Report from the Capital

May 1977

Wood Defends Role of Public Schools as 'Secular Humanism' Debate Intensifies

By W. Barry Garrett

WASHINGTON—A Baptist executive here has branded as a myth the charge that the public schools of the nation teach a religion of "secular humanism."

James E. Wood, Jr., executive director of the Baptist Joint Committee on Public Affairs, delivered a major address to the annual meeting of the National Coalition for Public Education and Religious Liberty (PEARL) on "Secular Humanism and the Public Schools: Myth or Reality."

"The myth of 'secular humanism' in the public schools must be rejected as dangerous, unfounded and unjustified," Wood declared.

The problem of the false charge that secular humanism is taught in public schools is illustrated by four recent developments, he pointed out. The first is the attack on MACOS, Man: A Course of Study, which has been used widely in both public and private and parochial schools.

Wood said that the MACOS course "has been strongly opposed by many political and religious fundamentalists who have maintained that 'MACOS teaches children that nothing is sacred.' " This has been used as support of the charge that public schools are dominated by secular humanism, he said.

However, he said, "Little attention has been given to the fact that MACOS is used in private and parochial schools throughout the nation. Our own Baptist Joint Committee polling of these schools failed to unearth any criticism of the MACOS program with regard to its contents."

The other recent developments cited by Wood were: efforts by former Con-

(See SCHOOLS, p. 7)

Deprogramming 'Serious Violation': Wood

By Carol B. Franklin

WASHINGTON—Deprogramming of adherents to various religious cults is a serious violation of religious liberty and poses a threat to groups other than cults, according to a Baptist executive here.

James E. Wood, Jr., executive director of the Baptist Joint Committee on Public Affairs, said in a statement released here, "The current phenomenon of deprogramming of adherents to various religious cults such as the Unification Church, Hare Krishna, and the Church of Scientology, among others, must be viewed as constituting serious violations of religious liberty. Deprogramming is, in fact, incompatible with all of the guarantees of the First Amendment—the no-establishment and free exercise of religion, freedom of speech, freedom of press, freedom of assembly, and the right to petition the government for a redress of grievances."

Deprogramming is the process of forcing a person to change his religious or other beliefs. In its early stages, the process often meant violent kidnapping and physical torture. The practitioners have become more sophisticated in the wake of protests and court cases challenging the legality of deprogramming.

Wood also pointed out that, in light of the spread of deprogramming to groups other than cults, this could become a serious threat to everyone. "When the rights of any religious adherents are abridged, the rights of all religious members are threatened. As Baptists we must be firm in our commitment to the free exercise of religion for all. We Baptists were often hounded and persecuted in the early days

(See DEPROGRAMMING, p. 7)

IRS Extends Time To File Form 990

WASHINGTON—Certain church-related organizations that are required to file annual information Form 990 have been given an extension of time, according to an announcement by the Internal Revenue Service here.

The extension of time to file Form 990 applies to church-related organizations that are not integrated auxiliaries of churches and that are covered by a group exemption letter issued by the IRS to a church central or parent organization.

Prior to this year these organizations were exempt from filing Form 990. However, earlier this year IRS announced a rule defining "integrated auxiliaries of churches" and made it effective immediately.

The IRS announcement said that "the extension is granted to enable these organizations to establish recordkeeping systems."

Specifically, the announcement said, "Organizations with a filing deadline of

May 15, 1977 have been given a three-month extension to August 15, 1977; those with a June 15, 1977 filing deadline have a two-month extension to August 15; and those with a filing deadline of July 15, 1977 have a one-month extension to August 15."

The extension, which is automatic for these filing deadline dates, does not apply to church-related organizations required to file Form 990 after July 15, 1977.

"Church-related organizations covered by this announcement should include the church's central or parent organization group exemption number on line 18b of the Form 990 when filing," IRS said. (BPA)

From the Desk of the Executive Director

First World Congress On Religious Liberty

By James E. Wood, Jr.

The First World Congress on Religious Liberty was held in Amsterdam, March 21–23, 1977. Sponsored by the International Religious Liberty Association, with headquarters in Washington, D.C., l'Association Internationale pour la Defense de la Liberte Religieuse, with headquarters in Bern, Switzerland, and *Liberty*, a magazine of religious freedom, the Congress was of historical significance to the cause of religious liberty.

Wood

I

The fact that the Congress was the first world congress to be held on religious liberty was, in itself, no mean accomplishment. At a time when international meetings have become almost the order of the day, a congress on religious liberty was long overdue. In the light of the status of religious liberty in international law along with the widespread denial of religious liberty throughout the world, at least one may say the Congress was one whose time had come.

Before the modern era, neither Catholicism nor Protestantism espoused religious liberty as such. All too often both Catholicism and Protestantism advocated coercion and physical violence, if necessary, to maintain their sway over the territories in which each became established. It is well to remember that as late as World War II, religious liberty was not recognized as a matter of international law. For example, a study prepared in 1942 for the Joint Committee on Religious Liberty of the International Missionary Council declared, "No writer asserts that there is a generally accepted postulate of international law that every State is under legal obligation to accord religious liberty within its jurisdiction." It is of profound significance that following the organization of the United Nations in 1945, concerted efforts were soon directed toward the formulation of a principle of religious liberty as a fundamental right to which all member nations were to subscribe and in recognition of the vital relationship of religious liberty to relations between nations.

The First World Congress on Religious Liberty should be seen, at least in part, as a proper extension of the United Nations' recognition of religious liberty as a matter of international law. While the language and stated objectives of the United Nations on behalf of religious liberty represent laudable and noble aspirations, and are profoundly significant historically as norms of nation states and as international law, it would be naive not to recognize that religious liberty is still denied the vast majority of the people in today's world. The truth is that the twentieth century, while it has witnessed ratification of the Universal Declaration of Human Rights by the major nations of the world, has by no means witnessed the steady advance of liberty, but often its recession and the emergence of a totalitarianism unparalleled in any earlier period of history. A repeated claim made today is that probably more people have been put to death during the twentieth century than were slaughtered during all previously recorded history. In this century, flagrant violations of religious liberty have been, as they are today, widespread throughout the world.

II

The Congress was of particular significance also in its international and interfaith character. This was evident both with regard to the participants present as well as in the structure of the program itself. Approximately one-third of the participants were from North America. While one could have wished for more representation from Africa, Asia, and Latin America, participants were present from these areas. Australia was also represented. Although small in numbers, participants came from various countries of Eastern Europe as well as Western Europe.

Of even greater significance to the international and interfaith character of the Congress was the makeup of the program participants themselves. Major papers were presented by representatives of both church and state. These included: Theodoor C. van Boven, Director, United Nations Division of Human Rights; Andre Chouraqui, Jewish scholar and former Vice-Mayor of Jerusalem; Andrew L. Gunn, National Director of Americans United; Pierre Lanares, Secretary-General of l'Association Internationale pour la Defense de la Liberte Religieuse; I. Lazic, Director of Cults, Croatian Republic of Yugoslavia; Trygve Leivestad, Justice of the Supreme Court of Norway; Zachariasz Lyko, an attorney from Poland; Anastase N. Marinos, Associate Justice of the Supreme Administrative Court of Greece; Syed Aziz Pasha, General Secretary of the Union of Muslim Organization of the United Kingdom and Eire; Pietro Pavan, *Peritus* (Expert Advisor) of Vatican Council II; M. Petkovitch, Director of Cults, Serbian Republic of Yugoslavia; Philip Potter, General Secretary of the World Council of Churches; J.B. Clayton Rossi, Attorney for Government Affairs of Brazil; William R. Tolbert, President of Liberia; and James E. Wood, Jr., Executive Director of the Baptist Joint Committee on Public Affairs.

In planning the program, attention was given to having presentations made on religious liberty from a variety of national perspectives. Papers were presented which focused on religious liberty in Brazil, Greece, Norway, Poland, Spain, the United States, and Yugoslavia.

In addition to various national perspectives, the program participants represented a variety of religious traditions. Within the Christian faith, program participants included Baptist, Dutch Reformed, Eastern Orthodox, Lutheran, Methodist, Roman Catholic, and Seventh-day Adventist. Representatives of the Jewish and Muslim faiths made presentations on religious liberty from the perspectives of their own religious traditions. Two papers were presented on "A Biblical View of Religious Liberty," one from "a Christian perspective" and one from "a Jewish perspective."

Understandably, a great variety of viewpoints found expression during the Congress, thereby fulfilling one of its primary purposes, namely "to provide a forum for an exchange of views on religious liberty," and "to explore honest differences in viewpoints on religious liberty."

(See CONGRESS, p. 6)

Wolman v. Walter

U.S. Supreme Court to Decide Fate of Ohio's Newest Program to Fund Parochial Schools

By Stan L. Hastey

WASHINGTON—Attorneys for proponents and opponents of aid to parochial schools argued their cases before the U.S. Supreme Court here in a key church-state case involving so-called "auxiliary services" to such schools.

Since 1967 the state of Ohio has funneled millions of tax dollars to nonpublic—mostly sectarian—elementary and secondary schools through a variety of programs designed to overcome constitutional limitations set by the high court. And one by one, Ohio's plans have been rejected by the courts.

The case has attracted widespread interest among various groups who filed "friend of the court" briefs on both sides of the issue.

Those asking the high court to strike down Ohio's newest effort include the Baptist Joint Committee on Public Affairs and the State Convention of Baptists in Ohio (SBC).

The Baptist Joint Committee joined numerous other religious and civil liberty groups in its brief, while the Ohio state convention joined the Churches of God in Ohio, the Ohio Free Schools Association, and the Ohio Conference of Seventh-day Adventists. Yet another group seeking the overthrow of the Ohio program is the Anti-Defamation League of B'nai B'rith.

The office of the U.S. Solicitor General and 21 Ohio independent schools filed briefs on the other side.

The state's new attempt to fund parochial schools calls for providing a wide variety of services also available to public schools, including textbook loans, loans of "secular, neutral and nonideological" instructional materials, loans of instructional equipment, speech and hearing diagnostic services, and physician, nursing, dental, and optometric services.

Also included are therapeutic psychological, speech, and hearing services, guidance and counseling services, remedial services in various areas, standardized tests and scoring services, programs for the deaf, blind, emotionally disturbed, crippled, and physically handicapped, and field trip transportation.

In previous test cases, the Supreme Court declared unconstitutional such broadly-based auxiliary services packages. The court has upheld plans to provide transportation and textbook loans for parochial schoolchildren.

Two years ago, in a Pennsylvania case, the high court struck down a plan containing essentially the same programs as the Ohio plan. After that decision, Ohio's legislature designed its new plan in an attempt to meet the court's objections to Pennsylvania's program.

In their arguments before the court, attorneys of Ohio, including Thomas V. Martin, assistant state attorney general, contended that the new law provides such services not to schools, but to pupils. Martin told the justices that loans and services are not provided automatically, but only on request from students or their parents.

Some of the justices, including Thurgood Marshall and Potter Stewart, repeatedly asked Martin how the state could distinguish between providing materials such as wall maps to schools and to children. Martin conceded that the instructional value to pupils would be the same whether the materials were given directly to the parochial schools or to their pupils.

Another of Ohio's attorneys, David J. Young, admitted under close questioning that actual provision of the materials is often made on parochial school premises by state-employed clerk-librarians, although in other instances parochial schoolchildren are released to public schools to use the materials.

Joshua J. Kancelbaum, a Cleveland attorney who argued the other side, accused Ohio's legislature of constructing "ingenious" designs to get around previous high court rulings denying aid to parochial schools. He noted that the new law came in the wake of the decision two years ago to

(See WOLMAN, p. 7)

BJCPA executive director James E. Wood, Jr. accepted a special institutional award for Baylor University's J. M. Dawson Studies in Church and State during the recent First World Congress on Religious Liberty in Amsterdam. Making the presentation was Robert Nixon, legal counsel for the International Religious Liberty Association, which made the award.

Congressional Update

Wood Says Youth Camp Safety Bill Does Not Deny Religious Liberty

By Carol B. Franklin

WASHINGTON—Youth camp safety bills currently before Congress would not interfere with religious freedom, according to testimony by a Baptist executive before the Subcommittee on Compensation, Health and Safety of the House Committee on Education and Labor here.

Rosemary Brevard, assistant to the director of research services of the Baptist Joint Committee on Public Affairs, presented testimony for James E. Wood, Jr., executive director. The BJCPA took no position for or against the proposed Youth Camp Safety Act. It addressed only the question of separation of church and state and religious freedom.

Wood's testimony said that the bill under consideration "does not reveal a legislative intent either to prescribe religious beliefs or to limit religious practices. The 'noninterference' provisions . . . of the bill are apparently intended to make sure that there will be no statutory or administrative limitation on religious practices at those camps covered by the bill."

According to Wood, however, the guarantees of noninterference in the bill need strengthening. He suggested substitute wording which members of the subcommittee said they found acceptable, even better than the original language.

The proposed substitute wording states that nothing in the bill or any regulations issued to carry out the bill may control the religious activities or affiliation of camps in any way. Wood also stated that he agreed with the Supreme Court that government may limit some religious practices if the health, safety, welfare and morals of the people generally are clearly endangered.

Representatives of Christian Camping International (CCI), an association of church-related camps and conferences, opposed the legislation before the subcommittee. Speaking for CCI were Edward Oulund, executive director, and Larry Haslam, president elect of CCI and manager of Glorieta Baptist Conference Center, Glorieta, N.M.

They objected to the proposed youth camp safety legislation on three counts: 1) Christian camps are already generally safe, 2) federal regulations will encroach on Christian camping, and 3) camp safety programs should be state regulated.

Rep. Ronald A. Sarasin (R-Conn.) asked if regulations in Michigan and other states interfered with religious activities in camping. Oulund said he did not object to state regulations, only federal. He felt that it would be easier to influence state officials than federal authorities in Washington.

Rep. Joseph M. Gaydos (D-Pa.), chairman of the subcommittee, pointed out that the bills provide for administration of all regulations at the state level.

Rep. E.G. Shuster (R-Pa.) noted that regulations may go beyond the intent of Congress and asked if CCI's concern was with the intent of the legislation or the fear of regulations going beyond the intent. Haslam conceded that the intent of the bills does not infringe on religious freedom.

Members of the subcommittee also challenged Oulund's suggestion that the federal government "consider helping camping associations with federal grants to become responsible agents for camp safety through an intensive certification program."

Gaydos noted that such a request from a witness who objected to federal involvement in camping was somewhat inconsistent and would most certainly be a violation of separation of church and state.

Also presenting favorable testimony were representatives of Girl Scouts of U.S.A. and National Parent-Teacher Association. (BPA)

16th Religious Liberty Conference

"Taxation and the Free Exercise of Religion"

Washington, D.C. October 3–5, 1977

Senate Follows House; Passes Ethics Code

By Carol B. Franklin

WASHINGTON—After two and a half weeks of sometimes impassioned debate the Senate passed a code of conduct essentially unchanged from the version voted out of committee.

About a hundred amendments were offered to the bill in the course of the debate but few of any substance were allowed to pass. The Senate leadership held the line against any weakening of the provisions of the so-called ethics bill despite strong challenges.

Senator Edmund S. Muskie (D-Maine) offered perhaps the strongest challenge to the measure when he fought bitterly against the limitation of outside earned income. The bill calls for a ceiling of 15% of income which may be earned by speaking or writing articles. No such limit was put on unearned income from dividends.

Muskie charged that this distinction between earned and unearned income was discriminatory and would push the Senate even farther in the direction of becoming solely "a rich man's club." Muskie has supplemented his income for many years on the lecture circuit.

Senator Howard H. Baker (R-Tenn.) offered an amendment on the final day of debate which would have ended the code of conduct in 1981. The backers of the bill rallied once again and insisted that the legislation have no predetermined end.

The bill which was finally enacted is similar to the code earlier adopted by the House of Representatives. It calls for full disclosure of income, sources of income, investments, and property holdings of members of the Senate, their spouses, and principal staff members.

Senator Dick Clark (D-Iowa) noted that the Senate version of the code of conduct has stricter enforcement provisions than that adopted by the House. "These provisions will ensure that the Senate will be held accountable for allegations of wrongdoing against its members, so that such allegations can no longer be buried in back rooms," Clark stated.

The ethics legislation was offered in response to public outcry over recent disclosures of wrongdoing in the Congress such as the Wayne Hayes-Elizabeth Ray scandal and alleged bribery of congressmen by representatives of South Korea, as well as the Watergate disaster. (BPA)

Supreme Court Update

(Note: As the U.S. Supreme Court looks to the conclusion of its October 1976 term, a number of cases in the church-state and human rights areas have recently been acted upon or await final disposition. The following stories were prepared by Supreme Court correspondent Stan L. Hastey.)

Court Upholds Separate Schools For Boys, Girls

WASHINGTON—An equally divided U.S. Supreme Court ruled here that public school systems may continue to operate sex-segregated high schools without violating federal antidiscrimination laws.

The 4–4 vote, with Justice William H. Rehnquist abstaining, means that the decision of the Third Circuit Court of Appeals upholding the right of school districts to separate boys from girls in certain schools is left standing.

Earlier a U.S. district court had ruled in favor of Susan Vorchheimer, a Philadelphia student who had sought admission to that city's Central High School, a school for advanced boys.

Vorchheimer and her parents took the school district to court after she was denied admission despite the fact that she finished first in her junior high school class and won top prizes in science and geometry. They argued that the only reason for the denial of her application for admission to Central was her sex.

Central High School has a long and illustrious history as Philadelphia's premier secondary school. It was the second such institution organized in the country. The city also operates Girls High School, an institution designed to offer scholastically superior female students an advanced college preparatory curriculum comparable to Central's.

Attorneys for Vorchheimer argued, however, that Central is superior to Girls High in that it has an established national reputation, is lavishly endowed, and possesses better resources and scientific facilities.

By denying her admission to Central, Vorchheimer claimed that the school district denied her equal protection of the law, a right guaranteed by the 14th Amendment to the Constitution.

Vorchheimer's attorneys also held that Philadelphia stood in violation of the federal Equal Educational Opportunities Act of 1974, which states in part that "all children enrolled in public schools are entitled to equal educational opportunity without regard to . . . sex." The law also prohibits assignments to schools solely on the basis of sex.

Attorneys for Vorchheimer, which included several American Civil Liberties Union (ACLU) lawyers, asked the high court to rule that Philadelphia's practice of segregating students in the two high schools "reinforces a tradition that channels and curtails young women's aspirations and opportunities." Such a practice, they continued, "retards progress toward a society in which women and men associate with each other as full and equal partners."

On the other side, lawyers for the school district pointed to findings by both lower federal courts which reviewed the case that both Central and Girls High offer comparable quality, academic standing, and prestige.

In addition, they argued that many educators still hold to the view that single-sex schools offer superior training to coeducational institutions and that the Philadelphia policy "is essential to the legitimate goal of allowing flexibility, diversity, and innovation in education."

Jill Goodman, an attorney for ACLU's New York-based Women's Rights Project, told Baptist Press that the high court's decision highlights the need for passage of the Equal Rights Amendment (ERA).

"If we had it today," she said, "the young women of Philadelphia would no longer be deprived of the chance for an equal education."

The ERA was passed by Congress in 1972 and has been ratified by 35 state legislatures. Three more are needed by 1979, when the seven-year period allowed for ratification by three-fourths of the states expires. (BPA)

'Witnesses' Win in License Plate Dispute

WASHINGTON—The U.S. Supreme Court ruled that states may not require citizens to display slogans on their automobile license plates when they conflict with religious beliefs.

The high court's decision was specifically directed at the state of New Hampshire, where privately owned autos must display the state motto, "Live Free or Die."

George and Maxine Maynard, practicing Jehovah's Witnesses, had argued earlier that the slogan was contrary to their beliefs. In testimony before a lower court, George Maynard had explained that "my 'government'—Jehovah's Kingdom—offers everlasting life. It would be contrary to that belief to give up my life for the state, even if it meant living in bondage."

Maynard was arrested three times over a five-week period in late 1974 and early 1975 for covering the slogan with tape. After the second offense, he was ordered to pay a $50 fine or go to jail. He chose the latter and spent 15 days confined.

In its ruling, the high court held that the state may not "require an individual to participate in the dissemination of an ideological message by displaying it on his private property. . . ."

The 7–2 opinion, written by Chief Justice Warren E. Burger, repeatedly cited a 1943 Supreme Court ruling which held that children may not be compelled to recite the Pledge of Allegiance and salute the American flag.

"The right to speak and the right to refrain from speaking," Burger said, "are complementary components of the broader concept of 'individual freedom of mind.'" He went on to say that New Hampshire's law in effect required the Maynards to use their private property as a "mobile billboard" to convey the state's "ideological message."

Burger also ruled that New Hampshire had failed to prove that requiring the slogan's display on private property was a "compelling state interest." The state had argued that display of the motto helped police officers identify license plates and that use of the slogan promoted appreciation of history, individualism, and state pride.

Burger noted that however desirable such objectives might be and "no matter how acceptable to some, such interest cannot outweigh an individual's First Amendment right to avoid becoming the courier for such message."

In a dissenting opinion, Justice William H. Rehnquist disagreed with the court's reasoning, saying that New Hampshire had not forced the Maynards to "say" anything. He maintained that displaying the motto on license plates indicates neither agreement nor disagreement with it.

Rehnquist also reasoned that just as atheists who disagree with the motto "In God We Trust" engraved on U.S. coin and currency do not affirm their belief in God by using it, no affirmation of belief is involved in the display of mottos on license plates. (BPA)

Court Refuses Church Building Denial Case

WASHINGTON—The U.S. Supreme Court declined to review a Nashville, Tenn. church property case in an action announced here.

Trustees of the West Meade Church of Christ in Nashville had asked the justices to declare unconstitutional a restrictive covenent which prohibited erecting a church building in the city's West Meade subdivision.

The trustees contended in a written brief that they had entered into an agreement to buy land in the subdivision under a contract which contained no reference to restrictions on building a church. Three months later, they claimed, they accepted title to the property by a deed which made reference to certain "restrictive covenants" but did not specify them.

Still two months later, John and Evelyn McDonald, residents of the subdivision, asked a Davidson County court to prohibit the use of the property for church services or for "any public gathering."

The Chancery Court of Davidson County agreed with the McDonalds and an injunction against building the church was issued. The Tennessee Court of Appeals upheld the lower court.

The church trustees argued in their brief to the Supreme Court that their First Amendment free exercise of religion right was being violated by the lower courts' actions.

The high court's decision not to hear the case means, however, that those actions stand and that the West Meade Church of Christ has lost its final appeal. (BPA)

Court Says Teacher May Paddle Johnny

WASHINGTON—Local school officials and teachers are not forbidden by the Constitution to administer corporal punishment to schoolchildren, the U.S. Supreme Court ruled here in a 5–4 decision.

The slim majority concluded that the Constitution's prohibition against "cruel and unusual punishment" does not apply to spanking pupils for disciplinary reasons and that students are not entitled under the "due process" clause to a hearing before a paddling is administered.

The majority opinion, written by Justice Lewis F. Powell, held that the practice of corporal punishment in the schools dates to colonial days and that the founding fathers had no intention of banning it. The practice is rooted in English common law, Powell noted, and is governed by the "single principle" that "teachers may impose reasonable but not excessive force to discipline a child."

Powell, who was joined by Chief Justice Warren E. Burger and Justices Potter Stewart, Harry A. Blackmun, and William H. Rehnquist, argued further that the ban on cruel and unusual punishment contained in the Eighth Amendment to the Constitution "was designed to protect those convicted of crimes" and not "as a means of maintaining discipline in public schools."

The court also noted that remedies are available to parents whose children are abused through corporal punishment, including "the openness of the public school and its supervision by the community." School administrators and teachers who abuse their role as disciplinarians are also subject to both civil and criminal sanctions, the majority stated.

Turning to the due process question, the court rejected the view that school children have the constitutional right to a prior hearing before a paddling is administered. To take that position, the majority held, would amount to "intrusion into an area of primary educational responsibility" that should be reserved to localities.

Justice Byron R. White, speaking for Justices William J. Brennan, Jr., Thurgood Marshall, and John Paul Stevens, disagreed, saying that if the Constitution protects convicted criminals from beatings, it likewise ought to protect schoolchildren.

White accused the court majority of advocating the "extreme view" that "corporal punishment in public schools, no matter how barbaric, inhumane, or severe, is never limited. . . ." He also said that he personally favors spanking in some instances.

The case decided by the court was brought by the parents of two students from Drew Junior High School in Dade County (Miami), Fla. who were subjected to repeated paddlings during the 1970–71 school year.

One of the students, James Ingraham, was given more than 20 licks with a wooden paddle which resulted in a blood clot. He was placed under medical care and missed 11 days of school after the beating.

Testimony presented at the trial led a U.S. Court of Appeals to conclude that the administration at Drew Junior High School was "severe" and "exceptionally harsh."

The high court majority ruled, nevertheless, that corporal punishment as such is not covered by the ban on cruel and unusual punishment and that "the low incidence of abuse" by teachers makes the possible violation of schoolchildren's rights "minimal." (BPA)

Congress

(Continued from page 2)

III

By no means without significance was the purpose of the Congress to recognize and reward persons and/or institutions for making substantial contributions to the "advancement of religious freedom." The one institutional award made at the Congress went to Baylor University in recognition of the contributions of the J.M. Dawson Studies in Church and State, which was inaugurated in 1957.

One final significance of the First World Congress on Religious Liberty may be seen in the consensus reached by the participants with regard to religious liberty. The one resolution adopted by the Congress, which received the unanimous endorsement of the participants present, affirmed the following specific proposals:

1. To request the Congress organizers to arrange for the appointment of a broadly based committee, with membership from various religious traditions, to monitor the world religious liberty situation and deal with specific religious liberty concerns.
2. To draw the attention of governments to religious liberty as a fundamental human right flowing from the dignity of the human person, the violation of which is incongruous with international law and contemporary human social relations. Furthermore, the various governments are urged to support the work for the United Nations' proposed declaration and convention on the elimination of all forms of religious intolerance, which has for far too many years simply been in the offing.
3. To urge the coming Peace Conference (June 6–10, 1977), and other such conferences, to underline the importance of religious liberty in every nation of the world as an important factor making for peaceful, individual, social, and international relations.

Deprogramming

(Continued from page 1)

of our history. We cannot deny the protection of the Constitution to groups today simply because their beliefs seem to us to be wrong," he stressed.

Recent news stories have revealed that "deprogrammers" have kidnapped members of Catholic groups as well as two young Greek Orthodox women whose parents had them kidnapped because they left home to take jobs.

A number of people who have gone through deprogramming sessions are taking the deprogrammers into court along with the parents who commissioned them. The battle is focusing on the use of conservatorship laws in several states. These laws were originally designed to protect elderly or mentally incompetent persons in the management of their property and valuables.

A Tucson attorney, Michael Trauscht, began using these laws to force adult members of religious groups into the custody of their parents on the premise that they were "brainwashed" by the group and were therefore incapable of acting on their own free will.

In a recent California decision, Superior Court Judge S. Lee Vavuris ruled that five adult members of the Unification Church be remanded for 30 days to the custody of their parents saying, "The child is the child even though a parent may be 90 and the child 60."

Wood deplored such judicial justification of deprogramming. "While one can be sympathetic with parents who have felt alienated from their sons and daughters who have embraced faiths different from, and even antithetical to their own, deprogramming ignores the rights of the young people themselves to decide matters of faith and their own religious identity," he said.

Carol Gallo, spokesperson for the recently formed Alliance for the Preservation of Religious Liberty, said that deprogramming would be better called "domestic terrorism." "After a person is kidnapped, he is forcibly imprisoned . . . then kept awake for 20–24 hours a day, and is permitted only enough food and water to keep him alive. Teams of mercenaries work in shifts, haranguing and badgering the victim, screaming insults . . . at his . . . religion. This goes on anywhere from three days to six weeks, or even longer, until the victim 'breaks,' " Gallo asserted.

Deprogrammers are reported to charge anywhere from $5000 to $25,000 for their services whether they are successful or not. Robert Walter Taylor, charging he was abducted from an Old Catholic monastery in Oklahoma City, told representatives of the National Council of Churches and the United Nations Interchurch Center in New York City that his abductor charged $500 a day for 30 days of deprogramming.

Another woman who was detained by a deprogramming organization stated that she saw her mother give $1000 to her deprogrammer. In written testimony to be used in an upcoming court case she said, "I could see where deprogramming is really becoming a racket." (BPA)

Schools

(Continued from page 1)

gressman John Conlan of Arizona to cut off federal funds purportedly used to support secular humanism; an unsuccessful attack by a citizens group against the Montgomery County School Board in Maryland charging that the religion of secular humanism had been established in the Montgomery County schools; and another attack on a group of citizens in the City and County of St. Louis, Mo. making similar charges against the public schools there.

Such charges are dangerous, Wood declared, because secular humanism remains largely undefined. The myth says that a non-religious humanism requires the rejection of all Judeo-Christian religious and moral values, and it is a gross distortion, if not pure fabrication, to say that secular humanism declares there is no good, no values, no right, no wrong and no moral or religious principles, he said.

Further, Wood said that the charges of secular humanism in public schools are unfounded and unjustified because the evidence does not show that Judeo-Christian values are being denounced or denied in public schools. On the other hand, he pointed out, there are more courses and units in public school curricula teaching about religion than at any time in American history.

"The reality is that those who charge that the 'religion of secular humanism' is taught in public schools also champion public funds for parochial schools and/or seek to have the state provide an education which is rooted in the Judeo-Christian tradition, although both of these options are clearly in conflict with the guarantees of the First Amendment," Wood concluded.

(See SCHOOLS, p. 8)

Wolman

(Continued from p. 3)

strike down Pennsylvania's auxiliary services plan.

Kancelbaum said the law, which provides $88 million to nonpublic schools during the current two-year period, merely "purports" to aid pupils rather than sectarian schools. He noted that of 720 nonpublic schools in the state, only 29 are nonsectarian.

Perhaps the biggest legal problem facing the justices in the Ohio case is deciding where to draw the line regarding what kinds of public aid can be given nonpublic schools without violating the Establishment Clause of the First Amendment, which states that "Congress shall make no law respecting an establishment of religion."

In its 1975 Pennsylvania ruling, the court reiterated its three-part test in aid cases, saying that for such programs to pass constitutional muster, they must (1) have a secular legislative purpose; (2) have a "primary effect" that neither advances nor inhibits religion; and (3) avoid excessive governmental entanglement with religion.

The problem facing the court is that since 1947, some forms of aid have been permitted, most notably transportation and textbook loans. At one point in his oral argument, attorney Kancelbaum asked the court to consider reversing itself on its textbook loan decision.

The likelihood of that occurrence is dim, however. Responding to Kancelbaum's suggestion, Chief Justice Warren E. Burger replied icily that such an action would amount to "burning down the house to get rid of the mice."

Observers of the court are predicting a tight vote in the Ohio decision, which will probably come down by the end of June. Benson A. Wolman, executive director of the Ohio American Civil Liberties Union, told Baptist Press after the hearing that he sees three firm votes on each side.

Wolman, who brought the original suit against the Ohio plan, said that in his view the Chief Justice, along with Justices Byron R. White and William H. Rehnquist, would vote to uphold Ohio's plan. He said that Marshall, along with William J. Brennan, Jr. and John Paul Stevens are likely to vote to strike it down.

If that is an accurate assessment of those justices' positions, the "swing" votes of justices Stewart, Harry A. Blackmun, and Lewis F. Powell will decide the outcome. (BPA)

Gays May Not Advertise In Student Newspaper

WASHINGTON—A homosexual group on the campus of Mississippi State University lost in an attempt to have the U.S. Supreme Court rule that their advertisements must be run in the student newspaper.

The Mississippi Gay Alliance, an organization comprised mainly of homosexuals on the Starkville, Miss. campus, had submitted a paid ad in 1973 to *The Reflector*, the university student newspaper. Editors at the newspaper refused to run it.

The homosexual group then brought suit against newspaper editors and university officials, claiming that their free press rights had been denied.

Two federal courts had earlier disagreed with them, however, upholding the editor's freedom to accept or reject their ads.

Attorneys for the university officials, including the president, argued successfully that they did not control the operation of the newspaper and that any effort to dictate newspaper policy on their part would amount to a violation of the student editors' free press rights. (BPA)

Schools

(Continued from p. 7)

PEARL is a national coalition of organizations dedicated to the principle of religious liberty in the public schools. Joanne Goldsmith is the executive director, and the offices are located in the building of the National Education Association. The Baptist Joint Committee on Public Affairs is one of the participating members.

This three-year-old coalition has engaged in a number of court cases to deny public funds to church related schools. Leo Pfeffer, noted constitutional church-state lawyer, is legal counsel for PEARL. (BPA)

Report from the Capital

Vol. 32 No. 5 May 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