for religious freedom as expressed in its own constitution, and in the Helsinki Agreement and United Nations Covenant on Civil and Political Rights, both of which it has signed.

Sen. Jackson said, on submitting the resolution, that it signifies the "sense of the Congress that the government of the Soviet Union should immediately release Georgi Vins from imprisonment and allow him and all other Christians and other religious believers within its borders to worship freely according to their own conscience. . .

"As I said in February 1975 to the Research Center for Religion and Human Rights in Closed Societies," he noted, "Georgi Vins' tragic yet far from solitary plight is a grim reminder that the atmosphere of detente has not inhibited the Soviet government's campaign of repression against religious and intellectual dissidents and minorities.

"In standing up for human rights," he continued, "we Americans reflect the best in our democratic and humanitarian heritage. Furthermore, in the struggle for human rights, we have international law on our side."

The Senate measure is similar to House Concurrent Resolution 606, introduced by Rep. John Buchanan, Jr., (R-Ala.) and more than 70 co-sponsors to date.

A former Baptist minister, Mr. Buchanan said he is "grateful to my distinguished colleagues of the United States Senate for their introduction of the resolution for the release of Georgi Vins, urging the Soviet Union to permit religious freedom."

The four senators, he asserted, "are valuable additions to the team, and their action is a significant step toward the fulfillment of our goal.

"Given the caliber and number of co-sponsors on both sides of the Capital," he went on, "I am confident of the overwhelming passage of this resolution in due course.

"It is the hope of the co-sponsors that this strong expression on the part of Congress, coupled with similar action by our friends in Europe and the action of many private American citizens will result in the release of Georgi Vins."

Mr. Vins, 48, is secretary of the Council of Churches of Evangelical Christians and Baptists, a Baptist movement which refuses to register with the USSR government.

Convicted in January 1975 of "harming the interests of Soviet citizens under the pretext of carrying out religious activity," the Baptist pastor is serving the second year of a five-year sentence, at the end of which he will serve an additional five years in exile. (RNS)

Britain No Longer Christian?

LONDON—Britain is no longer an exclusively Christian country and this should be reflected in the way religion is taught in state schools, according to a controversial report published by the Religious Education Council of England and Wales.

If the report is accepted by the government it will mean that Christian religious instruction, now required under the 1944 Education Act, will be abolished and replaced by education on Christian and non-Christian life stances—from humanism to occultism.

The Council is a voluntary body set up two years ago by those interested in religious education. It includes representatives of several Eastern religious humanists and Christians. Its views are heard by the government's Department of Education but it has as yet no statutory or consultative status.

Its latest views were set out by an 11-member committee, which included one Roman Catholic priest, and published in a report, "What Future for the Agreed Syllabus?" Under the 1944 Act, the main Christian denominations come together with local government authorities to agree on the syllabus to be followed in every non-denominational state school. In recent years attempts to broaden the syllabus by including the study of atheism or humanism have run into legal difficulties.

The committee's report was immediately welcomed by the British Humanist Association but strongly criticized by the recently formed Save Religious Education Campaign, whose spokesman said, "This report, if implemented, would in one generation turn our children into, at best, a generation of agnostics."

The report's main recommendation says that instead of "teaching Christianity" in schools, religious education should be designed to help pupils understand the many different life-styles and philosophies—whether based on religious faith or not—which can be found in Britain's society.

It also advocates abolition of the "agreed syllabuses" which form the present basis for religious education and which are intended to satisfy denominational considerations. These are now out-of-date, the report suggests, and should be replaced by a National Advisory Council, set up by the Secretary of State for Education, which would lay down national guidelines on the subject. The advisory council would be supplemented by local committees of teachers who would decide how guidelines should be interpreted and implemented at the local level.

The report also argues that the assumption behind the 1944 Education Act that religious instruction in the Christian religion should form part of every school curriculum is no longer valid. It believes that religious education should be structured differently for different age groups, expanding in scope as a child grows up to include, at senior level, a broad-based study of comparative religion and of life stances not based on religious belief.

The full Religious Education Council has not yet ratified the document and will discuss it at a meeting later this year. (RNS)

Voters to Decide Aid Question

JEFFERSON CITY, Mo.—Enough signatures of registered voters have been filed with the Missouri Secretary of State here to put the matter of state aid to private and parochial school children before the voters of Missouri.

The petition, in the form of an amendment to the state constitution, was signed by more than 143,000 voters throughout the state, about 40,000 more than the required minimum, said Secretary of State James Kirkpatrick.

Date of the ballotting is up to Gov.

(See VOTERS, p. 7)

New 'Liberties' Unit Formed

BOSTON—A non-denominational organization called the Christian Civil Liberties Union Inc. (CCLU) has been incorporated here under the leadership of national school prayer crusader Rita Warren of Brockton, Mass.

She described the CCLU as a "Bicentennial gift to America," dedicated to the "preservation of our freedom" and designed to help persons threatened with the loss of their constitutional rights.

The CCLU is envisioned, she said, as a counter-balance to the American Civil Liberties Union (ACLU), with lawyers representing it in every state. To date, the CCLU has representation from 13 states and Washington, D.C.

"It is about time that we, the majority, have representatives in our courts as well as in the legislature," said Mrs. Warren, 46, in a letter announcing incorporation of the CCLU.

"For too long the voice of the minority has been obeyed and many of our rights have been taken away in the name of 'liberty.' The American Civil Liberties Union has taken away many of our true liberties."

Mrs. Warren said units have been formed in Ohio, New York, Pennsylvania, Virginia, Maine, New Hampshire, Connecticut, Alabama, Florida, Maryland, New Jersey, California, Texas, and Washington, D.C. "We will soon reach every state in the Union," she said.

According to the incorporation papers filed here, the CCLU is "an educational, non-denominational organization to protect the constitutional rights of the people of the United States through the advancement of education and religion by the use of lectures, forums, radio and television programs, publications and other presentations, in all cases consisting of a full and fair exposition of the pertinent facts."

"More specifically," the document continued, the CCLU aims "to do any and all things necessary to improve the educational system of the schools of the United States, to support a moment of silence for meditation or prayer in the public schools, to protect the rights of the people not to be subjected to pornographic material without their consent, to protect minors from exposure to such pornographic materials, to restore and preserve religious principles in America and to promote and support all efforts that encourage moral decency."

Mrs. Warren, who has been described as a "Christian answer" to the avowed atheist Madalyn Murray O'Hair, is working full time as a prayer crusader, supporting a school prayer amendment, and as an advocate of increased spirituality in the U.S.

She has urged Christians and clergy of all faiths across the U.S. to "wake up" or they will not have churches in which to worship. She said it was "high time" that a Christian Civil Liberties Union was organized so that when the ACLU goes to court "to take some of our rights away—we will have Christian lawyers fighting for our rights." (RNS)

Congress to Investigate Moon

MINNEAPOLIS—Possible ties between the movement headed by the Rev. Sun Myung Moon and the South Korean government will be investigated by a congressional subcommittee headed by Rep. Donald Fraser (D-Minn.).

Rep. Fraser said here he knew of "nothing inconsistent" with statements in a lengthy article in The New York Times linking Mr. Moon's Unification Church to the Korean Central Intelligence Agency.

But he said that until the hearings take place he could not conclude that "the main thrust of its operations is politically-oriented."

The church, which has attracted many young persons through controversial methods, may be basically non-political even though it has ties to South Korea, Rep. Fraser said.

The congressman is trying to hold military aid for South Korea to $290 million over the next two years, the same level as in the past fiscal year. The Ford administration is seeking $490 million.

Rep. Fraser's amendment limiting the aid was passed by the House Committee on International Relations, partly as a protest against repressive measures taken by the government of South Korean President Chung Hee Park.

Rep. Fraser also told newsmen that there is "a great risk" of Congress becoming another "Watergate" because of the intimate relationship of Rep. Wayne Hays, D-Ohio, with a woman employed by Rep. Hay's committee.

"Unless Congress moves vigorously to put its own house in order," he added, "the public will be justified in feeling Congress is not living up to its responsibilities."

Rep. Fraser, a member of the United Church of Christ, was one of 28 Congressmen who signed a letter asking that the House Ethics Committee investigate whether Rep. Hays hired Elizabeth Ray for sexual favors. (RNS)

Conable

(Continued from page 1)

Conable to exclude churches from the bill's provisions. While they do not oppose the idea of setting dollar limitations for nonreligious charities, the churches have nevertheless expressed their ongoing opposition to the IRS policy.

The National Council of Churches (NCC) statement reiterated the organization's long-held opposition to the substantiality test but also indicated the group would not oppose the bill as currently worded. The NCC represents 30 Protestant and Orthodox denominations with a combined membership of more than 40 million.

In addition, a legislative specialist for the U.S. Catholic Conference told Baptist Press that his organization has taken essentially the same position.

In testimony heard publicly on May 12, 80 nonreligious charities went on record as favoring the Conable measure. Elvis J. Stahr, a former president of West Virginia University and Indiana University, said that the legislation is needed so that such groups may know to what extent they may engage in lobbying activities without fear of losing their tax-exempt status. Stahr is chairman of a coalition of charities which has been working for the past seven years to enact such a measure into law.

Similar testimony was presented by Russell E. Train, administrator of the Environmental Protection Agency. Appearing as a private citizen, Train said the legislation is needed because the present law is "difficult to administer, difficult to comply with, and is discriminatory."

Prospects for passage of the measure are uncertain. It must receive final action before the end of the year, when Congress adjourns, and some observers question whether it will emerge from the Ways and Means Committee in time to reach the floor of the House. Others point out, however, that the committee may well report the bill quickly and in plenty of time for final action. (BPA)

IRS Rules

(Continued from p. 1)

lenging in the courts, to refusing to comply with IRS regulations.

According to the proposed IRS regulation "integrated auxiliary of a church means an organization . . . (1) whose primary purpose is to carry out the tenets, functions, and principles of faith of the church with which it is affiliated, and (b) whose operations in implementing such primary purpose directly promote religious activity among members of the church."

Wood presented four major reasons for Baptist opposition to the proposed IRS regulation. He said:

1. "The churches' acceptance of the Proposed Rules would be tantamount to their acceptance of the authority of the state to define the role and mission of the churches.

2. "The informational requirements under the Proposed Rules would put the Internal Revenue Service in the wholly unacceptable and unconstitutional role of monitoring the internal workings of a church, association or convention of churches, and their integrated auxiliaries.

3. "The Proposed Rules do not properly interpret or carry out the clearly expressed will of Congress in creating Section 6033 of the Internal Revenue Code.

4. "The Proposed Rules could have an extensive and detrimental impact on a number of programs which Baptist churches consider to be an integral part of their religious mission."

Nash charged that the proposed regulation would necessitate excessive governmental entanglement in church affairs, that it does not properly interpret Section 6033 of the Internal Revenue Code, and that it would seriously damage many Baptist church programs, especially those like the program of pensions as administered by the Annuity Board of the Southern Baptist Convention.

Trent charged that the definition as proposed by IRS would disqualify many of the agencies and greatly curtail the mission activity of the American Baptist Churches, U.S.A. He expressly stated that, if the IRS regulation is approved, the officials of the American Baptist Churches, U.S.A. would refuse to comply with its requirements.

Dehoney, the only witness representing an individual local congregation, said that the proposed regulations would permit a bureaucratic structure and government employees arbitrarily to make judgments in defining what is a church, in determining what are the legitimate ministries and expressions of a church's ministry to its members, its community and to humanity, and in determining what is the church's role in meeting the social, physical, educational, and spiritual needs of people.

The former SBC president warned, "The consequences of these proposals are frightening! In the defining of 'integrated church auxiliaries' we would be turning the clock back to the pre-Revolutionary era when local magistrates were permitted to define 'proper church activities.' " (BP)

Contraceptives

(Continued from page 3)

constitutional in that D.C. undercover policemen were used as decoys to arrest them and because the law has been applied solely against women.

The challenged law provides a fine of up to $250 and imprisonment of up to 90 days for offenders.

A D.C. superior court earlier dismissed charges against the women, holding that the law violated their privacy and free speech. The lower court also cited the way in which the law was enforced against women only, saying that this amounted to denial of equal protection.

The D.C. Court of Appeals reversed the lower court, however, holding that there is no constitutional right to privacy where solicitation for prostitution occurs in public places. The court of appeals also said that the free speech clause of the First Amendment does not protect such solicitation.

Because of D.C.'s unique status as the nation's capital, the women's suit was brought against the United States. In its written statement to the high court, the government agreed with the court of appeal's reversal arguing that "the act of soliciting for prostitution . . . lies outside the normal protection given free speech."

The brief also contended that states and localities should be allowed to continue prohibiting solicitation by prostitutes because "there is a legitimate public interest in maintaining the quality of community life." (BP)

American Experience

(Continued from page 2)

tional provision of the First Amendment requires that the state not use religion for the accomplishment of religious ends. The state is neither to promote nor to prohibit the free exercise of religion; neither religion or irreligion enjoys any official status. In the light of the American experience, the First Amendment represents the constitutional means of assuring both the freedom of the church and the freedom of the state, and the independence of both. For the individual citizen separation of church and state requires that a citizen not be advantaged or disadvantaged because of his religious faith.

This religious liberty, to which I refer, is far from secure in our national life. Today serious threats to the First Amendment may be found in the recurring propensity of the nation's political leaders to absolutize American nationalism or "national interests" and to give preferential status and special sanctity to America in the form of a civil religion which boldly declares, "America is great because America is good." Such a stance is incompatible with biblical faith and the prophetic role of religion which views all nations as being under divine judgment.

Religious liberty is also threatened today by those who would obscure the authentic separation of church and state by the merging of religious faith with nationalism—the integrating of the faith community with the political community. To do so is to negate the church's witness in public affairs. The greatest tragedy of the church-state struggle through the centuries has been the frequency with which the church has been used by the state to serve political ends.

The independence of the church from the state is indispensable to the mission of the church and an authentic witness in public affairs. Hopefully, this Bicentennial year will spark within Baptists a greater commitment to the exercise by Baptists of a prophetic role in the American experience. The American Revolution is not over and its agenda is still not complete so long as the American dream of "liberty and justice for all" remains unfulfilled. To do less is to fail to be the people of God we profess to be!

Court

(Continued from page 3)

The contraception case came to the court from Utah, where a state law saying that minors must obtain parental approval before receiving contraception information was invalidated by a federal district court.

The Utah law applied specifically to federal Medicaid and Aid to Families with Dependent Children (AFDC) programs. The district court held that information about contraceptives must be provided upon request to minors on a confidential basis.

According to the district court, Congress designed the programs in question so as "to stem the rising number of births out of wedlock and consequent increase in number of welfare recipients."

In affirming the district court ruling, the Supreme Court indicated it was not ruling on the constitutional question of privacy rights, but more narrowly on the challenged Utah regulation.

In another action, the high court decided to hold over for its next term a potential landmark case involving sex discrimination. The justices heard oral arguments challenging the General Electric Company's policy of excluding pregnant women from an employee disability income protection plan last fall.

Court observers are speculating that the tribunal is evenly split, 4–4, with new Justice John Paul Stevens' views on the matter unknown. Stevens took his place on the bench in January, after the case had been argued.

The women argue that GE's policy of excluding pregnant women from its income disability protection plan violates Title VII of the Civil Rights Act of 1964. That provision in the historic law prohibits discrimination in employment against women.

They have also argued that pregnancy is the only physical disability which the company excludes from its income protection plan.

General Electric argues that "sound business considerations" underlie the plan and that its exclusion of pregnant women is "reasonable, justifiable, and not a mere pretext for sex discrimination."

The company further argues that pregnancy is not a disease or sickness, but is "voluntarily induced and maintained."

Two lower courts have already ruled against GE's plan, however, and women's rights activists had hoped for a favorable decision. They must now wait until next year.

In another case involving alleged sexual discrimination, the high court announced it will not hear a case in which women sought back pay and retroactive seniority from the Ford Motor Co.

Women denied employment by Ford at its Lousiville, Ky. truck plant when it opened in 1969 have won limited verdicts in two lower federal courts. A U.S. district court ruled in 1973 that the women had been discriminated against when the company hired nearly 1000 men for production line jobs, while denying similar jobs to women because of a weight requirement. At the same time, the court denied the women back pay and retroactive seniority.

On appeal, a federal circuit court also ruled for the women, awarding them back pay, but also declining to grant them retroactive seniority.

The Supreme Court's refusal to take on the case still leaves the seniority question unresolved, although another case awaiting high court action may settle it.

The high court also declined to review a case stemming from an article in *Sports Illustrated* dealing with a body surfer from Newport Beach, Cal. After the article appeared in the magazine's Feb. 22, 1971 issue, the young man who was the primary subject of the story complained that the description of him included accounts of his personal life which amounted to an invasion of privacy.

Two lower federal courts agreed, ruling that the magazine had gone too far in its description of the surfer's personal character. (BPA)

Voters

(Continued from page 4)

Christopher S. Bond, but sources indicate it will come on Aug. 3, date of the party primary elections.

The drive to gather petition signatures was conducted by Fairness in Education, a nondenominational citizens' group. However, Roman Catholics were dominant in the activity, assisted by Lutheran churches and parents' groups in areas of Missouri where there are Lutheran elementary and high schools.

Signatures were solicited mainly at Catholic and Lutheran churches during a six-week period.

The proposed amendment would amend the constitution to allow three specific kinds of tax-paid aid for non-public pupils: loan of secular textbooks, bus transportation, and services to handicapped children.

All such aid has, at one time or another, been offered, only to be terminated by court decisions that cited Missouri's strict constitutional prohibition on aid to church-related schools. (RNS)

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Divorce

(Continued from page 3)

$100 for her work and returned her to her home in Kansas City.

He was convicted by a U.S. district court judge and given a suspended sentence. The Tenth U.S. Court of Appeals affirmed his conviction last November.

Roeder accused the federal government of using the Mann Act to violate First Amendment freedom of expression and of usurping the police power of the states. He argued further that the government was using the law to regulate obscenity and pornography on a national basis.

The government held that Roeder's filmmaking was not a "legitimate or serious cinematic effort" and that he was convicted not for making the film but for illegally transporting the woman. In addition, the government denied that it was attempting to set up national standards for obscenity.

For the second time in the past month, the high court dealt with a case involving Virginia's statute forbidding acts of sodomy. Last month the court upheld the law as constitutional.

Its new action involved the conviction of a Norfolk man for engaging in such acts with young children. He argued that the evidence against him was obtained illegally in a search of his home by police.

Norfolk police first learned of the illicit acts through photographs given them by a photo shop dealer. They then obtained a warrant to search the man's home, where more photos were found.

In a written statement to the court, the Norfolk man claimed that his Fourth Amendment right "to be secure . . . against unreasonable searches and seizures" had been violated and that police had no "probable cause" to search his home.

The police had argued at his trial that the man's prior record for similar offenses provided them with "probable cause" in compliance with the Fourth Amendment. (BPA)

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