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From the Desk of the Executive Director

Baptists and Public Affairs in 1977

By James E. Wood, Jr.

During 1977, as in past years, the work of the Baptist Joint Committee has not been restricted to defending and protecting the interests of the churches, but has focused on matters affecting the rights of persons at home and abroad and the advocacy of public policy which is equitable to all citizens and religious faiths. In its program of government relations, the Baptist Joint Committee is not by nature self-serving or motivated by the promotion of self-interest, but rather the defense of "the free exercise of religion," human rights, and social justice for all. Furthermore, we believe that responsible government should protect, and not inhibit, the prophetic role of religion in public affairs, and that this prophetic role is not only integral to the mission of the church but essential to the well-being of a just and humane government. Among a wide variety of public issues addressed, the following required special attention in 1977.



Wood

I. Taxation and the Churches

As this column has stressed earlier, a crisis is emerging today in the United States with regard to taxation and the churches. This crisis is precipitated by a growing tendency of the Internal Revenue Service to condition tax exemption of the churches upon the absence of their involvement in public affairs, which, in effect, erodes the right of the church to be the church in the life of the nation.

Even more ominous is the present attempt on the part of the Internal Revenue Service to determine, as promulgated January 4, 1977, the nature and degree of relatedness of an agency or auxiliary to the religious mission of the church. This regulation must be regarded as a serious encroachment of government on religion and an exercise of political authority totally unacceptable to the churches and synagogues of America. The churches' acceptance of this regulation would be tantamount to their acceptance of the authority of the state to define the role and mission of the churches.

In response to this mounting crisis, the Baptist Joint Committee convened a major national Religious Liberty Conference on "Taxation and Free Exercise of Religion," October 3-5, 1977. The Conference brought together church and denominational leaders along with government officials most directly responsible for the formulation and execution of tax policy. Throughout the year, we have sought to find administrative remedy or review of this regulation, and we shall continue to do so while recognizing that legislative or judicial remedies may finally be required.

II. Public Funds and Church Schools

For many years questions concerning public funds and church schools and the role of religion in the public schools have been critical issues in U.S. church-state relations. For

three decades no other church-state problems have provoked as much discussion and prompted as much litigation in the courts. This year marked also the thirtieth anniversary of the involvement of the Baptist Joint Committee in major litigation before the U.S. Supreme Court in this critical area of church-state relations.

The announcement September 26, 1977, by Senators Daniel Moynihan (D-N.Y.) and Bob Packwood (R-Ore.) of a plan to provide \$4.7 billion of federal funds by means of a massive piece of tax credit legislation (S. 2142) constitutes a serious threat to the American tradition of church and state and the Constitution of the United States. It is one to be deplored all the more in view of the repeated decisions of the U.S. Supreme Court during the last six years in opposition to tax aid to non-public schools.

III. Carter's Envoy to the Vatican

The announcement of the White House on July 6, 1977, of President Jimmy Carter's appointment of an envoy to the Vatican was a profound disappointment. The action provoked vigorous opposition from various responsible Baptist leaders, among others. From its beginning in 1939, the Baptist Joint Committee has repeatedly expressed its opposition to U.S. diplomatic relations with the Vatican. The Committee forthrightly reaffirmed its position on October 3, 1977.

Opposition to the President's envoy to the Vatican was communicated to the President. We believe that 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. 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.

IV. Human Rights and International Affairs

During 1977 the Baptist Joint Committee continued to work, as it has from its beginning, to promote the elevation of religious liberty and human rights in international affairs. In March 1977, the Committee unanimously expressed its support to President Jimmy Carter for his commitment to human rights in the formulation and implementation of U.S. foreign policy. Particular emphasis has been given this year to strengthening the agency's relations with the U.S. State Department and the United Nations for giving greater focus to religious liberty and human rights in international affairs. The agency was represented on the program of the First World Congress on Religious Liberty, held in Amsterdam in March 1977, and at the Montreux, Switzerland Colloquium in July 1977, convened by the churches of the thirty-five signatory states of the Helsinki Final Act for the implementation of human rights in the light of the important international agreement.

In the words of a well-known congressional report on human rights and international affairs, human rights and foreign policy are "both morally imperative and practically necessary." In this area, the church can claim to possess no special competence, no superior wisdom, and ready-made formula for the implementation of a program of human rights throughout the world, let alone in any particular nation state. Rather, the need is for the churches to help furnish direction for, not directives to, the social and political order and to identify with the cause of human rights in all its dimensions—social, economic, and political—for all persons and groups everywhere.

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MADALYN MURRAY O'HAIR, the Austin, Texas-based atheist, has filed suit in federal district court seeking removal of the motto "In God We Trust" from coins and currency. No date has yet been set for oral arguments in the case. In Washington, meanwhile, the Federal Communications Commission continues to be deluged with protests on RM 2493, a petition dealing with the granting of licenses to exclusively-religious radio and television stations and denied unanimously by the FCC on August 1, 1975. The barrage of mail objects to Madalyn Murray O'Hair's supposed effort to have all religious programs banned from the airwaves. The fact is, as Report from the Capital has repeatedly noted, O'Hair had nothing to do with the petition.

ON THE REAL church-state battleground, the Supreme Court heard oral arguments in McDaniel v. Paty, a Tennessee case in which a Baptist minister asked the court to strike down a provision in the Tennessee state constitution forbidding clergy from running for public office. The decision can be expected sometime between the first of the year and the end of the current term in June 1978.

PRIVATE SCHOOL educators heard Ernest Boyer, commissioner of education in HEW's Office of Education, pledge support to their objective of funding nonpublic schools with federal money. The comments came during a Washington conference jointly sponsored by the Council for American Private Education, the National Catholic Educational Association, and the U. S. Office of Education.

DETAILS on these and other church-state developments will be shared in the January issue of Report from the Capital.

AN INTERNATIONAL Development Conference (IDC) is scheduled in Washington for Feb. 7-9, 1978. Not often does Report from the Capital promote attendance at secular meetings, but this one merits the attention of a select group of persons concerned about poor people in the developing nations. The theme will be "Meeting Basic Human Needs: The U. S. Stake in a New Development Strategy." Senators Hubert H. Humphrey and Jacob Javits are honorary co-chairmen. James E. Wood, Jr. serves on the board of trustees of IDC.

THE IDC HAS SERVED since 1952 as a vital platform for American organizations and individuals concerned with raising living standards and fostering economic and social progress within the developing nations of the world. The Conference is a forum for the exchange of experience, information and ideas, and for the discussion of issues and problems. For information about the 25th Anniversary Conference, including program, costs, and reservations, write to: International Development Conference, Suite 550, 1120 - 19th Street, N. W., Washington, D. C. 20036.

Wood Defends Churches, Hits Unscrupulous Solicitations

By W. Barry Garrett

WASHINGTON—A Baptist executive here opposed a bill in Congress relating to solicitations for charitable contributions, but at the same time he approved the objective of the proposed legislation.

James E. Wood, Jr., executive director of the Baptist Joint Committee on Public Affairs, declared in a statement that the Committee opposes H.R. 41 because it is in violation of separation of church and state. Further, he said that the bill "would have a profoundly chilling effect on solicitation of funds by churches generally."

H.R. 41, pending in the House Post Office and Civil Service Committee, would require solicitors for charitable contributions through the mail or on radio or television to make financial disclosure of the use of the funds to anyone who requests such information. Its purpose is to correct abuses by a number of people who solicit funds by mail, radio or television.

Wood explained that "the Baptist Joint Committee has no objection to a law requiring any person or organization which solicits funds from the general public to account to the public for the use of those funds." The reason for church objection to H.R. 41, he continued, "is that the government is constitutionally prohibited from requiring churches and their agencies to disclose the financial records of contributions received."

Because of the constitutional defect of the bill and because of the chilling effect on solicitation of funds by churches, John W. Baker, director of research services for the Baptist Joint Committee on Public Affairs, testified against the bill at hearings earlier this year. He specifically requested that "churches, associations and conventions of churches should be excluded from the bill."

Baker continued his testimony, "If it is the opinion of the Subcommittee that the nature of the problem of charitable solicitations makes it impossible or impractical

to sever the religious from the non-religious charities, we would have to object strenuously to the passage of H.R. 41."

The Subcommittee did not choose to make this exception as proposed by the Baptist Joint Committee and other religious organizations and voted H.R. 41 out of Subcommittee by a 4-3 vote. It is still pending before the whole House Committee on the Post Office and Civil Service, where the change could yet be made.

Wood said in his statement, "The Baptist Joint Committee does not view H.R. 41 as either an attack on the religious community or as a manifestation of American anti-clericalism, as is charged in a nationally circulated attack on the proposed bill in Congress."

"H.R. 41 has as its objective the exposure of unscrupulous fund raisers (religious or secular) who spend most of the funds they raise for purposes other than those claimed when the funds were solicited," he observed. "This objective is valid for the protection of the public and it is supported by most of the major secular public charities such as the United Way," he said.

"The Baptist Joint Committee has not joined the National Religious Broadcasters in opposition to H.R. 41. We acted entirely on our own when we gave testimony on the bill. That testimony did not challenge the appropriateness of a law requiring financial disclosure by charitable organizations seeking contributions from the public," Wood explained.

Here is the full text of Wood's statement on H.R. 41:

"H.R. 41 is a bill pending in the House Post Office and Civil Service Committee. Basically, it would require solicitors for charitable contributions through the mail or on radio or television to make financial

disclosure of the use of the funds to anyone who requests such information.

"The Baptist Joint Committee does not view H.R. 41 as either an attack on the religious community or as a manifestation of American anti-clericalism, as is charged in a nationally circulated attack on the proposed bill in Congress. On the other hand, H.R. 41 has as its objective the exposure of unscrupulous fund raisers (religious and secular) who spend most of the funds they raise for purposes other than those claimed when the funds were solicited. This objective is valid for the protection of the public and it is supported by most of the major secular public charities such as the United Way.

"The Baptist Joint Committee has expressed opposition to H.R. 41 as originally drafted because of its belief that it would result in an unconstitutional entanglement of government and religion and that it would have a profoundly chilling effect on solicitation of funds by churches generally. Further, H.R. 41 would run into administrative difficulties when the government seeks to apply the law equally to the wide variety of church structures.

"The Baptist Joint Committee has no objection to the law requiring any person or organization which solicits funds from the general public to account to the public for the use of those funds. Our objection to H.R. 41 is that the government is constitutionally prohibited from requiring churches and their agencies to disclose the financial records of contributions received. H.R. 41 would subject churches to such governmental controls if they inadvertently or incidentally solicit funds from a portion of the general public. For this reason the Baptist Joint Committee has asked Congress to exempt churches, associations of churches and conventions of churches from the provisions of H.R. 41. This may or may not mean that all religious broadcasters should be exempted from the requirements of H.R. 41." (BPA)

ARTHUR BRISTOW RUTLEDGE: 1911-1977

Arthur B. Rutledge, for 12 years a member of the Baptist Joint Committee on Public Affairs and chairman 1974-1976, died of a heart attack November 23. He retired as executive director of the Southern Baptist Convention's Home Mission Board at the end of 1976. His wife preceded him in death October 3.

Everywhere, Dr. Rutledge was respected for his integrity and courage. He led the Home Mission Board during the troublous years of racial and social upheaval of the 1960's. He believed both in the evangelistic ministry and the Christian social ministry. While working on his doctoral degree, he majored on race relations. His convictions on social justice were carried over from his student days into his denominational life and he became a key figure in leading Southern Baptists to expand their concept of ministry.



Shortly before his retirement, Dr. Rutledge said of his work with his denomination: "It has been my desire and the desire of our staff people and of our directors to be open to new ideas, new ways of doing things. Once we venture out, we are willing to stick our necks out. There may have been some rough days and some flack and some criticism, but there has been a surprising acceptance of the positions we have advocated."

During his years with the Baptist Joint Committee, he served as a member of its executive committee and for some time as chairman of its finance committee. He was a firm believer in separation of church and state and religious liberty. He believed that only in conditions of freedom could human rights be fully respected and the gospel of Christ be advanced most effectively.

W. Barry Garrett

BOOK REVIEW

Robert T. Miller and Ronald B. Flowers, *Toward Benevolent Neutrality: Church, State, and the Supreme Court* (Waco, Texas: Markham Press Fund, 1977), xi, 601p.

Joseph Tussman, in his book *The Supreme Court on Church and State* (New York: Oxford University Press, 1962), compiled and edited the Supreme Court church-state cases from *Terrett v. Taylor*, 9 Cranch 43 (1815), through *Fowler v. Rhode Island*, 345 U.S. 67 (1953). The usefulness of this book for those interested in the subject was limited by the fact that Tussman chose to present the cases chronologically rather than topically. Additionally, the book is now seriously out of date.

Miller and Flowers, in their new book, have provided an up-to-date topical presentation of the Supreme Court's odyssey in its interpretation of the religion clauses of the First Amendment. In so doing they have provided a compact, highly useable resource for the interested general public and for serious students alike.

Each general topic is introduced by a concise, informative, and generally accurate essay which interrelates the edited texts of the relevant cases which follow. The general topics covered are: (1) Government Intervention in Church Controversies, (2) Free Exercise of Religion, (3) Conscientious Objection to War, (4) Other Controversies Concerning Religious Liberty (Sunday laws, sabbatarians and

the right to work, religious tests for office, and the Amish and public school education), and (5) The Establishment of Religion. The book concludes with an essay chapter on civil religion and appendices in which Jefferson's "A Bill for Establishing Religious Freedom" and Madison's "Memorial and Remonstrance" are reprinted.

The book is long and an argument can be made that the inclusion of lower courts' church-state cases would only exacerbate the problem of length. However, there have been important church-state decisions which the Supreme Court has declined to review. The book would be more helpful if it included the texts of such cases as *Anderson v. Laird*, 466 F.2d 283 (C.A.D.C. 1972) *cert. denied* 409 U.S. 1076 (1972) and *Christian Echoes National Ministry, Inc. v. United States*, 470 F.2d 849 (C.A. 10th Cir. 1973) *cert. denied* 414 U.S. 864 (1973).

Anderson dealt with compulsory religious services at the three federal military academies. The three judge panel produced three opinions—two holding that compulsory chapel violates the establishment clause and one dissenting. The arguments on both sides are incisive and instructive.

Christian Echoes is mentioned in the text on page 404, but the facts therein are incomplete. The case involved the removal of *Christian Echoes National Ministry, Inc.* from the status of a tax-

exempt §501(c)(3) organization under the Internal Revenue Code. It later became a tax-exempt §501(c)(4) organization. Contributions to a §501(c)(3) organization are tax deductible to the contributor but contributions to a §501(c)(4) organization are not deductible. §501(c)(3) of the Code prohibits "substantial" attempts to influence legislation and participation in or intervention in any political campaign on behalf of any candidate for public office. Organized religion generally supported *Christian Echoes National Ministry, Inc.* on the basis that the political restrictions in §501(c)(3) were an unconstitutional limitation on the mission of the churches. The case was important enough for Congress to break tradition and include in the Tax Reform Act of 1976 a specific statement that it was neither approving nor disapproving of either the decision or the reasoning in *Christian Echoes*. A strong argument can be made for including the text of this case in a book such as this.

An excellent bibliography is included but, as seems to be the case with most legal texts, the index is inadequate. There are a few other minor inaccuracies—as there are in most books—but these and the other shortcomings mentioned cannot detract substantially from the book's many strengths.

Professors Miller and Flowers have provided a valuable tool for the study of church-state relations. It is hoped that (See BOOK REVIEW, p. 6)

NCRPE Advances Plans for Religion Studies

By W. Barry Garrett

ST. LOUIS—Plans to expand the scope of the National Council on Religion and Public Education (NCRPE) were begun at the seventh annual meeting here, according to James E. Wood, Jr., newly elected vice president of the organization.

Wood, executive director of the Baptist Joint Committee on Public Affairs, who served as recording secretary of NCRPE until this year, was chairman of the program committee for the annual meeting. The theme was "The Symbiosis of Religion and Culture in American Society: Religion Studies in the Public Schools." J. Blaine Fister of the National Council of Churches continues as president.

Wood reported that NCRPE appointed a special committee to study the establishment of regional units throughout the nation to advance the inclusion of religion studies in the public school curriculum. Joseph Forcinelli of the Harvard University School of Education is the chairman.

NCRPE is composed of a board of directors of responsible educators and clergypersons and interested persons and organizations. The purpose of the Council is to provide a forum and means for cooperation among organizations and institutions concerned with those ways of studying religion which are educationally appropriate and constitutionally acceptable to a secular program of public education."

The expansion of NCRPE activities is designed to increase contacts with local, state and regional groups involved in religion studies on public education, Wood said. Increased participation by teachers and administrators in teaching about religion in public schools is one of the objectives of NCRPE, he continued.

One of the highlights of the annual meeting, Wood reported, was the keynote address by Fenwick W. English, associate director of the American Association of School Administrators (AASA). English warned NCRPE that its approach to public schools would probably not be warmly welcomed because of the built in problems involved in teaching religion. He further warned that little sustained headway would be made with public school officials "until the content and thematic issues are faced and resolved."

English then proposed that NCRPE seek a grant from a foundation to discover solutions to the problems of teaching about religion

in public schools. He pledged that if NCRPE would "take that step" he would offer his personal assistance as well as that of the National Center for the Improvement of Learning of the AASA.

Four major obstacles in the way of teaching about religion in public schools were lifted by English:

(1) The attempt to study about religion at the same time it is being celebrated is poor timing. Neither Christianity nor Judaism can be objectively examined during the Christmas or Hanukkah seasons, he said.

(2) There are continuing violations of religious practice in public schools. A study "about" religion cannot be effective until the violations are cleared up.

(3) The clergy and religious community cannot agree on what should be taught about religion.

(4) Public school professional staff members look upon religion as an intrusion into their professional prerogatives. Professionals are not willing to seek lay interference in the conduct of their jobs, English pointed out.

In spite of the problems, English said that he is an advocate of teaching about religion in public schools, because of its unique role in the life of individuals and of society. (BPA)

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they will follow the lead of most legal publications and keep the work up to date by the periodic publication of "pocket parts."

This is an excellent reference book for libraries and should serve well as a resource or textbook for religion and political science courses.

John W. Baker

Meet Our Intern: Susan E. Lundquist

Susan E. Lundquist, a junior at Bethel College, St. Paul, Minn., is completing a semester in Washington during which she served as an intern on the staff of the Baptist Joint Committee on Public Affairs.

A speech communications major at the Baptist General Conference school, Lundquist was one of 23 students from eleven colleges participating in this fall's American Studies Program of the Christian College Consortium. The program provides practical experience related to



the student's major interest in a Washington agency or organization, with the traditional classroom experience in the form of monthly seminars.

Of her own major interest, Lundquist says: "I am fascinated by what people say, how they say it, and what effect it has on others. . . . Learning to be an effective communicator is one of my goals."

During her months in the nation's capital, she has assisted in three of the BJCPA's four ongoing programs: research, information, and denominational services.

She is the daughter of Dr. and Mrs. Carl H. Lundquist of St. Paul, where Dr. Lundquist is president of Bethel College.

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South view of the White House, Washington, D.C.

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