

## Garrett Honored for 20 Years' Service to BJC

WASHINGTON—W. Barry Garrett, associate director in charge of information services for the Baptist Joint Committee on Public Affairs, was honored during the recent meeting of the Committee for completing 20 years of service in Washington.

Garrett, who came to the Baptist agency on Jan. 1, 1958 after serving for eleven years as editor of the *Baptist Beacon*, Southern Baptists' weekly newspaper in Arizona, has distinguished himself as one of the most astute observers within the religious community of the nation's capital.

As chief of the Washington bureau of Baptist Press, Garrett is a longstanding member of the White House press corps, the Congressional press galleries, and the National Press Club. He has written hundreds of news stories and analysis pieces for Baptist Press from Washington and many other datelines and is recognized in press circles as one of the most capable religious journalists on the Washington scene.

Before he came to the Baptist agency jointly sponsored by eight U.S. and one Canadian Baptist groups, the Washington office was staffed by only two persons—the executive director and a secretary. But under the leadership of the late C. Emanuel Carlson, executive director from 1954 to 1971, the staff grew to its present organizational structure. Garrett was the first professional staff member recruited by Carlson.

He has been editor of *Report from the Capital* twice, from 1958 to 1967 and from 1972 to 1975, and along with Carlson authored a Convention Press book, *Religious Liberty*, in 1964.

A native of Mangum, Okla., Garrett was graduated from Baylor University with a B.A. in 1936 and an M.A. in 1937 and from the Southern Baptist Theological Seminary with a Th.M. in 1940. He was honored by the latter institution two years ago as one of its alumni of the year. Oklahoma Baptist University conferred the D.D. degree upon Garrett in 1965, partly in recognition of his coverage of the Second Vatican Council in Rome.

Among his many denominational activities, Garrett served as president of the Southern Baptist Press Association; as a (See GARRETT, p. 4)

# Report from the Capital

March  
1978

## BJCPA Protests Israel's Conversion Law

By W. Barry Garrett

WASHINGTON—A Baptist agency here representing nine major baptist bodies in North America took steps to protest a new law in Israel which restricts Christian missionaries and makes conversion to Christianity more difficult in that nation.

James E. Wood, Jr., executive director of the Baptist Joint Committee on Public Affairs, pointed out to the Committee in semi-annual session the hardships that are facing Christian missionaries in Israel since the passage of the law by the Knesset (parliament) late last year.

The law makes it a criminal offense, punishable by up to five years in jail to give money or something worth money with the intention to tempt another person to change his religion. Persons accepting bribes in return for changing their religion also will be prosecuted. The law takes effect April 1, 1978.

The law is so broad as to be interpreted by some that even a gift of a Bible, rosary or religious medal could be considered as a material inducement to conversion.

The United Christian Council, composed of 20 groups, including the Israel Baptist Mission, believes the law offers opportunity to trap Christians and accuse them of bribery. Many responsible Jewish leaders in Israel join the Christian forces in opposition to the new law which makes conversion from one religion to another most difficult.

The Baptist Joint Committee appointed a special committee to work with its staff and with the foreign mission agencies of Baptists with missionaries in Israel to protest the new Israeli law. The committee is to attempt to meet with the Israeli ambassador in Washington to express disappointment and concern over this anti-conversion movement in Israel. It is also to consult with American Jewish leaders who maintain a close relationship with the national leadership of Israel.

Israel has enjoyed the support of evangelical Christians in America, but it was pointed out at the Baptist Joint Committee meeting that such support stands in danger if the new law continues in effect or if it is applied in a restrictive manner.

The special committee appointed by the Baptist Joint Committee is composed of Jimmy Allen, president of the Southern Baptist Convention, Melvin G. Cooper, a Baptist layman who is executive director of the State Ethics Commission of the State of Alabama, and William F. Keucher, pastor of the Covenant Baptist Church, Detroit, Michigan.

In other actions the Baptist Joint Committee:

- Voted to submit an amicus brief to the U.S. Supreme Court in support of the Roman Catholic hierarchy of Chicago in its battle with the National Labor Relations Board;
- Reaffirmed its position against legislation to include the churches in lobby disclosure requirements;
- Instructed its staff to oppose proposed legislation that provides tax support for church directed education; and
- Took steps to defend the religious (See BJCPA, p. 7)



Garrett

## Lobby Disclosure Legislation and the Churches

By James E. Wood, Jr.

Lobbying has been a part of the American experience from the beginning of the Republic. Efforts on the part of organized groups of citizens to influence legislation and public policy have been, in fact, a major feature of American political life. As one contemporary has expressed it, "The history of lobbying comes close to being the history of American legislation."

Lobby disclosure legislation is a major item presently being pushed in the 95th Congress. It is being given strong support by the Carter Administration. Of the several lobby disclosure bills proposed in this Congress, primary consideration is now being given by the House Judiciary Committee to H.R. 8494, sponsored by Peter Rodino (D-N.J.), and by the Senate Committee on Governmental Affairs to S.

1785, sponsored by Edward Kennedy (D-Mass.). Hearings on these bills have been concluded. Mark-up on the House bill was completed in February, while there is still no schedule for mark-up on the Senate bills (S. 1785 and S. 2026).

While the provisions of these bills are quite similar, there are some differences between them. The House bill would require the registration of any organization which (1) makes an expenditure in excess of \$2500 in any quarter for the employment of a person to make or prepare "lobbying communications," or (2) employs two or more individuals who, on all or part of each of seven days or more in any quarterly filing period, make "lobbying communications" on behalf of that organization. A "lobbying communication" is defined as any oral or written communication directed to a federal officer or employee to influence the content or disposition of any bill, resolution, treaty, nomination, or legislative hearing, report, or investigation in Congress. Detailed financial disclosures are required of each registered organization.

Senate bill S. 1785 differs from House bill H.R. 8494 in several ways. First, registration is required by any organization which employs even one person who spends a total of 24 hours or more (or two or more who spend 12 hours) in any quarter in "lobbying communications." Second, the registration must include a separate schedule listing the name and address of each organization or individual from which the organization received \$3,000 or more, if any part of the money was spent in "lobbying communications" and if these "communications" exceeded 1% of the organization's total budget. In both instances, carefully detailed records would be required in order to counter any allegations made by the federal government of non-compliance with either act.



Wood

In testimony submitted in recent weeks to the House Committee on the Judiciary and the Senate Committee on Governmental Affairs, the Baptist Joint Committee on Public Affairs expressed its specific and strong opposition to the inclusion of the churches in H.R. 8494 and S. 1785 on lobby disclosure. It did so out of its commitment to the prophetic role of religion in the life of the nation and the mission of the church to speak out on public affairs as being integral to the First Amendment's guarantee of "the free exercise of religion."

For almost forty years, the Baptist Joint Committee has affirmed a Baptist witness in public affairs as indispensable to a free church and a free society. Throughout, this witness in public affairs has been viewed as the exercise of religious liberty and as the mandate given the Baptist Joint Committee by its member bodies. This mandate, as found in the Constitution of the Joint Committee, officially endorsed by the sponsoring Baptist conventions, includes the following: "To act in the field of public affairs whenever the interests or rights of the cooperating Conventions which constitute the Committee call for conference or negotiations with the Government of the United States or with any other governments, or whenever Baptist principles are involved in, or are jeopardized through governmental action, or when any of the cooperating Conventions or any of their agencies may refer to the Joint Committee any matter of common interest or concern, for consideration and recommendation."

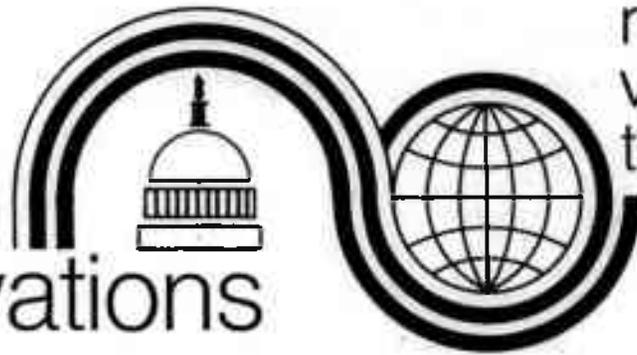
One requirement of religious liberty is that churches, associations, and conventions of churches must define for themselves the nature and scope of their religious mission. Concomitantly, religious liberty denies to the state the authority to define for the churches the nature and scope of their religious mission. In the United States, the First and Fourteenth Amendments make both the Congress and the states legally incompetent to do so.

Because some churches define their religious mission as including an obligation to speak out on and attempt to influence public affairs, we hold that to do so is a part of their constitutionally protected religious liberty. The state may not deny or limit that right. Neither may it require that a church give up its right to "the free exercise of religion" under the First Amendment to be eligible to gain a statutory privilege (e.g., tax exemption).

For Baptists, involvement of the church in public affairs is regarded as an inescapable responsibility of the church. The church is bound to participate in the arena of public affairs because this involvement is integral to the mission and ministry of the church; it is essential to the faith and teachings of the church and its divine mandate to be "the Body of Christ" in the world. All human rights, be they individual or corporate, economic or social, political or religious, are viewed as sacred because of the theological understanding of man as created in the image of God.

Baptists have long contended against entanglement between government and religion, a principle which has been repeatedly reaffirmed in recent years by the U.S. Supreme Court in its rulings that the statute and its administration must avoid "excessive entanglement" with religion [*Walz v. Tax Commission of the City of New York* (1970); *Lemon v. Kurtzman* (1971); *PEARL v. Nyquist* (1973); and *Meek v. Pittenger* (1975)]. The inclusion of the churches in lobby disclosure legislation clearly violates the "excessive entanglement" test of the First Amendment. Furthermore, H.R. 8494 and S. 1785 manifestly (See DISCLOSURE, p. 7)

# washington observations



LOBBY DISCLOSURE legislation has become a church-state issue of increasing concern to Washington observers in recent months. That concern is reflected in James E. Wood's column this month on the opposite page. Since the article was prepared, the House Committee on the Judiciary has favorably reported out the measure, H. R. 8494. Similar legislation (S. 1785) is currently being worked on by the Senate Governmental Affairs Committee but has yet to emerge for floor action.

IN TESTIMONY submitted to the House panel on behalf of the Baptist Joint Committee, Wood said, "We believe that the bill as now constructed seriously jeopardizes the guarantees of the First Amendment with regard to 'the free exercise of religion.'"

THE WASHINGTON POST in a lead editorial attacked the Packwood-Moynihan tuition tax credit plan as one that "threatens to do incalculable damage to this country's public schools." The Post charged that the program would be a "multibillion-dollar bonanza" for schools "serving every kind of ethnic and social separation--by race, by class, by national background."

THE POST EDITORIAL went on to describe Packwood-Moynihan as a "bum bill" which would "for the first time in the nation's history, swing enough tax money into the private schools to change fundamentally the balance between them and the public schools."

SEN. JAMES ABOUREZK (D-S.D.) charged that Administration proposals to amend his resolution on Indian religious freedom would "gut" the measure. During hearings of the Senate Select Committee on Indian Affairs, which Abourezk chairs, a Justice Department spokesman recommended that S.J. Res. 102 be amended so that no present state or federal laws would be affected. The South Dakota senator responded that if he were an Indian and such a law were passed he would bring suit against the Justice Department for failure to live up to its trust in protecting Indian rights.

PETER VINS, 21-year-old son of imprisoned Soviet Baptist leader Georgi Vins, has been arrested for the second time, according to Keston College in England. Vins was recently detained by Soviet officials for 30 days on charges of alleged "hooliganism" and "refusal to work," although he reportedly had a job at a bakery in Kiev at the time. His second arrest came February 16 outside his home. He was charged with "parasitism," the inelegant word used by Soviet officials to describe refusal to work.

## Battle Over Abortion Looms Across Nation

By W. Barry Garrett

WASHINGTON—The battle over abortion is joined throughout the nation by two major groups who describe their views as "right to life" and "freedom of choice." The issue over abortion has been described by observers in Washington as being one of the most emotional and volatile that has ever descended on the heads of members of Congress.

The "right to life" people, headed primarily by the Roman Catholic hierarchy but by no means confined to the Roman Catholic Church, have organized for a national push for a constitutional amendment to prohibit abortions.

The "freedom of choice" people, spearheaded by the National Abortion Rights Action League (NARAL) and supplemented by the Religious Coalition for Abortion Rights (RCAR), support the U.S. Supreme Court ruling that the right to abortion is a constitutionally guaranteed right and that the decision about abortion should be between a woman and her physician.

The abortion battle has taken on two major thrusts as far as legislation and governmental action are concerned. The first attempt was to push through a constitutional amendment prohibiting abortion, thus overthrowing the Supreme Court decision. Failing in that attempt in Congress, the "right to life" advocates are feverishly working on both the state and federal levels to defeat programs of governmental aid to pay for abortions.

Since the proposed constitutional amendment on abortion was defeated in the Senate Judiciary Committee, the "right to life" people are now campaigning among state legislatures to call for a constitutional convention to achieve the same end. The "freedom of choice" people are equally opposed to laws restricting abortion and to the proposed constitutional convention.

Two recent events in the nation's capital point up the intensity of the abortion battle. In January the March for Life attracted participation by variously estimated 28,000 to 70,000 persons to demonstrate and lobby for anti-abortion governmental activity. In February the National Abortion Rights Action League held

its 9th annual meeting to extend its organization and to press its views into all the states as well as Congress.

According to the report on the March for Life in the *Catholic Standard* of Washington, the movement took on an overwhelming Roman Catholic religious tone. The day was begun by a rosary on the Ellipse and religious signs permeated the parade to the White House.

The March for Life focused on two targets—President Carter and the Congress. Nellie Gray, president of the March, charged President Carter with working against "pro-life" issues, in spite of his anti-abortion stand during the presidential campaign. While in town the March for Life crowd saturated Congress with lobbying activities aimed at anti-abortion legislation.

The four-day meeting of NARAL focused on lobbying techniques and on plans to extend its activities into the states. It brought its membership up to date on abortion litigation and legislation and lobbied heavily in the halls of Congress.

A major event of the NARAL meeting was a breakfast honoring Sen. Edward Brooke (R-Mass.) who has been a leading fighter in Congress against legislation that would restrict federal funding for abortions for needy people. The focal point in Congress is the so-called Hyde Amendment, which has been proposed as a rider on much legislation in recent years. Introduced by Rep. Henry J. Hyde (R-Ill.), the amendment would prohibit the use of federal funds for abortions.

Since 1978 is an election year, both the anti-abortion forces and the "right of choice" people are making abortion an election issue in all of the states. Both groups are seeking the nomination and election of public officials who will support their viewpoint on abortion. Due to the religious and emotional nature of the abortion issue and in the light of the dedication of both sides, it could well be that in this and future elections abortion could be a determining factor in the formulation of public policy in many areas, depending on which candidates win the elections.

Although the Roman Catholic hierarchy is trying to establish its views on abortion as a "right to life" issue for the unborn fetus, the "right of choice" forces are increasingly insisting that abortion is a religious issue. The NARAL and the Religious Coalition for Abortion Rights claim that the Catholics are trying to impose by legislation their moral and religious views on the entire population. They say that such a movement ignores a large segment of the American population who are just as religiously concerned for quality of life and who believe that abortion should be an individual choice not to be decided by force of law or by those who hold differing religious views.

One thing is certain—the abortion issue is not near the point of settlement either in government or in religious circles. It appears that both religious bodies and government entities are in for a long and bitter struggle over the question of prohibiting abortions or allowing individuals freedom to choose a way of life based on their own religious persuasion and their concern for good health and constructive social conditions. (BPA)

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### Garrett

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trustee of Midwestern Baptist Theological Seminary; as chairman of the Christian Life and Public Affairs Committee of the Baptist Convention of Maryland; as founder of the Arizona Christian Life Commission; as a member of the SBC Christian Life Commission; and as a member of the committees on resolutions and boards of the SBC. During 1956 he served as interim executive secretary of the Arizona Southern Baptist Convention. He has been a pastor of Baptist churches in Texas, Indiana, North Carolina, South Carolina, Oklahoma, and Arizona.

He is married to the former LaVerne Johnson, who is herself a veteran of 20 years as a first grade school teacher in suburban Montgomery County, Maryland, where the Garretts live.

## House Unit Joins Battle On Tuition Tax Credits

By Carol B. Franklin

WASHINGTON—The scene of the battle over tax credits for tuition shifted from the U.S. Senate to the House of Representatives. In five days of hearings the House Ways and Means Committee heard over 90 witnesses.

Educators, parents, students, religious groups, members of Congress and administration figures all had their say on the controversial matter of how the increasing costs of education are to be met.

The committee, chaired by Rep. Al Ullman (D-Ore.), has under consideration several bills which would grant a tax credit for educational expenses. The major proposal, the Burke-Frenzel bill (H.R. 9332), is identical to the Packwood-Moynihan bill (S. 2142) in the Senate. That measure would provide a tax credit of one-half of the tuition paid to parochial and other private schools up to a maximum of \$500 per student. It includes elementary, secondary and higher education.

The majority of the witnesses at the hearings favored tax credits as a simple means of relieving the pressure on middle class parents who choose to send their children to private schools.

Eleven Catholic groups, including parents as well as teachers, testified in favor of such relief. Eleven other private groups testified in favor of tax credits.

The Carter Administration opposes tax credits for tuition. Joseph A. Califano, Jr., secretary of the Department of Health, Education, and Welfare, in an effort to head off the Moynihan-Packwood plan again explained the Administration proposal to expand existing grant and loan programs to include more families in the middle income range. This plan was unveiled at a White House press conference following hearings in the Senate on the tuition tax credit plan.

Student groups, universities and educational organizations split on the matter. Representatives of students on some campuses strongly urged passage of a tax credit measure while the National Student Lobby and National Student Association opposed such action.

The National Education Association, which did not testify in the Senate hearings, scored the proposals as "unsound" (See HOUSE, p. 7)

## Califano Defends Carter on Parochial Aid

By W. Barry Garrett

WASHINGTON—Joseph A. Califano, Jr. defended President Jimmy Carter against charges that he lied to the Catholics during the 1976 campaign when he said that he, if elected, would work for federal funds for parochial schools.

The secretary of U.S. Department of Health, Education, and Welfare, who is a Roman Catholic, said that candidate Carter carefully chose his words relating to education aids to parochial schools. He said that Carter's pledge was limited by the restrictions placed on him by the U.S. Constitution.

The Carter campaign pledge relating to constitutional aid to parochial schools has been widely cited by Catholics as an endorsement of tax credits for those paying tuition in such schools. Sen. Daniel Patrick Moynihan (D-N.Y.), himself a Roman Catholic, went so far as to say that the President lied to the American people when he came out against tax credit proposals.

The Califano defense of the President came during hearings on the Administration's alternative proposal for aid to middle class Americans with children in college. Specifically attacking tax credit aid to education, the Carter plan proposes a \$1.4 billion package of grants, work study and loans in fiscal 1979 to increase existing student aid programs. The Moynihan-Packwood proposal for tax credits is estimated to cost the government a minimum of \$4.7 billion.

The views of the Carter Administration on aid to parochial schools were explained at a joint hearing before the Senate Committee on Human Resources, chaired by Sen. Harrison A. Williams (D-N.J.), and the House Committee on Education and Labor, chaired by Rep. Carl D. Perkins (D-Ky.).

The hearing contrasted with one held by Moynihan and Sen. Bob Packwood, (R-Ore.), in January. The earlier hearing was virtually boycotted by other members of the Senate and treated mildly in the media.

On the other hand, the Administration's proposal and attack on the Moynihan-Packwood plan was launched by a press conference in the White House with the President himself present. This was followed by the joint hearing by committees from both houses of Congress, with bipartisan support the next day. It was heav-

ily covered by the media. The joint committee hearing was a love feast compared to the acrimonious spirit of the Moynihan-Packwood hearing.

Hearings on the Administration's proposal will be continued both in the Senate and House in a whirlwind effort to enact it into law before overwhelming support can be mustered for the Moynihan-Packwood tax credit proposal. The Administration, however, has heavy odds to overcome because six times before the Senate has passed some form of tax credit legislation, and strong support exists in the House for a Moynihan-Packwood type of bill.

The Administration's proposal is designed to aid higher education only, while the Moynihan-Packwood bill also includes elementary and secondary schools in an attempt at a breakthrough to aid parochial schools.

Califano explained that his children attend private Catholic schools, but that he did not feel that the government should pay him for their education. He said there are serious questions about the constitutionality of the proposed tax credit plans to aid parochial schools.

The HEW secretary further explained that he had asked the attorney general for an opinion on the constitutionality of tax credits and that he had instructed lawyers in HEW to work on constitutional ways of aiding parochial schools. He said that at the present time the way to aid parochial schools is to expand the services authorized by laws already enacted by Congress. One of these ways is to use more effectively the "by-pass" amendments, which authorize the federal government to provide services directly to schools which state constitutions prohibit from receiving state aid, he said.

Although not calling the Moynihan-Packwood plan by name, Califano severely attacked it by saying, "tuition tax credits, to put it bluntly, make neither educational nor fiscal sense."

He then hit tuition tax credits with five charges: They "indiscriminately" aid the very rich who do not need relief from educational costs; can be "inordinately expensive;" "will unnecessarily fragment education policy among different congressional committees;" do not meet the needs of some families who prefer loans to grants and who need help over a longer

(See CALIFANO, p. 6)

## Supreme Court Acts in Catholic, Baptist Cases

By Stan L. Haste

WASHINGTON—As the U.S. Supreme Court returned to the bench for the second half of its current term, the justices acted on a number of church-state cases, including two of importance to the Roman Catholic Church.

The high court agreed to decide whether the National Labor Relations Board can force Roman Catholic dioceses to allow lay teachers in their parochial schools to unionize. The issue has been tackled in a number of federal district courts in recent years, but this is the first time such a case has been accepted by the Supreme Court.

Specifically, the court will rule whether the government can force the Roman Catholic hierarchy of Chicago to permit unionization of parochial school teachers whose subject matter is "secular" rather than specifically "religious." The Seventh Court of Appeals has already ruled that the federal agency cannot force unionization without violating separation of church and state.

In another church-state case involving the Catholic hierarchy, the justices declined to review a case challenging Massachusetts' highest court's decision to permit state aid for the construction of low and moderate-income housing by a church agency.

The Massachusetts Supreme Judicial Court ruled last September that an urban planning group that is part of the Archdiocese of Boston may receive state funds without violating the First Amendment because building the housing has a secular purpose, a primary effect other than the advancement of religion, and involves no tendency to entangle the state excessively in church affairs.

The high court also refused to hear a challenge from a Baptist school in Hialeah, Fla. that a lower court violated its free exercise of religion right by declaring that the school may not exclude black students.

The school, operated by the New Testament Baptist Church in Hialeah, has an admissions policy which denies enrollment to blacks because of its interpretation of Scripture that blacks constitute an inferior race.

In its written argument submitted to the justices, the school maintained that lower

courts erred in holding that the beliefs underlying the school's racial policy were not sufficiently "religious" to qualify for First Amendment protection and that the school's right to have such a policy was outweighed by the constitutional right of black children to equal educational opportunity. (BPA)

## Court Declines Review of Homosexual Dispute

By Stan L. Haste

WASHINGTON—Overruling three dissenting justices, the Supreme Court refused to decide if a state university may deny official recognition to a homosexual student group.

The high court action leaves standing a lower federal court ruling that Gay Lib, an organization of homosexuals at the University of Missouri, may not be denied such recognition, which carries with it access to university facilities for its activities.

Justice William H. Rehnquist, who along with Justice Harry A. Blackmun and Chief Justice Warren E. Burger objected, accused the court majority of retreating to a "judicial storm cellar" to escape the volatile issue.

Rehnquist went on to scold the Eighth Circuit Court of Appeals for overturning a decision favoring the university's position by a federal district court in Missouri.

The district court held that the university had not denied the gay students' free speech and association rights by denying them status as a campus organization. The Court of Appeals voted 2-1, however, to overrule the district court and force the university to recognize the group.

Rehnquist argued that because of the "divergence of judicial views which may be expected from conscientious judges on difficult constitutional questions such as this," he would have granted a full hearing.

Rehnquist, generally regarded as the high court's most conservative member, left little doubt that had he been given the opportunity to rule on the case, he would have sided with the position of the university.

Citing the views of the university that recognition of the homosexual group would inevitably lead to violation of the state's anti-sodomy law, Rehnquist said that "this danger may be particularly

acute in the university setting where many students are still coping with the sexual problems which accompany late adolescence and early adulthood."

Rehnquist also called attention to a statement of purpose of the homosexual group which included bringing pressure for the repeal of the sodomy statute. "From the point of view of the University," he went on, "the question is . . . akin to whether those suffering from measles have a constitutional right, in violation of quarantine regulations, to associate together and with others who do not presently have measles, in order to urge repeal of a state law providing that measles sufferers be quarantined."

In spite of Rehnquist's analogy, the majority of the high court disagreed, leaving in force the decision favorable to the homosexual group. (BPA)

## Califano

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time rather than short-term aid; "are a blunt instrument" that make it difficult to maintain a flexible educational policy adaptable to changing circumstances.

The HEW secretary made it plain that "if Congress decides to add a tuition tax credit to the Administration's proposed tax package, then the President will oppose substantial increases in appropriations for federal student assistance programs."

Many private school groups and the Roman Catholic education interests support the Moynihan-Packwood type of tuition tax credit aid to both elementary-secondary and higher education. The nation's public school educational organizations and religious liberty organizations, including the Baptist Joint Committee on Public Affairs and Americans United, oppose the proposal. (BPA)

## Report from the Capital

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liberty of sabbatarians and other religious persons who encounter employment problems because of their religion.

The U.S. Supreme Court has agreed to hear the case, *NLRB v. Catholic Bishop of Chicago*, to decide whether the National Labor Relations Board can force Roman Catholic dioceses to allow lay teachers in their parochial schools to unionize. The Baptist Joint Committee views such authority by the NLRB as an "excessive entanglement" between government and religion and as a violation of separation of church and state. The amicus brief before the Supreme Court will defend the Chicago Catholic hierarchy in its controversy with the NLRB.

Congress has under consideration a proposed lobby law (H.R. 8494, S. 1785 and S. 2026) which requires all groups seeking to influence legislation to register as lobbyists and to disclose financial and other information about their operations. The law would include churches and their agencies as well as secular pressure groups.

Most church groups, including the Baptist Joint Committee, argue that forcing churches and their agencies to register as lobbyists and to open their operations to governmental inspection is a violation of separation of church and state and a denial of their religious freedom. Religion occupies a special status in the U.S. Constitution, they claim, and is not subject to governmental regulation as are other institutions of society.

The Packwood-Moynihan-Roth tuition tax credit proposal now before the U.S. Senate is designed to provide federal tax aid to private and parochial school education. The Baptist Joint Committee has had a long-standing position of opposition to tax support of church education programs. At its recent meeting the Committee reaffirmed this position and instructed its staff to work in opposition to any proposed legislation that violates it.

The Equal Employment Opportunity Commission has announced a series of hearings "to gather information concerning the religious needs of employees as they relate to scheduling of work." Title VII of the Civil Rights Act of 1964 prohibits discrimination against employees because of religion. However, many persons whose day of worship is Saturday (or another day) rather than Sunday often face employment problems when they are unable to work on regular schedules because of conscience.

The Baptist Joint Committee will provide information for EEOC pointing out the religious liberty issues in such problems faced by sabbatarians and others when their employment conflicts with their day of worship. The Seventh Day Baptist General Conference is one of the bodies sponsoring the Baptist Joint Committee. Its members often face employment discrimination because of their religious convictions on the day of worship.

The purpose of the EEOC hearings will be to gather information that will be helpful in formulating a regulation to implement Title VII of the Civil Rights Act. (BPA)

## House

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administratively, unsound fiscally, unsound as a matter of public policy, and unsound constitutionally."

Three senators and 14 representatives testified on tax credits with only one, Rep. Charles W. Whalen, Jr. (R-Ohio), opposing the concept. The Burke-Frenzel bill has 66 co-sponsors in the House.

Religious liberty groups such as the Baptist Joint Committee on Public Affairs, Americans United for Separation of Church and State and the National Coalition for Public Education and Religious Liberty again opposed tax credits. They were joined in their opposition by citizens groups, such as Save Our Public Schools, which see tax credits as a threat to the survival of the public education system of the nation.

Members of the Ways and Means Committee also split in their support of tax credits for tuition. Rep. Bill Frenzel (R-Minn.) and Rep. James A. Burke (D-Mass.) are chief sponsors of the legislation in the House. Rep. William M. Ketchum (R-Cal.) and Rep. Edgar L. Jenkins (D-Ga.) both stated their opposition during the hearings.

Some Washington observers expect delaying action in the Ways and Means Committee in order to allow the House Education and Labor Committee time to push the Administration plan through for action on the floor. (BPA)

## Disclosure

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put a substantial burden on the churches in their accountability to government for maintaining or exercising an advocacy role in public affairs and in the formulation of public policy. Thereby, it is also our contention that this legislation, so far as it applies to the churches, abridges "the free exercise of religion." Such legislation places an unconstitutional limitation on the religious mission of the churches and imposes time-consuming and costly fiscal constraints on the right of the churches to be involved in public affairs. In so doing, another

test enunciated by the U.S. Supreme Court on the constitutionality of such legislation is violated: namely, that a statute must have a "primary effect" that neither advances nor inhibits religion.

For these and other reasons we do not accept the legitimacy of the inclusion of the churches in H.R. 8494 or S.1785. Rather, the involvement of the churches in public affairs is, we maintain, constitutionally guaranteed by the First Amendment. Therefore, in order that these First Amendment rights not be compromised or eroded, we have urged that language be incorporated in H.R. 8494 and S.1785 so as to specifically exclude the churches.

## Wood Mounts Attack on Tuition Tax Credits

By W. Barry Garrett

WASHINGTON—A Baptist leader here is calling on citizens of all faiths to mount a massive protest campaign to members of Congress against what he said is one of the most destructive tax proposals in the nation's history, namely, the income tax credit plan for tuition paid to private elementary and secondary schools as well as to colleges.

James E. Wood, Jr., executive director of the Baptist Joint Committee on Public Affairs, charged that "the bill is a threat to the basic guarantees of the First Amendment" and that "its consequences on the future course of American public policy are incalculable."

"Now is the time to express opposition to this plan of federal aid to parochial and other nonpublic schools," Wood said. He urged an immediate flood of communications to every member of the House of Representatives and of the Senate.

Wood is not alone in his opposition to the tuition tax credit plan. He is joined by the Carter Administration, the Washington Post, the National Education Association, Americans United and other forces dedicated to a strong public school education policy and to the preservation of religious liberty and separation of church and state.

The Senate Committee on Finance, of which Sen. Russell B. Long (D-La.) is chairman, voted 14-1 to attach a tuition tax credit provision as a substitute for the provisions of H.R. 3946, a bill dealing with the rate of duty on certain coarse improved and unimproved wool.

Under the Committee provision, refundable education tax credits would be allowed as follows:

—Effective August 1, 1978, tuition payments for full-time vocational and college undergraduate students would be eligible for a tax credit. The amount of the credit would be 50 per cent of the tuition payment up to \$500 (a maximum of \$250 per student).

—Effective August 1, 1980, the tax credit would also apply to tuition payments for elementary and secondary students (parochial and other private schools). In addition, the amount of the credit would be increased to 50 per cent of the tuition and fees up to \$1,000 (a maximum credit of \$500 per student).

—Effective August 1, 1981, the tax credit would be extended to tuition paid for graduate and part-time students.

Recognizing that the proposal might run into constitutional problems on the grounds of separation of church and state, the Committee amendment also provided for expedited court review of the constitutionality of the education tax credit.

Known as the Roth-Moynihan-Packwood bill for tuition tax credit, the proposal is advanced on the grounds that it will give income tax relief to middle-income taxpayers and will provide substantial aid to parochial and other private nonpublic schools. Similar proposals have passed the Senate on six other previous occasions, but the House of Representatives has consistently turned down the idea of income tax aid to education.

The Baptist Joint Committee on Public Affairs has opposed tax aid to the religious education programs of the churches on the ground that such aid is a violation of separation of church and state and that it is a coercion of the taxpayer for religious participation. The Committee has testified at congressional hearings this year and in previous years against income tax credits for tuition as a form of government payment for religious education.

Wood points out that "the amount allowed for a tax credit would actually become a reimbursement from the federal government for one-half the tuition" up to \$500 per student.

Although the Carter Administration is pledged to constitutional aids to private and parochial schools, it is adamantly opposed to the current Roth-Moynihan-Packwood tax credit plan.

Joseph A. Califano, Jr., secretary of Health, Education, and Welfare, in a statement issued on the action of the Senate Finance Committee said, "The proposal stands the American tradition of public education on its head."

Describing the tuition tax credit under consideration by Congress as "a devastating blow to public school education in this country," Califano said the plan would provide "about four times as much money per private school student as it provides per public school student."

The new tax credit formula would provide parochial school students with \$500, plus \$55 to \$75 per student now received under existing federal programs, plus the tax deduction of contributions to churches for use in parochial schools, Califano said. "This compares with only \$128 per pupil for public school students." (BPA)

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HISTORICAL COMMISSION  
127 9th Ave., N.E.  
WASHINGTON, D.C. 20002

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Editor: James E. Wood, Jr.  
Managing Editor: Stan L. Hestey  
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