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Report from the Capital

July-August 1977

From the Desk of the Executive Director

Carter's Envoy to the Vatican

By James E. Wood, Jr.

The announcement by the White House on July 6, 1977, of President Jimmy Carter's appointment of an envoy to the Vatican is a profound disappointment. Earlier in his campaign last fall, the President had indicated in an interview with C.L. Sulzberger of the *New York Times* that he had "no objection" to an exchange of ambassadors between the United States and the Vatican. That position provoked vigorous opposition from various responsible Baptist leaders, among others.

Wood

The White House would neither confirm nor deny the rumors of the appointment of Mr. David M. Walters, a Miami attorney, until late afternoon on July 6. Meanwhile, the National Catholic News Service, which had been waiting for a week to release the story, disclosed in their announcement that the President's appointment of Mr. Walters had been cleared with the President of the National Conference of Catholic Bishops, Archbishop Joseph Bernardin of Cincinnati, according to Russell Shaw, Secretary for Public Affairs of the U.S. Catholic Conference. Mr. Shaw further revealed that Walters was recommended on a personal level for the Vatican post by Terrence Cardinal Cooke of New York and Archbishop Coleman Carroll of Miami. These disclosures confirmed the ecclesiastical nature of the appointment and the concern of the President for ecclesiastical approval of the first Roman Catholic to serve as an envoy to the Vatican.

In a personal interview with Mr. Walters, the new envoy indicated to me that he saw his appointment as representing the concerns of the U.S. government for 717 million Roman Catholics throughout the world. Mr. Walters further indicated that he saw his role as primarily concerned with human rights. When asked if he saw his appointment as one of preferential concern of this Administration for the human rights of Catholics throughout the world, he replied that he saw the concern as primarily for the individual members of the Church rather than the ecclesiastical structure itself. When asked about U.S. envoys to other religious bodies, he expressed the view that he would have no problem with the President's appointment of envoys to the World Council of Churches, or to Buddhist or Muslim international bodies. Asked about the Vatican's support for Carter's human rights policies, Mr. Walters replied, "It's more the other way around, isn't it?" When he goes to Rome, the new envoy would "like to see evidence of active dialogue with the Vatican on human rights, and also on ecumenism, in keeping with the Second Vatican Council."

President Carter's appointment of an envoy to the Vatican revives a church-state issue which intermittently has had a divisive effect on American religious communities for almost four decades. Furthermore, there is less justification today for the appointment than in any of the three previous administrations since 1939 which initiated such moves. In the absence of any international crisis such as was encountered by previous administrations in initiating formal diplomatic relations with the Vatican, the action of President Carter appears all the more surprising and lacking even the rationale of political expediency on behalf of American national interest.

No justification has apparently been offered by the White House for the appointment. Presently, the State Department maintains a Vatican desk in Rome, separate from the U.S. Embassy, staffed by one foreign service officer and secretary. The creation of this desk resulted from pressure from the Vatican that a country not accredited to the Vatican make its representation from an office physically separate from its Rome embassy. This, of course, is in line with the official position of the Vatican which strongly favors full diplomatic relations with sovereign states. Vatican sources have therefore recently indicated that the Vatican would welcome full diplomatic relations with the United States.

Opposition to the President's appointment of an envoy to the Vatican has been expressed in telegrams from the Executive Director of the Baptist Joint Committee on Public Affairs, Dr. Jimmy Allen, President of the Southern Baptist Convention, and Rev. Andrew L. Gunn, Executive Director of Americans United, among others.

From its beginning in 1939, the Baptist Joint Committee has expressed its opposition to U.S. diplomatic relations with the Vatican. Repeatedly, the Committee has unanimously voiced its "unalterable opposition" to such a move for a variety of reasons, which are no less valid today than in previous decades.

(1) The appointment of a presidential envoy raises serious constitutional questions which involve diplomatic recognition and entanglement of the executive branch of the federal government with a particular church. The recent practice of a few American presidents, which avoids any accountability to the Congress or to the people of the United States, needs to be terminated.

(2) Such action officially underscores the special concern of this government, to the point of giving preferential treatment to one religious body not accorded any other religious group anywhere in the world. Even if the issue of preferential treatment were not involved, however, we would still be opposed to the appointment of presidential envoys to religious bodies.

(3) While technically Vatican City, with its 100 acres and a population of 1,000, is a sovereign state, an envoy to the Vatican is an envoy to the Catholic Church and papal nuncios are envoys of the Roman See.

(4) The use of the Vatican for political purposes, whether based upon the listening post theory for obtaining valuable information or as a channel for U.S. government relations, must be opposed for the same reason we have opposed the CIA involvement with Christian missionaries and churches overseas.

(5) The appointment of a presidential envoy to the Vatican is unnecessary and serves no other purpose than to establish official diplomatic relations between the U.S. government and the Roman Catholic Church. The Vatican can communicate with the U.S. government in the way any religious group communicates with it. Since Rome is at once the capital of Italy and the location of the Vatican, the U.S. has no obligation to yield to the demands of the Vatican for full diplomatic recognition.

Whatever the merits of the appointment, including any marginal political gains for the President among Catholics, the losses to both church and state far outweigh the gains.

washington observations

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THE SUPREME COURT'S recent decision upholding most parts of an Ohio plan to aid nonpublic schoolchildren will also have impact on similar plans in at least two other states, Minnesota and New York. The high court sent back three cases from the two states to be decided in light of the controversial Ohio ruling in Wolman v. Walter.

A ROMAN CATHOLIC priest who serves in Congress is pressing for new legislation which would guarantee job security to workers who refuse to work on Saturdays because of religious convictions. Rep. Robert F. Drinan (D-Mass.) has proposed an amendment to the Civil Rights Act which would in effect overturn the Supreme Court's rulings in June upholding two companies which fired Sabbatarians for refusing to work on Saturdays.

CHARLES A. TRENTHAM, pastor of Washington's historic First Baptist Church, declined to criticize President Carter's appointment of David M. Walters as personal representative to the Vatican. At the same time, Trentham expressed the hope that the position would not be upgraded to a full ambassadorship. More than thirty years ago, Trentham's predecessor Edward Hughes Pruden had a falling out with his President/parishioner, Harry S. Truman, over the latter's proposal to send an ambassador to Vatican City.

JAMES E. WOOD, JR., executive director of the Baptist Joint Committee, has been elected chairman of the Council of Washington Representatives of the United Nations (CWRUN). The organization is affiliated with the United Nations Association of the USA, a group which has urged the UN to create the post of High Commissioner for Human Rights. CWRUN maintains direct contact with the Secretary General and with the U.S. ambassador to the UN.

WOOD ALSO represented the National Council of Churches (NCC) at the July Colloquium on the Helsinki Final Act at Montreux, Switzerland. Representatives from church organizations of the 35 signatory nations of the Helsinki agreement participated. The meeting was held in conjunction with this year's Belgrade Conference.

JESUIT PRIESTS and other witnesses before the House Subcommittee on International Organizations told congressmen of death threats, arson, bombings, and torture in El Salvador. The Jesuits were ordered under threat of death to leave the tiny Central American country last month, but refused. Former U.S. ambassador Ignacio Lozano testified that during his nine months in the post two government officials and two Catholic priests were assassinated and a Jesuit university was bombed six times.

Wrapup and Analysis: Part One

High Court Term Baffling on Church-State Questions

By Stan L. Hastey

WASHINGTON—Judging from actions taken during the recently concluded term of the U.S. Supreme Court, some clouds appear to be gathering on the horizon of church-state relations in the United States.

In two major church-state areas, the high court disappointed many advocates of separation of church and state by upholding most parts of an Ohio program which provides funding for parochial schools and by ruling that employers may discharge workers who insist on observing Saturday as a day of rest because of religious convictions.

NONPUBLIC SCHOOL AID

In its Ohio parochial aid decision, the justices dissected, piece by piece, a complex program enacted by the state legislature designed to funnel more than $88 million during the present two-year period to nonpublic schools.

In a complicated set of decisions, the court ruled that four of the six sections in Ohio's law do not violate the First Amendment ban on an establishment of religion. The justices struck down the other two provisions.

One significant aspect to the actions was the margins of victory and defeat. They were as follows:

—*Textbooks:* upheld, 6–3; *Standardized tests and scoring services:* upheld, 6–3; *diagnostic services:* upheld, 8–1; *therapeutic services:* upheld, 7–2; *instructional materials and equipment:* struck down, 5–4; *field trip transportation:* struck down, 5–4.

Numerous religious and civil liberties groups had asked the high court to strike down the entire Ohio program except for the textbook loan provision. These included the Baptist Joint Committee on Public Affairs and Americans United for Separation of Church and State. The two groups participated as friends of the court in a brief submitted by the National Coalition for Public Education and Religious Liberty (PEARL).

The decision upholding the loan of textbooks in secular subjects to parochial school children suprised no one. Nine years ago, in *Board of Education* v. *Allen*, the court upheld such loans. Nevertheless, the Ohio Civil Liberties Union attorney who argued the case before the court this year urged the justices to reverse that position.

Many church-state observers point to the decisions in the Allen decision and in *Everson* v. *Board of Education*, a 1947 ruling upholding public transportation for parochial schoolchildren, as the primary contributors to the ongoing dilemma facing the high court over what forms of aid may be permitted.

The 5–4 Everson decision, written by the late Justice Hugo Black, declared that "no tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion."

Hastey

In spite of that clear statement, the court upheld the provision of transportation for children attending nonpublic schools. Both Justice Black and former Justice William O. Douglas, who voted to uphold transportation, later publicly expressed regret over their votes in Everson.

Despite the predictability of the high court's action upholding the Ohio provision of textbook loans, the court for the first time upheld a wide range of services, including standardized testing and scoring, reading and hearing diagnostic services to be performed on the nonpublic schools' premises, and therapeutic services to be rendered in stateowned facilities.

Of at least equal concern, however, is the margin of victory for advocates of church-state separation in the two votes striking down provisions in the Ohio law for instructional materials and equipment and field trip transportation. In each case, the margin was 5–4.

In a series of similar cases over the past several years, the margin of victory for separationists has always been larger. Most such cases have been decided by 9–0 or 8–1 decisions. Only two years ago, the court struck down similar provisions in a Pennsylvania law 7–2.

This is but another example of the effect of former President Richard M. Nixon's appointees to the high court. The erosion of support for a reasonably strict separation of church and state parallels erosion in numerous other areas involving personal liberties where the present court, presided over by Chief Justice Warren E. Burger, has drastically altered the positions of the court headed by the late Chief Justice Earl Warren.

The narrow 5–4 portions of the Ohio ruling also sound a warning that the switch of only one vote would have meant declaring the entire Ohio package constitutional. And it should also cause concern among separationists that the resignation, for reasons of health or age, of either of the two strongest advocates of church-state separation on the present court, Justices William J. Brennan, Jr. and Thurgood Marshall, might well result in tilting that delicate balance to the other side.

At best, the present situation regarding aid to nonpublic schools is confusing. This was illustrated by reactions to the high court's decision in the Ohio case, both on and off the court.

Three justices dissented in strongly-worded statements to what they see as erosion in church-state separation. Justice Marshall attacked the majority thinking, saying that what was once a "high and impregnable wall between church and state" has been reduced to a "blurred, indistinct, and variable barrier." The latter term was actually used in the majority opinion to describe proper church-state relations.

Justice Brennan also objected, saying that the Ohio program may result in creating a "divisive political potential of unusual magnitude." Justice John Paul Stevens also spoke of "corrosive precedents" which have gradually eroded the concept of separation.

Outside the court, reaction has been equally mixed. Both James E. Wood, Jr., executive director of the Baptist Joint Committee, and Andrew L. Gunn, executive director of Americans United, said the court's decisions are consistent with past actions denying public funds to support church schools.

Wood declared that "any claim that the court has now in effect paved the way for the use of public funds for church schools

(See CHURCH-STATE, p. 7)

Part Two

Justices' Moral Rulings Disappoint Some, Please Others

WASHINGTON—In a series of controversial actions, the U.S. Supreme Court dealt with numerous moral issues in its recently concluded term here.

Among these were abortion, the death penalty, obscenity, discrimination, and corporal punishment in schools.

ABORTION

No one question in the country during recent years has stirred passions quite so much as the debate over abortion and the role government should play in controlling it.

The Supreme Court decided late this term that neither the federal nor state governments are constitutionally mandated to provide funds for abortions. The justices also ruled that city-owned hospitals may refuse to perform abortions that are not medically necessary.

All these actions came as stunning blows to the women's movement and to civil libertarians who have interpreted the high court's historic 1973 ruling permitting most abortions as meaning that government must pay for the procedure in the cases of poor women unable to secure it otherwise.

The argument is that because the right to an abortion is a fundamental aspect of the right to privacy guaranteed by the Constitution, that right must be made available to all women if it is to mean anything.

On the other side, anti-abortionists claim that although the high court has declared that abortion in most circumstances involves the right to privacy, this does not mean by extension that the government is obligated to pay for it.

That is precisely the position of President Jimmy Carter, who has stated repeatedly that he opposes public funding of abortions. He also declared in a recent news conference that many things in life are unfair and that it is not the role of government to make everything equal for poor and rich, especially if a moral question is involved.

In one of the decisions reached by the court on the subject, Justice Lewis F. Powell wrote that the 1973 decisions striking down strict anti-abortion laws in the states "did not declare an unqualified 'constitutional right to an abortion.' " He went on to say that "it implies no limitation on the authority of a state to make a value judgment favoring childbirth over abortion, and to implement that judgment by the allocation of public funds."

Powell seemed to be using logic similar to the President's when he declared that "the Constitution does not provide judicial remedies for every social and economic ill."

In another action, the court ruled that state welfare officials cannot forbid young women who are wards of the state to obtain abortions. In so doing, the court held that the states cannot issue regulations giving welfare officials the right to refuse an abortion to a ward of the state during the first trimester.

The high court also ruled that an Indiana law requiring all first trimester abortions to be performed in hospitals is unconstitutional.

CAPITAL PUNISHMENT

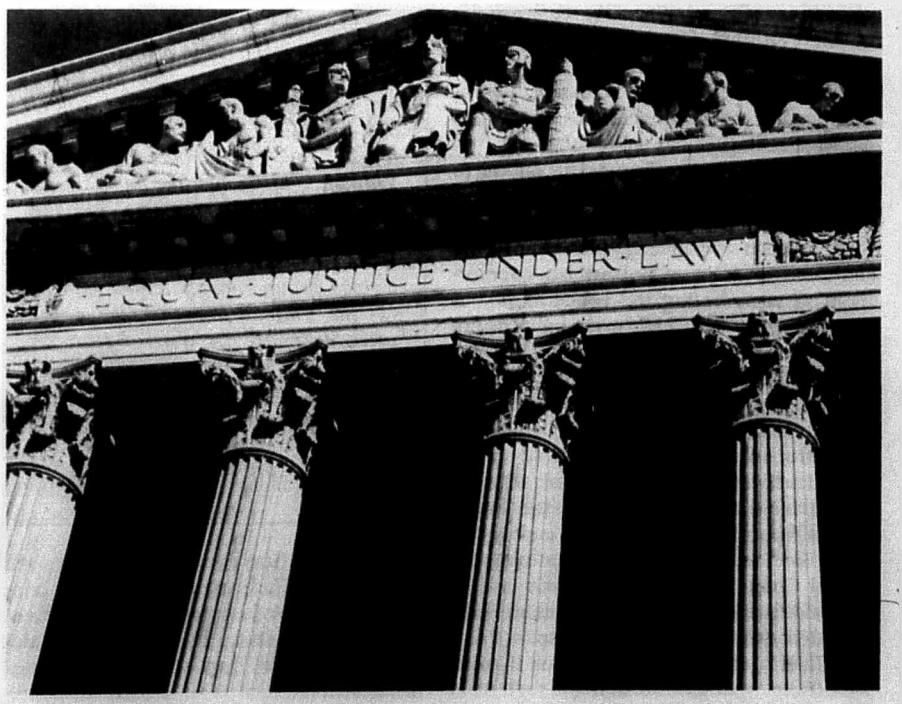
In another highly emotional area, the justices decided that the crime of rape does not merit imposing the death penalty. The court also held that mandatory death sentences on convicted murderers of policemen violate the Eighth Amendment's ban on cruel and unusual punishment.

In its 7–2 decision striking down capital punishment for convicted rapists, the court acknowledged that "short of homicide, (rape) is the 'ultimate violation of self.' " Nevertheless, the court said that "we have the abiding conviction that the death penalty, which is 'unique in its severity and revocability,' is an excessive penalty for the rapist who, as such, does not take human life."

The court also struck down a Louisiana law calling for mandatory death sentences for convicted murderers of policemen. Last year, the court invalidated more general mandatory death sentences in both Louisiana and North Carolina.

In its new ruling, the court conceded that while society has a special responsibility to protect law enforcement officials, circumstances such as the murderer's youth, absence of previous record of con-

(See MORAL RULINGS, p. 7)



The ideal of "Equal Justice Under Law" is at the heart of the American legal system. This issue of *Report from the Capital* attempts to summarize and analyze the recently concluded term of the U.S. Supreme Court.

Carter Names Vatican Envoy, Baptists Protest

By W. Barry Garrett

WASHINGTON—President Jimmy Carter has named David M. Walters as his personal representative to the Vatican, according to an announcement by the White House press room.

Walters, a Master Knight of the Order of Malta in the Knights of Columbus and a member of Serra International, is the first Roman Catholic named by an American president as an envoy to the Vatican. He succeeds Henry Cabot Lodge, who held a similar position under presidents Richard M. Nixon and Gerald R. Ford.

The White House announcement came following numerous "leaks" and news stories in a wide variety of secular and religious publications, which, until late afternoon on July 6, the Carter Administration refused either to confirm or to deny.

Reaction to President Carter's action came swiftly and sharply. James E. Wood, Jr., executive director of the Baptist Joint Committee on Public Affairs, reiterated the historic Baptist opposition to special recognition of a religious body by the government of the United States.

Wood blasted the appointment of Walters as an "ecclesiastical appointment." He pointed out that President Carter first cleared the appointment with the president of the National Conference of Catholic Bishops, Joseph Bernardin. "This itself reveals the ecclesiastical nature of the appointment and the concern of the President for ecclesiastical approval of the first Roman Catholic to serve as an envoy to the Vatican," he said.

"In a personal interview with Mr. Walters," Wood continued, "the new envoy indicated to me that he saw his appointment as representing the concerns of our government for 717 million Roman Catholics throughout the world." He then reported that Walters saw his role as primarily with the human rights of individual Catholics rather than the ecclesiastical structure itself.

Walters indicated to Wood that he would have no problem with the President's appointment of other envoys to other ecclesiastical bodies such as the World Council of Churches in Geneva or to Buddhist or Muslim communities if the President were to decide to do so.

"Clearly the appointment does involve an official recognition and entanglement of the Executive Branch of this government with a particular church," Wood declared. "It also officially underscores the special concern of this government, to the point of preferential treatment, for one religious body not accorded any other church or religious body anywhere in the world," he said.

Wood's statement was in the line with the historic position taken by the Baptist Joint Committee since its beginning in the 1930's. Both Joseph M. Dawson, the Committee's first executive director, and C. Emanuel Carlson, his successor, vigorously protested ambassadorial representation at the Vatican by the United States government. The Baptist Joint Committee in its official actions supported its executive directors in leading Baptists to protest these actions by presidents Roosevelt, Truman, Nixon, and Ford.

NOTE: Following is text of telegram from James E. Wood, Jr., executive director, Baptist Joint Committee on Public Affairs to President Jimmy Carter:

Your appointment of an envoy to the Vatican is a profound disappointment. The appointment, made in consultation with the American Catholic hierarchy, raises serious constitutional questions which have plagued American church-state relations for the past several decades. It also officially underscores the special concern of this government for one religious body, to the point of preferential treatment, not accorded any other church or religious body anywhere else in the world.

Separation of church and state is a cherished American principle. The Baptist Joint Committee has long maintained a consistent and vigorous opposition to the appointment of a U.S. envoy or ambassador to the Vatican. The Committee has done so for the following reasons: (1) the Vatican can communicate with the U.S. government in the way any religious group communicates with it; (2) the Vatican maintains an apostolic delegate in Washington on Massachusetts Avenue in the manner of an ambassador; and (3) since Rome is at once the capital of Italy and the location of the Vatican, the U.S. has an embassy in Rome already.

Wood explained: "The Committee has done so for the following reasons: (1) the Vatican can communicate with the U.S. Government in the way any religious group communicates with it; (2) the Vatican maintains an apostolic delegate in Washington on Massachusetts Avenue in the manner of an ambassador; and (3) since Rome is at once the capital of Italy and the location of the Vatican, the U.S. has an embassy in Rome already."

The appointment of Walters as "personal representative" of the President to the Vatican does not require confirmation by the Senate as does that of a full ambassador to a foreign country. Although such a position is unsalaried, there is considerable expense to the American taxpayers involved in the trips to Rome and in the staffing of the office.

Diplomatic representation by the United States to the Vatican has had a varied history. In 1848 the United States established full diplomatic relations with the Vatican, but in 1867 the Congress prohibited federal funds for the continuation of such a relationship.

In 1939 President Franklin D. Roosevelt named Myron C. Taylor as his personal representative to the Vatican, and in 1951 President Harry Truman nominated General Mark W. Clark as ambassador. While there was strong opposition to the Roosevelt action, fury broke out throughout the nation over the proposal by Truman, so much so that he was forced to withdraw the nomination.

Presidents Nixon and Ford, and now President Carter, sought to avoid the religious controversy by naming their ambassadors as "personal representatives" rather than seeking full ambassadorial status for them.

Walters has practiced law in Miami, Florida since 1950 with the firm Walters and Costango. His emphasis has been on international law. For ten years prior to that he was with the Department of Justice and from 1943 to 1946 he served in the U.S. Army in the Counterintelligence corps.

The new Vatican envoy has served as a fundraiser for both the Democratic party and Catholic church agencies. He was Southern regional chairman of the finance council for Mr. Carter's presidential campaign and he is a member of the Democratic Party's national finance council.

(See ENVOY, p.8)

Church-State

(continued from p. 4)

clearly ignores the substance of the court's decision and its rationale."

Gunn said that "the court continued its reasonably strict constructionist interpretation of the First Amendment, holding unconstitutional virtually all tax paid educational services, supplies, and equipment for sectarian private schools."

Others, including Southern Baptist Convention president Jimmy Allen and American Civil Liberties Union associate director, Allan Reitman, expressed the view that the decision represents a defeat for separationists.

Allen charged the court had "relaxed its tension toward a consistent application of the principle of separation of church and state." Reitman said he was "distressed by the decision" and held that "any form of aid to parochial schools is a violation of the Constitution."

SABBATARIAN RIGHTS

In the area of Sabbath observance, the high court inflicted an unquestioned defeat on advocates of freedom of religion.

In two separate cases, the justices held that companies are not obligated to meet the demands of employees who insist on having Saturdays off for purposes of religious observance.

The decisions adversely affect a sizeable segment of the American religious community, including Jews, Seventh Day Adventists, Seventh Day Baptists, and members of the World Wide Church of God.

Both cases involved members of the World Wide Church of God. One, an employee of the Parker Seal Company at its Berea, Ky., plant, actually was the object of two separate decisions by the high court.

Last November, the court ruled in an unusual 4–4 tie vote that Parker Seal Co., had not complied with federal law and requirements of the Equal Employment Opportunity Commission (EEOC) to make "reasonable accommodation" to Paul Cummins' religious need to have Saturdays off.

Six months later, however, the court ruled 7–2 that providing special accommodations to a Kansas City, Mo., employee of Trans World Airlines would create "undue hardship" on the company and ruled against a similar claim by Larry G. Hardison, the TWA worker.

Just days after the TWA decision, the court reversed its earlier position in the Parker Seal Co. case.

OTHER ACTIONS

In other church-state actions, the high court announced that it will hear arguments next term in a case involving a Tennessee Baptist minister's challenge to the state constitution's prohibition against clergy in the state legislature. The court will also hear a case brought by the Calvary Baptist Church of Washington, D.C., charging that a District of Columbia law which invalidates certain bequests to churches violates the First Amendment. Also to be heard is a challenge by a Roman Catholic academy in New York that the state owes money to the school for expenses incurred under provisions of a law later struck down by the Supreme Court.

The justices declined to review cases challenging a Fairfax County, Va., zoning ordinance prohibiting home church services; a Nashville, Tenn., restriction against construction of a church building in a subdivision; and a challenge by the Roman Catholic bishop of Gary, Ind., that a National Labor Relations Board (NLRB) effort to unionize lay teachers in parochial schools violates the First Amendment.

On a more positive note, the court upheld the First Amendment right of Jehovah's Witnesses in New Hampshire to refuse to display that state's motto, "live free or die," on their automobile license plates. (BP)

Moral Rulings

(continued from p. 5)

viction, and emotional disturbance make mandatory sentences unacceptable.

OBSCENITY

In what may be its most vexing area, the high court took numerous actions relating to obscenity.

The justices unanimously reversed the conviction of a Kentucky man convicted of transporting obscene materials across state lines on the basis of Supreme Court guidelines not in effect at the time of the conviction.

Since 1973, the high court has been working under a set of guidelines considerably stricter than those previously in effect. The court ruled in 1973 that local communities may set up their own standards of obscenity. The justices' failure to define "community," however, has resulted in a deluge of cases in federal courts around the country.

In another decision this term, the court ruled 5–4 that the states may enforce laws aimed at controlling magazines and films featuring sado-masochism. The action upheld Illinois' anti-obscenity statute.

The court also upheld the conviction of a California man convicted of selling two reels of obscene film despite his contention that the judge at his trial gave the jury improper instructions.

And, finally, the justices ruled in another 5–4 opinion that local juries, not state legislatures, are to determine what constitutes obscenity in federal cases.

DISCRIMINATION

The high court's term was also marked by numerous actions related to race, sex, and age discrimination.

In its most widely-publicized action, the court agreed to hear next term the case of a white student denied admission to medical school because of an "affirmative action" program designed to admit minority students. The case is seen by civil rights leaders as the most crucial legal test in recent years as to how serious the country is about righting past injustices against minorites, particularly blacks.

The court angered women's groups in a series of actions which many women see as setbacks in their struggle for equality.

In December, the court decided 6–3 that private employers are not obligated to provide pregnancy disability benefits to women who must drop out of the labor force to give birth. The ruling upheld such a policy at the General Electric Co. The court will hear a case next term to determine if sick leave benefits must be given women during time off for childbirth.

In another action seen as a major defeat by women's groups, the court said that an airline stewardess who was fired for getting married but later reinstated after passage of a federal anti-discrimination law is not entitled to full seniority for service before the new statute went into effect.

The court also ruled that some prison conditions are so bad that the states may deny women jobs as prison guards and upheld the right of the city of Philadelphia, Pa., to operate sex-segregated high schools.

In the area of age discrimination, the

(See MORAL RULINGS, p. 8)

Congressional Conference Committee Blocks Move for Vatican Ambassador

By W. Barry Garrett

WASHINGTON—An 1867 law prohibiting the use of public funds for an ambassador to the Vatican will remain in effect, according to an action by the Conference Committee from the Senate and the House of Representatives on the appropriations bill for the Department of State.

The Senate version of the bill contained a section that would have repealed the 1867 law. This repeal would have made it possible for the Congress to provide money for a full ambassador to the Pope.

The Conference Committee voted to delete the repeal of the 1867 provision, thus allowing the prohibition of the spending of public funds for a Vatican ambassador to stand. When a Conference Committee agrees on a reconciliation of differences between Senate and House versions of a bill, there can be no further amendment to the bill. Both houses of Congress then have the choice of voting yea or nay on the bill reported out of Conference Committee.

President Carter has named David M. Walters as his "personal representative" to the Pope. Walters succeeds Henry Cabot Lodge who filled the same position under Presidents Nixon and Ford.

If the proposed repeal of the 1867 law had passed Congress and had been signed by the President, the way would have been opened for the President to upgrade his "personal representative" to the Pope to full ambassadorial rank if he had chosen to do so. As it stands at present, the President is blocked from appointing a full ambassador to the Vatican because he is prohibited by law from spending public funds in that manner.

The defeat of the proposed repeal of the 1867 law came after the members of the Conference Committee received numerous communications from concerned citizens throughout the nation asking them to delete the controversial section from the appropriations bill for the State Department. (BPA)

Moral Rulings

(Continued from p. 7)

court held 7–2 that young men in the 18–20 age bracket may not be denied the right to purchase beer when young women of the same age are allowed to do so.

The court also agreed to hear a case next term challenging United Air Lines' policy of mandatory retirement at age 60.

In its corporal punishment decision, the court ruled 5–4 that local school officials and teachers are not forbidden by the Constitution to paddle pupils. The decision was met by considerable outrage, however, because the two students involved in the Miami, Fla., incident were severely beaten.

CONCLUSION

All in all, most civil libertarians see the just-concluded term of the Supreme Court as further evidence that the day when individual freedoms had the upper hand over the so-called rights of society has now ended—at least until the character of the court is changed by the addition of justices whose legal philosophy differs markedly from that of current Chief Justice Warren E. Burger and the present majority.

They point to what they see as heavy losses this past term in the areas of abortion, obscenity, discrimination, and criminal justice. And while they approve of the high court's rejection of the death penalty for rape and mandatory death sentences for murders of policemen, they know that the big battle over capital punishment was lost last year when the court ruled that executing first degree murderers does not of itself violate the Constitution.

On the other hand, Americans convinced that the Supreme Court under the leadership of the late Chief Justice Earl Warren went too far in protecting the rights of criminal defendants and individual freedoms, are praising the Burger court for placing more emphasis on what they see as the right of society to be protected from criminals and protestors of the social order. (BP)

Envoy

(Continued from p. 6)

A native of Cleveland, Ohio, Walters is a graduate of Baldwin-Wallace College, a United Methodist school in Berea, Ohio, the Cleveland School of Law, and he holds a doctorate in law from the University of Miami. (BPA)

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

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