Report from the Capital

March 1977

Carter Pursues Defense of Human Rights

By W. Barry Garrett

WASHINGTON—President Jimmy Carter continued his campaign for human rights around the world during a press conference here.

The President, who earlier had condemned the suppression of human rights in the Soviet Union and in other places, turned the spotlight on Uganda, where thousands of people have died under the regime of President Idi Amin.

"In Uganda, the actions there have disgusted the entire civilized world," Carter declared.

The most recent outrage in Uganda has been the death of Anglican Archbishop Janani Luwum and two other government officials. The official Amin version of their deaths was that they were killed in an automobile accident while seeking to escape from questioning for subversive activities.

On the other hand, the Tanzanian government newspaper, the *Daily News*, reported that Amin personally shot Archbishop Luwum during a torture session. U. S. United Nations Ambassador Andrew Young described the Luwum death as an "assasination," a view that has been backed by President Carter.

During his presidential campaign, candidate Carter pledged support of efforts by the United Nations and other bodies to attract world attention to the denial of freedom. Since becoming President, he has actively supported dissidents in Russia and political prisoners in South Korea, Cuba and in South America.

Continuing his comments at the press conference in reply to a question on human rights, the President declared:

"We have, I think, a responsibility and a legal right to express our disapproval of violations of human rights. The Helsinki agreement, so-called Basket III provision, insures that some of these human rights shall be preserved. We are signatory to the Helsinki agreement.

"We are, ourselves, culpable in some ways for not giving people adequate right to move around our country, or restricting unnecessarily, in my opinion, visitation to this country by those who disagree with us politically.

"So I think we all ought to take a position in our country and among our friends and

(See RIGHTS, p. 6)

Congressional Panels Clear Ethics Code Aimed to Correct Lawmakers' Abuses

By Carol B. Franklin

WASHINGTON—A revised code of ethic for government personnel will be considered in both the House of Representatives and the Senate the first week in March. The House Rules Committee and the Senate Special Committee on Official Conduct cleared legislation, virtually assuring passage by Congress of tougher codes of conduct.

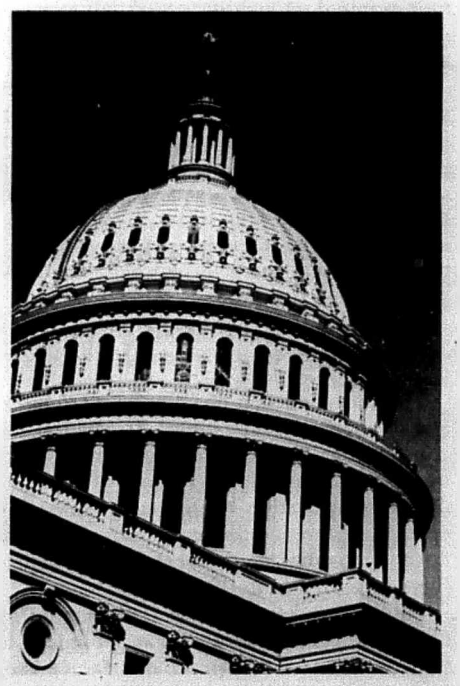
Acceptance of the recent 29 per cent congressional pay increase put pressure on both houses to strengthen existing congressional ethics codes.

The expectation of indictments of several present and former congressmen in connection with an influence-buying scheme by South Korea on Capitol Hill has also forced Congress into extensive house-cleaning.

Last year the House of Representatives established the Commission on Administrative Review to recommend changes in the House code of ethics. The Commission, chaired by Rep. David Obey (D-Wis.), has released recommendations following a series of public hearings. Obey described the changes as a "tough, realistic approach to the question of financial ethics for Members of the House."

The Commission recommendations would eliminate private office accounts, limit outside income and require extensive financial disclosures by members of the House and their principal assistants.

Private office accounts, called "slush funds" by critics, are maintained by an



estimated 140 House members. These are used to cover expenses not fully covered by official House allowances.

Criticism of this system focuses on the fact that the unofficial accounts are not subject to any regulations. Members are not required to reveal the sources or amounts on contributions to the accounts. They do not even have to admit to maintaining the accounts.

(See ABUSES, p 5)

ISSN 0364-6661

From the Desk of the Executive Director

The Independence of Religion from the State

By James E. Wood, Jr.

With the enactment of the First Amendment to the Constitution of the United States in 1791, "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 guarantee constitutionally the independence of religion from the state. For the first time it was made a matter of organic law that government has no jurisdiction over religious matters. All religious denominations and irreligion are equal before the law. All organized religion is based on voluntary association and is regarded by the state as being independent of government.

Wood

The independence of religion from the state in America represented on behalf of the founding fathers a bold experiment unparalleled in human history. The fact is that not until the twentieth century was such independence constitutionally guaranteed outside of the United States. It has distinguished America from the most democratic states of Western Europe. During the nineteenth century European visitors to the United States found that of all the differences between the Old World and the New it was the most striking.

I

The independence of church and state is rooted in political and theological foundations. To suggest that the United States constitutionally made the independence of church and state a matter of law merely for reasons of expediency—either because of the young nation's religious pluralism and/or the small percentage of the population identified as church members—is to fail to recognize the political and theological foundations of the First Amendment itself.

Political spokesmen such as Benjamin Franklin, Thomas Jefferson, and James Madison, and religious leaders such as Isaac Backus, John Witherspoon, and John Leland signified in large measure the consensus of the American people. For example, as Winthrop S. Hudson has noted, the great majority of the American churches did not have independence from the state forced upon them; rather "they claimed it for themselves. And they claimed it for good theological reasons." In contrast to the experience of most other countries, this independence of church and state was not superimposed on the church as the result of an anticlericalism or organized religious opposition. Significantly, many of the strongest advocates of the independence of religion from the state were then, as they are today, religious leaders.

In America, the state is to be independent of church or ecclesiastical control and the church is to be independent of state or political control. This independence is to help assure that the state be the state and that the church be the church. The independence referred to here denies to the state the use of religious means for the accomplishment of secular ends. Independent of state and political control, the church is to be dependent upon God for its authority and the accomplishment of its mission. As the state may not use religious means for accomplishment of political ends, so the church may not use political means for the accomplishment of religious ends.

Independent of the church, the state may seek neither to promote nor to prohibit the free exercise of religion. Neither religion nor irreligion enjoys any official status. It was for this reason that the U. S. Supreme Court more than a century ago, in *Watson v. Jones* (1871), declared, "The law knows no heresy, and is committed to support no dogma, the establishment of no sect." Thus some decades later, the late Chief Justice Charles Evans Hughes affirmed: "The effort to dominate the consciences of men by the use of civil power has always been destructive of civil liberty itself. If there are any who would pervert our institutions to make them servants of religious dogma, they should be regarded as enemies of both religion and the state, as the success of their endeavors would undermine both."

To interpret the First Amendment to mean simply that no church or denomination may enjoy special privileges, and that the state may support all religions impartially, is without constitutional support and completely violates in principle and in practice the independence of church and state. For this reason, the Constitution forbids government from having alliances or excessive entanglements with religion in any form or manner. Hence, the state is prohibited from establishing and supporting religion—in particular or in general—whether one church or all churches.

Thirty years ago, in the *Everson* case, the U. S. Supreme Court for the first time attempted to define the Establishment Clause of the First Amendment. The majority ruled: "Neither a state nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. . . . Neither a state nor the Federal Government can, openly or secretly, participate in the affairs of any religious organization or groups." In 1962, in *Engel v. Vitale*, the Court affirmed, "The Establishment Clause stands as an expression of the principle on the part of the Founders of our Constitution that religion is too personal, too sacred, too holy, to permit its unhallowed perversion by a civil magistrate." The following year, in *Schempp–Murray*, the Court reaffirmed this principle. "We have come to recognize through bitter experience that it is not within the power of government to invade that citadel [of religion] whether its purpose or effect be to aid or oppose, to advance or retard."

III

The First Amendment represents the constitutional means of protecting both the freedom of the church and the freedom of the state, and the independence of both. This independence of the church from the state found early expression in Baptist confessions of faith, in order for faith to be faith, God to be God, and the church to be the church.

This independence of church and state is prerequisite to religious liberty and essential to the inviolability of the religious

(See INDEPENDENCE, p. 7)

New BJCPA Staff Report

Nontheistic Religions: Are They Protected By the First Amendment?

By John W. Baker

Are nontheistic movements such as Transcendental Meditation (TM) and Buddhism actually religions in the First Amendment sense? If they are, what are the legal implications?

These are not strictly academic questions. There is a suit pending in New Jersey in which the plaintiffs charge that TM is a religion and, therefore, public funds may not be used to promote it in either the schools or correctional institutions.

In a *Staff Report* published this month by the Baptist Joint Committee on Public Affairs, an analysis of case law and the literature on the subject led to the conclusion that there is a high degree of probability that when a proper case arises the Supreme Court will hold that nontheistic as well as theistic beliefs constitute religions.

The Supreme Court has recognized and supported religious pluralism as a mandate of the religion clauses of the First Amendment and as desirable public policy. "We make room for as wide a variety of beliefs and creeds as the spiritual needs of man deem necessary. . . ." *Zorach v. Clauson*, 343 U.S. 306 (1952).

This support of religious pluralism, the Court's likely position that nontheistic beliefs constitute religions, and its requirement that government be evenhanded in dealing with both religion and irreligion create the legal necessity that the constitutional doctrine of separation of church and state be applied to nontheistic religions as well as to theistic religions. As a result, neither TM, Buddhism, Humanism, nor other nontheistic religions can be directly or indirectly established but neither can their right to a free exercise of religion be curtailed.

These conclusions are supported by an in depth examination of the present tendency of the courts to hold that religion does not necessarily posit a belief in a Supreme Being or God.

The case of *Torcaso v. Watkins*, 367 U.S. 488 (1961), did not deal directly with the question of whether nontheistic beliefs constitute a religion but in a footnote the Supreme Court said:

> Among religions in this country which do not teach what would generally be considered a belief in the existence of God are Buddhism, Taoism, Ethical Culture, Secular Humanism and others.

This began the trend which was elaborated in a number of Supreme Court cases which arose during the Vietnam war. These cases involved the question of whether a person who does not believe in a Supreme Being can properly be classified as a conscientious objector when the law reserves that status to those who object to participation in war in any form "by reason of religious training and belief." That "religious training and belief" involves, according to the law, "an individual's belief in a relation to a Supreme Being involving duties superior to those arising from any human relation, but does not include essentially political, sociological, or philosophical views or a merely personal moral code."

Baker

In the leading case, *United States v. Seeger*, 380 U.S. 163 (1965), Seeger showed a "skepticism or disbelief in the existence of God." However, he denied that this skepticism left him with a "lack of faith in anything whatsoever." He cited the writings of Plato, Aristotle, and Spinoza to support his claim to an ethical belief in intellectual and moral integrity "without belief in God, except in the remotest sense." The Court held that this and similar expressions of belief met the test of: "A sincere and meaningful belief which occupies in the life of its possessor a place parallel to that filled by the God of those admittedly qualifying for the exemption. . . ." It also declared that it is the task of the local boards and the courts "to decide whether the beliefs professed by a registrant are sincerely held and whether they are, in his own scheme of things, religious."

Later cases and writings of both secular and religious scholars buttress the contention that the Supreme Court will hold nontheistic movements to be religions.

If it is granted that the Court will so hold, it is possible to make some firm statements about nontheistic religions and the establishment clause of the First Amendment.

The Supreme Court, in a series of decisions, has constructed a three pronged test to determine whether governmental actions do, in fact, constitute an establishment of religion:

1. *The primary purpose test.* This test requires that the purpose of the governmental action be to achieve a purely secular aim which is within the legitimate power of the government taking the action.

2. *The primary effect test.* Does the primary effect of the action either advance or inhibit religion? If the effect of the action does either of these things that action is an unconstitutional establishment of religion.

3. *The entanglement test.* If governmental actions will cause excessive entanglement of government in the internal affairs of religion or if they cause political divisiveness along religious lines they constitute an establishment of religion.

This three pronged test must be applied to all cases of governmental action which relate to religions. The Supreme Court, if it holds that nontheistic movements are religions, will apply the following precedents:

1. Property used exclusively for religious purposes may be exempt from taxation.

2. Shared time programs in public schools with theistic and/or nontheistic religions participating are unconstitutional.

3. Students may be released from school for off campus religious instruction whether that instruction is theistic or not.

4. Some forms of aid to children in private secular, theistic, or nontheistic schools are permissible.

5. Public funds, facilities, employees or power may not be used to promote, advance, or inhibit any kind of religion. Thus, while governmentally sponsored prayers and religious exercises in keeping with theistic religions may not be constitutionally a part of the program of the public schools, governmentally sponsored

(See RELIGIONS, p. 8)

Justices Agree to Hear Reverse Discrimination, Forced Retirement, Nonpublic School Aid Cases

By Stan L. Hastey

WASHINGTON—Returning from a four-week recess for the second half of its current term, the U.S. Supreme Court took action in a half-dozen separate cases of interest to churches.

The new series of actions dealt with widely diverse issues, including discrimination, involuntary retirement, parochial aid, the Church of Scientology, obscenity, and abortion.

Perhaps the most widely publicized of these is a reverse discrimination case brought to the high court by the University of California. The question before the justices is whether the University's medical school at Davis, Cal. may continue to deny admission to highly qualified white applicants while admitting less qualified minority students.

Allan Bakke, who was denied admission in both 1973 and 1974, contends that he is being discriminated against because he is white. The University of California at Davis, where one of the state university system's medical schools is located, implemented a policy of reserving 16 percent of its openings for blacks, chicanos, and other minorities in 1968, the first year the school was in operation.

Bakke, whose undergraduate grade point average and Medical College Admissions Test scores were considerably higher than those of minority students admitted in 1973-74, argues that his constitutional right to equal protection under the law is being denied. He also argues that since the medical school at Davis is less than ten years old, the institution has no obligation to engage in "affirmative action" policies designed to help minority students because of past injustices.

Attorneys for the university, on the other hand, assert that the question of affirmative action "is perhaps the most important equal protection issue of the decade." They continued, "It lies at the core of the country's commitment to real equality of opportunity for all its citizens."

The university asked the justices to overturn the California Supreme Court, which upheld Bakke's right to be admitted, saying that its special admissions program for minority students is essential to enable blacks and chicanos to overcome past inequalities and to provide badly needed doctors to minority communities.

The high court also agreed to hear the case of a retired United Air Lines employee who claims United owes him back pay because he was forced to retire.

Harris S. McMann, who was retired at age 60 in 1973, argues that United violated the Age Discrimination in Employment Act of 1967. In addition to back pay, McMann is also demanding reinstatement.

United, which is supported in the case by the U.S. Chamber of Commerce, holds that the 1967 law exempts companies with retirement plans already in force prior to passage of the law. The air line argues also that action by the high court favoring McMann would create havoc in companies all over the country with retirement plans which were in effect before the 1967 law was enacted.

Hastey

In its parochial aid action, the high court agreed to hear a case brought by the state of New York against Cathedral Academy of New York City, a Catholic school.

Cathedral Academy had been seeking reimbursement of $7,347 from the state for expenses incurred during the second semester of the 1971-72 school year under provisions of a law which was later struck down by the high court.

Attorneys for the academy argue that the state may not refuse payment because the legislature appropriated the money before the Supreme Court decision. The school entered the agreement in "good faith," they claim, without knowing that the New York law would be declared unconstitutional.

In three other areas, the justices declined to hear cases involving the Church of Scientology, obscenity, and abortion.

The Church of Scientology, a relatively new sect which has caused controversy across the nation because of its bizarre theology, is asking the high court to overrule two lower federal courts which awarded damages to a former member who claimed he was maliciously prosecuted for stealing church documents.

L. Gene Allard, a former staff member of the Church, left the group in 1969, allegedly taking with him certain documents. He was subsequently arrested in Florida on theft charges, but after spending 21 days in jail, the charges were dismissed. Allard then filed a civil suit against the Church for malicious prosecution. A jury awarded him $50,000 compensatory damages and $250,000 punitive damages.

A U.S. court of appeals upheld the lower court, although it did reduce the punitive damages award to $50,000. The court ruled that "any party whose (religious) tenets include lying and cheating in order to attack its 'enemies' deserves the results of the risk which such conduct entails."

The Scientologists argue that while their tenets may seem "obnoxious" to most Americans, they are nevertheless "entitled to the protection of the First Amendment." It is precisely because the Church does not enjoy popularity, they contend, that it "must seek refuge in the First Amendment."

In its obscenity action, the high court declined to review the convictions of five publishers convicted under a federal law for mailing obscene materials. The publishers argue that their freedom of speech and press was violated and that the materials did not violate standards of decency in the communities to which they were mailed.

The high court likewise declined to review an abortion case brought by Alan Ernest, a resident of Alexandria, Va. who filed suit against the president of the United States, the U.S. attorney general,

(See COURT, p. 5)

Abuses

(Continued from page 1)

The Commission has recommended that these private accounts be abolished and that official allowances be increased by $5,000. Obey said that the Commission staff estimated that the average office account in the House was maintained at a level of $5,000.

The Commission recommendations would limit outside earned income to 15 per cent of a Member's salary. With the recent increase to $57,500, the limit on outside earned income would be $8,625 per year for a total of $66,125. Included in this limit would be honoraria for appearances, speeches, or articles.

Financial disclosure would cover income, gifts, reimbursements, business holdings, debts, securities transactions and real estate holdings.

Limitations would also be placed on the members' privilege of sending mail postage-free, especially near an election.

Travel at government expense by a retiring member or one defeated in a general election, the so-called "lame duck," would be prohibited. "Double-dipping," a practice of accepting reimbursement for expenses from two sources, governmental or nongovernmental, would also be eliminated.

The Commission recommendations have stirred controversy. Rep. Bill Frenzel (R-Minn.), a member of the Commission, is opposed to any increase in office accounts though favoring the elimination of unofficial accounts. "All we would have done is upgraded the level of congressional spending to the level of the hogs," he commented.

Obey responded to Frenzel's charge by saying, "The chances of selling to 140 members of Congress the idea that they will lose their private office account and get no increase to pay for the expenses and getting it through would be very small indeed."

Proposed limitations on earned outside income have been criticized. Counter-proposals run from complete elimination of outside income to somewhat higher ceilings than those recommended by the Commission. The exemption of unearned outside income has also been hit.

Rep. Robert McClory (R-Ill.) questioned the constitutionality of some aspects of the financial disclosure requirements. Revealing a spouse's income is "a statutory problem," McClory told the Commission. "Section 6103 of the code says that separate tax returns can't be disclosed. Disclosure should be restricted to areas the member has direct control over," he testified.

The House Republican Task Force on Reform issued counter proposals to those offered by the Commission. Rep. Lawrence Coughlin (R-Pa.), chairman of the Task Force, objected to the Commission focus on disclosure without dealing with the issue of accountability. He called for strict auditing procedures.

Asked if the Democratic majority is serious about reform, Coughlin commented that "they are hoping the public outcry for reform will go away" by the time the proposed reforms are scheduled to go into effect in 1978 or 1979.

The Obey Commission recommendations will be debated on the House floor under a modified open rule which will allow some amendments.

The Senate Special Committee on Official Conduct used the work of the Obey Commission as the basis for its work on a stricter code of ethics for the Senate. The committee, chaired by Sen. Gaylord Nelson (D-Wis.), has held hearings since its appointment in January of this year.

The investigation of the so-called "Korean connection" in the House is being pursued by the Committee on Standards of Official Conduct, John Flynt (D-Ga.), chairman. Rep. Donald Fraser (D-Minn.), chairman of the Subcommittee on International Organizations of the House Committee on International Relations, also wants to investigate Korean influence in the United States.

Flynt's committee is charged with conducting "a full and complete inquiry and investigation to determine whether Members of the House of Representatives . . . accepted anything of value . . . from the Government of the Republic of Korea or representatives thereof."

Although the vote in the House to carry out this investigation passed 388-0 there is skepticism about the effectiveness of the committee. It has a reputation for not pursuing investigations too thoroughly.

Griffin Bell, U. S. Attorney General, has been asked by President Carter to pursue an independent investigation of an alleged scheme involving payment of between $500,000 and $1 million a year since 1970 in cash and gifts to congressmen to influence their position on legislation concerning South Korea. Bell has told the President he expects the indictment of several present and former congressmen, according to Justice Department sources.

The recent pay raise for Congress has stirred protest from citizens and from inside Congress itself. Resolutions to stop the raise or at least bring it to a vote were stalled in both houses. The Senate voted to table consideration of the raise. The House never brought the issue to a vote of any kind. All resolutions died in committee.

Rep. Leon Panetta (D-Cal.) said, "The pay raise issue cannot be separated from the present concern over ethics reform. The various proposals that are now being discussed, including the elimination of office accounts and slush funds along with limitations on outside income, are clearly based on the premise that once these reforms are adopted, Congress can then move to provide itself with sufficient funds with which to operate free of outside influences.

"Adopting a pay raise without first enacting these reforms could very well undermine the dedication and sincerity with which these reforms will later be pursued," according to Panetta.

Court

(Continued from page 4)

and the U.S. attorney for the District of Columbia, seeking to have them force the Supreme Court to review its abortion rulings.

Ernest charged the justices who voted in 1973 to liberalize access to abortion with "exterminating millions of lives" and violating their oath of office to uphold the Constitution. The high court declined to review the case without comment. (BP)

Religious Leaders Ask Congress for Morality in U.S. Food Policy

By Carol B. Franklin

WASHINGTON—Farmers, consumers, developing nations and others around the world have suffered in recent years because of the inadequacy of U.S. farm policy, according to a religious spokesman who testified before the Senate Committee on Agriculture, Nutrition, and Forestry here.

George A. Chauncey, chairman of the Interreligious Task Force on U.S. Food Policy, told the committee that Congress has a "moral responsibility" to develop "a comprehensive farm and food policy that will serve the common good of both the American people and the entire global community."

Hearings of the committee, chaired by Herman E. Talmadge (D-Ga.), were scheduled through mid-March to extend and amend the Agriculture and Consumer Protection Act of 1973.

Speaking for the Task Force, a team of Washington-based staff of national religious agencies including the American Baptist Churches, USA, and 20 other major religious bodies, Chauncey offered four recommendations which he said were of primary concern to the group:

1) A price support system that will assure a high level of U.S. food production, equity for the American family farmer, and the dispersed control of food production in the hands of many family farmers;

2) A domestic food reserve that would become the U.S. component of an eventual international network of national reserves;

3) Reform of PL 480 food aid policy; and

4) Reform of the food stamp program.

"We believe that the price support system should be so designed as to cover the farmer's out-of-pocket costs of production plus a reasonable share of management and land costs, and that it should be adjusted periodically to reflect shifts in the cost production," Chauncey told the committee.

"We are convinced that it is essential for the common good that control of food production be kept in the hands of a large number of family farmers rather than concentrated in relatively few hands," he continued. "Thus, we oppose any federal policy that would encourage non-farm corporations to take over more family farms."

Chauncey advocated the food reserve as a means of relief for world emergency needs and stabilization of world food prices and supplies.

In addition to the advantage of having food readily available for emergency use, Chauncey cited benefits for farmers, consumers, commercial importers and exporters and recipients of U.S. food aid.

"Family farmers would benefit from increased price stability . . . because (they) simply do not have the capital margins to tide them over great downward swings in prices," Chauncey noted.

"Consumers . . . would be protected against skyrocketing prices and shortages. . . . Both foreign commercial importers and recipients of U.S. food aid would benefit from the dependability made possible by a reserve," he continued.

On food aid policy reform, Chauncey noted continuing difficulties despite revisions in 1975.

"Less needy but politically favored countries have continued to receive priority considerations, commodity availability rather than human need has tended to dictate certain . . . programming decisions, spending for food aid by the executive branch has been inadequate . . . and the development-oriented goals . . . have received insufficient attention," Chauncey charged.

He recommended that changes be made which would "give first priority to combating hunger and malnutrition and promoting agricultural and economic development, that a minimum annual tonnage for clearly humanitarian and developmental activities be mandated; (and) that legislative provisions require that U.S. food aid serve the human needs of the hungriest people in the developing countries, not the military, strategic, or short-term political goals of the United States."

Chauncey urged reform of the food stamp program so that "every needy American will have access to adequate nutrition. . . . Hungry people are in our midst now. Therefore, we support an immediate extension and reform of the program."

Also testifying were Maurice J. Dingman, president, National Catholic Rural Life Conference, Des Moines, Iowa and David W. Preus, president, The American Lutheran Church, Minneapolis, Minn. and representatives of numerous agricultural groups. (BP)

Rights

(Continued from page 1)

allies, among our potential adversaries that human rights is something on which we should bear a major responsibility for leadership. And I have made it clear to the Soviet Union and to others in the Eastern European community that I am not to launch a unilateral criticism of them; that I am trying to get a standard in our own country and make my concerns expressed throughout the world and not singled out against any particular country."

Among other things, President Carter has received a letter from and has written to Soviet dissident leader Andrei Sakharov. In his letter to Sakharov, the President said, "We shall use our good offices to seek the release of prisoners of conscience, and we will continue our efforts to shape a world responsive to human aspirations in which nations of differing cultures and histories can live side by side in peace and justice."

Although the President has made no specific references to imprisoned Baptist pastor Georgi Vins in Russia, it is presumed that his expressed concern for all dissidents will include the Baptists, Jews and other religious groups whose freedoms are restricted in the Soviet Union.

The Helsinki agreement, to which reference is frequently made, was signed both by the United States of America and the Union of Soviet Socialist Republics and by many other nations of the world. It was signed on August 1, 1976.

Among other things, the Helsinki agreement says in part on human rights:

"The participating states will respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion.

"They will promote and encourage the effective exercise of civil, political, economic, social, cultural and other rights and freedoms all of which derive from the inherent dignity of the human person and are essential for his free and full development. . . .

"In the field of human rights and fundamental freedoms, the participating States will act in conformity with the purposes and principles of the Charter of the United Nations and with the Universal Declaration of Human Rights. They will also fulfill their obligations as set forth in the international declarations and agreements in this field, including inter alia the International Covenants on Human Rights, by which they may be bound." (BP)

Haley: Black Progress in U.S. Still Too Slow

By W. Barry Garrett

WASHINGTON—Black people in the United States are among the last ethnic groups to be assimilated into American culture, but this process is now rapidly becoming a reality, according to Alex Haley, author of the book, *Roots*.

In spite of the progress of blacks in recent years, Haley charged that racial problems in many segments of American society are worse than before the civil rights movement. Especially is this true in prison and jail populations and in employment opportunities, he said.

The civil rights movement in America is entering a new phase for black people, he said. This is a period of pride in their African heritage, similar to the pride of other ethnics in their European roots, he indicated.

At a sell-out luncheon in the ballroom of the prestigous National Press Club in the nation's capital, Haley entranced his audience by an account of his father who rose from a Tennessee sharecropper to become a college professor. In telling the story he illustrated basic biblical concepts of providence, responsibility and the value of human life.

Haley, whose book and whose record-smashing 12-hour television series are having a dramatic impact on America, is rapidly becoming a living symbol of the hopes, ambitions and potentials of black people.

The television show, *Roots*, based on Haley's book that traced his mother's family back to pre-slavery days in Africa, topped all previous television records including *Gone With The Wind*. The show captured over 130 million viewers.

The author was asked how much control or direction he provided for such an achievement. He replied that such an effect of a book or of a television program could not be planned.

"I feel that it was meant to be," he said.

"No individual nor any collection of people could sit down with whatever expertise and predictably create something that would cause that galvanic a response of a whole nation in the space of eight nights," he speculated.

He than explained that his belief was based on what he had heard his grandmother say in earlier years—"The Lord may not come when you expect him, but he will always be on time."

Haley's father grew up on a Tennessee sharecropper farm in the first decade of the twentieth century when the value of a black child was based on field work rather than on education. Nevertheless, he was the only one of a family of eight children who was encouraged to finish the eighth grade, go away from home and get his high school and college education.

Enduring almost impossible hardships, but with the help of a scholarship provided by a wealthy person, the poor sharecropper achieved the impossible for a black man in his day. From the help that was provided to his father and from his dogged determination, Haley drew two morals:

1. "Those of us who have need of help, if we get the help, have a mandate to do the very utmost that we can do to achieve the very fullest potential of which we are capable," and

2. "Those of us who have been blessed with the position to give help have a mandate to give it to other people, knowing that we are investing in the most powerful source there is for reaping benefit and that is in another human being."

Haley illustrated the value of every person regardless of status or ethnic background by recounting the baby-naming ceremony in the African tribe from which he was descended. The naming of a child was an eight-day ritual at the end of which the father in the presence of the villagers lifted up the infant and whispered in his ear his new name before announcing it to the people.

"Thus it was the first time the name had ever been spoken as the child's name, for the people felt that each human being should be the first to know who he was," he said.

Then that night the father would take the baby out under the moon and stars and hold him up to face the heavens. He said softly to the newborn infant, "Behold the only thing greater than yourself."

"This," Haley said, "is a symbol of the potential of all of us in this country." (BP)

16th Religious Liberty Conference—Washington, D.C.—October 3–5, 1977

Independence

(Continued from page 2)

covenant. The independence of church and state involves the following basic freedoms, without which religious liberty, the ultimate concern of this independence, is abridged and the basis of all human rights is eroded:

1. Freedom of conscience in matters of belief and worship.

2. Freedom of the church, and its institutions, from state control and/or support.

3. Freedom from privilege or discrimination among the different churches, or different religious communities.

4. Freedom from civil disability for reasons of religion or irreligion.

5. Freedom from involuntary support of religion—either by an act of worship or monetary contribution.

6. Freedom of association in which all religious organizations are recognized as private and voluntary associations.

7. Freedom of propagation of religion so long as it does not contravene the just civil laws of the state or threaten the public health and order.

This independence of the church from the state ought not to be regarded as a barrier but as a benefit to religion. As Alexis de Tocqueville, a French Catholic writing more than a century ago as an official observer from his country, concluded, "Far from suffering from the want of state support, religion seems in the United States to stand all the firmer because, standing alone, she is seen to stand by her own strength."

Religious Press Spokesman Hits Postal Rate Hikes for Church Publications

WASHINGTON—Postage rates for non-profit, church related publications will exceed 1,000 per cent of pre-postal reorganization rates when current law is fully implemented, according to a religious editor testifying before the Postal Study Commission here.

David E. Kucharsky, senior editor of *Christianity Today*, an interdenominational publication, told the Commission, "The non-profit, church-related press is facing a real and critical problem with respect to soaring postage rates . . . not matched by the for-profit press."

"We do not believe that the Congress intended that its delegation of authority to the Postal Rate Commission include a mandate to penalize the non-profit, church-related press," he continued.

Kucharsky went on to accuse the Postal Rate Commission of "irrationality" and "inequity" in establishing policies which "resulted in spiraling postage rates for non-profits far outstripping the increases visited upon 'for-profit' publications in the same mail classification."

He further charged that administrative proceedings which determine rate increases have been made so expensive that the non-profit religious press is effectively frozen out of the process.

Kucharsky recommended "the elimination of the Postal Rate Commission and the substitution of a postal rate setting forum whose members are responsible to the Congress and, thereby, responsive to mail users."

As a further measure Kucharsky urged "the restoration to non-profit mailers of the historical postage rate equivalent to one-half that paid by the for-profit second-class mail publishers."

Kucharsky noted that there is no "adequate substitute vehicle . . . for distributing . . . news" of wide interest to readers of religious publications. "When one publication closes down because of soaring costs another publication does not move in to pick up the slack. That source of news is lost forever," he said.

Kucharsky also responded to comments filed before the Postal Study Commission by the American Business Press (ABP). These comments, according to Kucharsky, "utterly confuse the record . . . by commingling second and third-class non-profit mailer statistics to attempt to underscore their remarks.

"Secondly, ABP fails to disclose to the Commission its real interest in attacking the non-profit press," Kucharsky charged. "Its members compete for the limited advertising allowed to be carried by the church press—on which income tax is paid—and until they have stripped the church press of this last source of income, the ABP relentlessly pursues its harrassment via postal rates."

Kucharsky testified on behalf of the Associated Church Press and the Evangelical Press Association, with both of which *Christianity Today* is affiliated, and the Catholic Press Association and the American Jewish Press Association. These groups represent about 700 non-profit religious publications or publishers with a total annual circulation of approximately 70 million. They were requesting changes in the present postage rate structure and administration. (BP)

Religions

(Continued from page 3)

prayers and religious exercises of the nontheistic religions such as Secular Humanism and Transcendental Meditation cannot be a part of the public schools' program either.

The full *Staff Report* is available from the Baptist Joint Committee on Public Affairs, 200 Maryland Ave., N.E., Washington, D.C. 20002 at the rate of $.30 for a single copy, $3.00 for a dozen copies, $20.00 for 100 copies, and $150.00 for 1000 copies.

Nonprofit Org.
U. S. Postage
PAID
Washington, D. C.
Permit No. 41363

Report from the Capital

Vol. 32 No. 3 March 1977

Editor: James E. Wood, Jr.
Managing Editor: Stan L. Hastey
Contributing Editors: John W. Baker
W. Barry Garrett
Circulation Assistant: Helen M. Dunnam

Report from the Capital is published 10 months each year by the Baptist Joint Committee on Public Affairs (BJCPA), a denominational agency maintained in the nation's capital by the American Baptist Churches in the U.S.A., Baptist Federation of Canada, Baptist General Conference, National Baptist Convention, National Baptist Convention, U.S.A., Inc., North American Baptist Conference, Progressive National Baptist Convention, Inc., Seventh Day Baptist General Conference, and Southern Baptist Convention.

Subscription Rates: Individual subscription, $3.00 per year; Club rate for 10 or more, $2.00 each per year; Bulk distribution of 10 or more to a single address, $2.00 each per year.

Report from the Capital
200 Maryland Ave., N.E.
Washington, D.C. 20002
(202) 544-4226