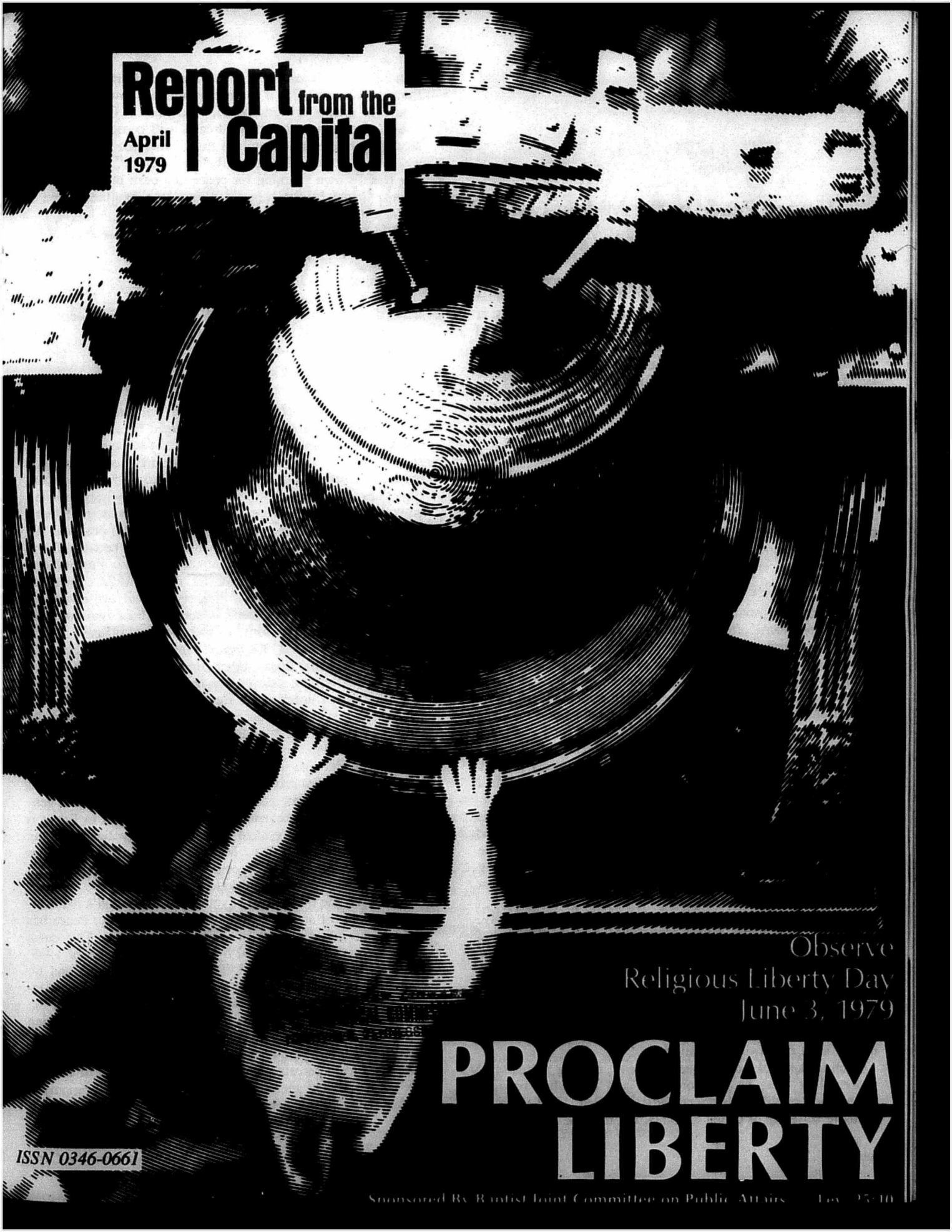

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From the Desk of the Executive Director

Toward Peace in the Middle East

By James E. Wood Jr.

By almost any standard, the signing of the peace treaty between Egypt and Israel on March 26, 1979 at the White House must be viewed as an extraordinary event. In minimal terms, it marked the termination of a state of war between Egypt and Israel after more than thirty years of bitter hostility and repeated open conflict. For Israel, it meant official recognition for the first time from an Arab neighbor in the Middle East, and in this case recognition from the largest and most powerful Arab nation which has long been regarded as the cultural and intellectual leader of the Arab world. For Egypt, it meant a singularly courageous step in the face of Arab and PLO threats and denunciations throughout the Middle East in order that the nation would turn its primary attention to its real enemies—poverty, hunger, disease, ignorance, and a stagnant economy.

Wood

I

The forty-five minute ceremony on the north lawn of the White House came after sixteen months of intense periods of rising expectations followed by stymied negotiations that tottered on the brink of failure. A key role was played throughout all of the negotiations by the United States, without whose participation and full partnership a negotiated settlement could not have been reached and the treaty itself would not have been possible. More specifically, much of the credit for the signing of the peace treaty rightfully belongs to President Jimmy Carter whose initiative and intimate involvement in the treaty process in recent months made a substantial difference in the final adoption of a treaty between Egypt and Israel.

Understandably, the promise of peace in the Middle East was the dominant theme of the White House ceremony. The mood of the occasion was both joyful and sober, as was befitting the event itself. It brought to the mind of one observer the opening words of Charles Dickens' *Tale of Two Cities*, "It was the best of times, it was the worst of times."

In their prepared statements at the signing of the treaty, President Anwar Sadat, Prime Minister Menachem Begin, and President Jimmy Carter reaffirmed their commitment to a lasting peace in the Middle East. All three of the leaders did so on a high note in which they echoed the religious foundations of peace. Each leader cited the words of Isaiah 2:4, "And they shall beat their swords into plowshares, and their spears into pruning hooks; nation shall not lift sword against nation, neither shall they learn war any more."

Each leader spoke of the need for peace and the rightness of peace. "Let there be no more wars and bloodshed between Arabs and Israelis," President Sadat implored. "Let there be no more suffering or denial of rights. Let there be no more loss of faith." In addition to the Bible, President Carter also quoted from the Koran: "But if the enemy inclines toward peace, do thou also incline towards peace. And trust in God . . . . We pray God together, that these dreams will come true." President Carter solemnly promised that "we three and all others who may join us will vigorously wage peace." Having noted that Israel's own yearning for peace had been born out of suffering, Prime Minister Begin recited the exultant hymn of Psalm 126, concluding with these words:

The Lord hath done great things for us;
whereof we are glad.
Turn again our captivity, O Lord,
as the stream in the South.
They that sow in tears shall reap in joy.
He that goeth forth and weepeth, bearing precious seed,
shall doubtless come again with rejoicing,
Bringing his sheaves with him.

II

The peace treaty between Egypt and Israel was not only morally imperative, as publicly acknowledged by its leaders, but also practically necessary. In the case of two sovereign states such as Egypt and Israel, the treaty had to be seen as being in the national interests of both nations, i.e., to the benefit of both Egyptians and Israelis. No treaty would have been possible without this basic premise. Due recognition was doubtlessly given to the alternative, namely that war is not a practical resolution to international discord. Armed conflict between Egypt and Israel had repeatedly demonstrated this. Fortunately, President Sadat and Prime Minister Begin, while contending for the political and territorial integrity of their two countries, saw to it that a peace settlement between their two countries was given the highest priority of their political offices.

In the case of Egypt, the peace treaty came in the face of a mounting economic crisis. Egypt's economic ills stem from a number of disturbing indexes, the most fundamental one being that for the past dozen years Egypt's economy has not grown but has been stagnant. This in turn has led to accelerated unemployment, deficit spending, and inflation. Since 1964, population growth has been almost double the growth of agricultural production. The growth of industry during this period has been approximately equal to population growth and thus insufficient to raise the economic level of the people. It is generally agreed that not even the development of oil in Egypt is likely to alleviate the critical status of the Egyptian economy for the foreseeable future. Meanwhile, the treaty provides Egypt the opportunity to concentrate far more of its attention and resources on economic development.

For Israel, the peace treaty symbolizes the nation's inalienable right to exist and its right to peace and security. Peace has become the major passion of virtually all Israelis. This quest for peace has been intensified by the five major wars of 1948, 1956, 1957, 1967, and 1973 (the Yom Kippur War) and the continued terrorist attacks on Israel for more than three decades. During these years the biblical admonition, "Pray for the peace of Jerusalem"—the peace of Israel—has been a growing concern of Jews and Christians alike. Like Egypt, Israel's economic problems demand peace. With an annual inflation rate of more than forty percent annually, forty-five percent of Israel's GNP is now being spent on defense. The nation's economy is further seriously threatened because of an unfavorable balance

(See PEACE, p. 11)

washington observations

news views trends

SO-CALLED 'VOLUNTARY' PRAYER won and lost in a series of roll call votes in the U. S. Senate April 5 and 9. On April 5, Sen. Jesse Helms, R-N.C., who has long sought a means of circumventing the Supreme Court's historic 1962 and 1963 rulings forbidding government-sponsored religious exercises in public schools, succeeded in attaching an amendment removing from the jurisdiction of federal courts any state laws permitting "voluntary" prayer to a bill creating a new Department of Education.

SENATE MAJORITY LEADER Robert C. Byrd, surprised by the 47-37 vote, moved immediately by scheduling a vote to reconsider the Helms amendment on Monday, April 9. On that date, Byrd proceeded to introduce the Helms language himself as an amendment to another bill dealing with Supreme Court jurisdictional questions, arguing that the amendment properly belonged on that legislation.

THE HELMS LANGUAGE was adopted 51-40 but the strategy had only begun. Byrd next moved to strip the Helms amendment from the Department of Education measure, arguing that it would kill the bill if left on.

HELMS IN TURN PLEADED that removing his language from the Department of Education bill would effectively kill the amendment. U. S. Rep. Peter W. Rodino, Jr., whose House Judiciary Committee now has control over the Supreme Court jurisdiction bill containing the Helms amendment, has already announced his opposition both to the measure itself and to the Helms language.

THE 53-40 VOTE REMOVING the amendment from the Department of Education measure came after five and one-half hours of intricate parliamentary maneuvers on both sides. A dozen senators who had voted for the Helms language earlier in the day crossed over to vote it off the Department of Education bill. They are now in the position of telling voters in their states that they support prayer.

STRIPPING THE HELMS language from the Department of Education bill also represented a victory for the White House. President Carter, Vice President Mondale, and others were convinced that the measure, designed to fulfill a long-standing pledge to break up the mammoth Department of Health, Education and Welfare by removing education from its agenda, would have had no chance of passage encumbered by the school prayer amendment.

"Proclaim Liberty"

Religious Liberty and Biblical Faith

By James E. Wood, Jr.

Freedom is God's gift to man. Man's very capacity for freedom is from God. Created in the image of God, man's likeness to the Creator consists in his freedom. For man was created not for slavery but for freedom, and it is this native freedom which distinguishes man as being in the image of God and exalts him above all other creation. As the Psalmist declared, "Thou hast put all things under his feet" (Ps. 8:6).

In terms of biblical faith, freedom is born out of a person's relationship to God. Hence freedom is primarily an inner state, in which no external authority may exercise control over a person. In this sense, freedom is an inner state of being which does not depend on external conditions. Christian martyrs were free men who were never more free than when they chose "to be faithful even unto death." John Bunyan was always free, even when languishing in prison. It was this spirit of freedom which characterized the life and ministry of the nineteenth century German Baptist leader, Johann Oncken, who, upon being arrested, was warned by the Burgomaster, "Oncken, as long as I can lift my little finger I will put you down from preaching this Gospel." "Mr. Burgomaster," Oncken replied, "as long as I can see God's right hand above your little finger I will preach this Gospel."

Freedom is rooted in God. To be truly free is therefore to be at one with God; for freedom is where God is present. As Paul wrote, "Where the Spirit of the Lord is present, there is freedom" (2 Cor. 3:17). Thus the hope is expressed in the Scriptures "that creation itself would one day be set free from its slavery to decay, and share the glorious freedom of the children of God" (Rom. 8:21). To "proclaim liberty," therefore, is to affirm God's gift for all mankind. The declaration, "Christ set us free, to be free men" (Gal. 5:1), is near the heart of the Gospel.

This inner freedom, so integral to biblical faith, is the basis of a person's right to religious liberty. For this reason, religious liberty may be viewed as the outward expression of one's inalienable right to this inner religious freedom. Religious liberty is thus the inherent right of a person in public or private to worship or not to worship according to one's own understanding or preferences, to give public witness to one's faith (including the right of propagation), and to change one's faith—all without threat of reprisal or abridgment of one's rights as a citizen.

The human right to religious liberty is first and foremost the right to give outward expression to or manifestation of the inner freedom one has found in God.

While this inner Christian freedom does not require civil or political freedom, civil and political freedom are vital as a means of creating that kind of environment which will allow an unhindered expression of religious faith and commitment without civil or political advantages or disadvantages. Persons are to be free in matters of conscience and religion, without hindrance and coercion, in order that God may be sovereign of their lives and that in turn they may freely respond to that sovereignty and bring about the ordering of their lives according to the will of God.

Charles Evans Hughes, former Chief Justice of the United States and prominent Baptist leader, expressed from the bench a truth which is central to Christian faith and is at the heart of the principle of religious liberty. "In the forum of conscience," Justice Hughes wrote, "duty to a moral power higher than the state has always been maintained . . . . The essence of religion is belief in a relation to God involving duties superior to those arising from any human relation."

One of the foundation principles of religious liberty to be derived from the Bible, is that religion, like God, must wait upon the voluntary responses of persons. The will of the human person is too sacred to be violated by religious coercion and enforced conformity, which are a denial of the sacredness of human personality and God's ways of dealing with mankind. The state has no right to intrude on God's dealings with man or to invade the inner life of man.

Religious liberty, if it is to be rooted in principle and properly understood in its biblical context, must be universally espoused by the church for all mankind. To grant privileges to a particular church or religious community, while denying these privileges to other churches or religious communities, is a denial of religious liberty, no matter how limited this denial may be, and of the fundamental right upon which religious liberty is based. Discrimination based upon religion is a contradiction of religious liberty, which by its very nature is an equal and inalienable right of all members of the human family.

If the ultimate goal of God's work in history is reconciliation, then religious liberty, both in principle and in practice, must be zealously championed and vigilantly defended by the churches themselves throughout the world. Each church must see religious liberty not only as its inherent right, but also as the right of all churches, all faiths, and all persons. Even more important for the church, it must see the exercise of religious liberty as the very channel through which the church seeks to fulfill its mission throughout the world.

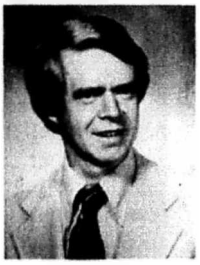
"Proclaim liberty throughout the land!" (Lev. 25:10)

Observe Religious Liberty Day on June 2 or 3, 1979.

An Open Letter to John Bunyan

Dear John:

Many people are remembering you on the three hundredth anniversary of the publication of **The Pilgrim's Progress.** I have been only mildly surprised that these people include not merely Christians but many others as well. This shows, I suppose, that you said more profoundly than many of us could what we too have experienced, namely, that life is a tough pilgrimage requiring the assistance of Someone beyond ourselves.



Hinson

But I've been wondering why many persons, especially your Baptist ancestors, have not paid much attention to your long travail on behalf of religious liberty, twelve and a half years to be precise. Maybe that's due to the fact that we are too far removed from your day and find ourselves in such different circumstances. At this range I'm not too sure we find your deed credible, John!

We might be able to believe a *short* stay in jail for refusing to stop preaching—but *twelve and a half years!* Come on! Anyone can stand a damp cell, no heat, and straw bed for a while, but that long! And your family, John: How could you leave a wife and four small children to fend for themselves just to make a point about freedom in the exercise of religion? If you had left them plenty of money, or if your children had been nearly grown, we could understand a little better. But *small* children, and *poor* ones? And there's the matter of your little blind daughter. We know it wrenched you to leave her, that it tore the very heart out of you. John, did you really have to do that?

John, I think all of us can commend you for trying to provide a bit for your family by making long-tagged boot laces. Too bad you couldn't have published your best seller while you were still in Bedford jail. That would have helped more. Your poor wife begged Judge Wingate three times to have you released because she and the children had "nothing to live upon, but charity of good people." And he would have let you go if you had agreed to stop preaching.

John, this is what really mystifies us now. You could have escaped arrest the first time simply by hiding when the authorities came. Yet you chose to go right on with your meeting. Then, after arrest, you could have gotten free simply by saying, "I won't preach anymore."

You see our problem of credibility, John. We don't find this believable at all.

Of course, you realize that we Southern Baptists aren't really facing the circumstances you did. You represent a dissenting sect, one among many, in a nation which had an established church, the Church of England. Conformists in that Church believed that the welfare of the nation depended upon worship according to the rites prescribed by the **Book of Common Prayer.** They feared that the dissenters would undermine the public welfare by getting out of line.

In many ways, John, we can understand their point of view better than we can understand yours, certainly in our circumstances. You see, John, the Southern Baptist Convention is a pretty big body, over 13 million members and many more constituents; the largest protestant denomination in America. We have a responsibility to the nation and the entire citizenry to weave religion into the fabric of our society. We're mighty proud that our President, Jimmy Carter, openly confesses to be a "born again" Baptist and tries to make public decisions from a religious perspective. He's sort of our national pastor.

You can understand, then, John, why we have to take a more active role in seeing that our nation benefits from our religion kind of like those folks in the Church of England in your day. Of course, we have separation of church and state in America, John. But we don't want that to get out of hand. In fact, some of our folks want some legislation to assure that religious training won't be neglected in the public schools. Anita Bryant, for example, is leading public rallies around the country for an amendment to the U.S. Constitution which would put religion back in public schools and thus back in public life.

Mind you, these folks aren't asking a lot. They simply want Bible reading and recital of prayers in public schools. And John, they make a good point. You see what's been happening to this country because godless officials and atheists have taken God out of the schools. If we get Bible reading and prescribed prayers back in schools, we'll get morality back.

There are also some folks, like William Powell, who are worried about different points of view within the Southern Baptist Convention. Mr. Powell contends that the chief issue in the Southern Baptist Convention is an inerrant and infallible Bible and that the question is whether Southern Baptists will continue to allow those who don't subscribe to their theory of inspiration to teach in their schools or work in their denominational agencies.

We recognize, of course, that you went to prison on account of refusal to yield to insistence on uniformity like this. You insisted that you had to place the Scriptures and their teaching above creeds or other prescriptions.

But try to understand the point these folks are making, John. I hate to keep repeating this, but we now find ourselves with institutions and programs similar to those the Church of England had in your day. So we have to look at things more or less from the perspective of those church authorities. If we allow the kind of differences of opinion you represented in your day, we would threaten the programs and institutions. They function better if everybody thinks and acts alike.

Now I know you have trouble understanding this. You put the message of Scriptures and the command of Christ above everything. I just hope you will be able to understand when you see some of us taking another route on this matter of religious liberty. The times make a lot of difference. We really can't help the fact that we have prospered so much that we've had to take a few liberties with religious liberty.

Sincerely yours,
A Modern Baptist

A tongue-in-cheek essay on religious liberty by E. Glenn Hinson, professor of church history, The Southern Baptist Theological Seminary, Louisville, Ky.

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views of the wall

By John W. Baker

The First Amendment built "a wall of separation between Church and State." Thomas Jefferson in a letter to the Danbury Virginia Baptist Association.

". . . the line of separation, far from being a 'wall', is a blurred, indistinct, and variable barrier." Chief Justice Burger, *Lemon v. Kurtzman.*

On March 8, 1979 the Court of Appeal, Fourth Appellate District of California handed down a decision in *Barr et al. v. United Methodist Church*, 4th Civ. No. 18244, which could well develop into one of the most important church-state cases in our history. The future of Methodism as a national denomination could be in jeopardy and a decision against the United Methodist Church in the highest court to hear the case could have a profound effect on all organized religions.

Baker

Pacific Homes, a nonprofit corporation which had been created with the initial approval of the Pacific and Southwest Annual Conference of the United Methodist Church (PSWAC), owned and operated fourteen retirement homes in which retirees purchased a life estate which included housing, board, and medical care. On February 18, 1977 Pacific Homes petitioned for bankruptcy. Barr et al. filed a class action suit on behalf of present and former residents alleging fraud and breach of contract. The broadside suit, which asked for $366,000,000 as equitable relief and damages, included as defendants PSWAC, the General Council on Finance and Administration of the United Methodist Church (GCFA) and the United Methodist Church (UMC).

Barr claimed essentially that UMC was an unincorporated association—a term used in the California Code—and that Pacific Homes was the agent or alter ego of PSWAC, GCFA, and the United Methodist Church and, thus, all are financially responsible for any damages chargeable to Pacific Homes. A rough analogy, if congregational churches are treated the same under the law as are Methodists, can be drawn to the Southern Baptist Convention. Assume that a local church decided, as a part of its religious mission, to sponsor the erection of a home for the elderly. A separate corporation, outside the control of the church, is established to build and operate the home, but the home is known as the First Baptist Home for the Elderly. The home goes bankrupt, a suit is filed on behalf of the elderly who have lost money, and the suit joins as defendants the corporation, the church, the association, the state convention, the Executive Committee, and the Southern Baptist Convention. In other words, the claim would assert that the SBC and its Executive Committee and all cooperating state conventions, agencies, etc. are financially responsible for all acts of any church, convention, agency, etc. even though none of them knew or had reason to know what the individual unit was doing. The prospects are staggering. But let us go back to the actual case at bar.

Though there is no chief executive officer of the UMC and though the UMC owns no property and hires no staff, service of process was made on two persons on behalf of the UMC. These persons moved to quash service in the Superior Court of San Diego on the grounds that (1) the UMC was merely a loose connectional system and not a jural entity capable of being sued, and (2) to permit suit against the UMC was unconstitutional as a violation of due process, free exercise and establishment of religion provisions of both the United States and California constitutions.

The Superior Court granted the motion to quash. The state Court of Appeal reversed, reasoning as follows:

1. The question of the jural status of the UMC is one of law and not of fact and, therefore, rests on principles of law rather than on matters of theology or ecclesiology. Under California law an unincorporated association can sue or be sued. Unincorporated associations include any group of people (a) whose members share a common purpose, and (b) who function under a common name under circumstances where fairness requires the group to be recognized as a legal entity. "Fairness includes those situations where persons dealing with the association contend their legal rights have been violated." Therefore, the UMC is subject to suit as an unincorporated association.

2. Even though the UMC contends that the First and Fourteenth amendments prevent a civil court from examining church polity because that polity is based on religious principles and beliefs which must be determined by the church itself rather than by the state, no constitutional problem arises. "Clearly the present case is secular. . . . To hold UMC suable is not equivalent to a review of its polity thus interfering with its internal affairs in violation of the free exercise clause of the First Amendment."

The decision is now on appeal to the Supreme Court of California. Whoever loses at that stage will no doubt appeal to the U.S. Supreme Court. A final decision against the UMC could have the following far-reaching effects:

1. The civil courts would be empowered to rewrite the laws of authority and responsibility of a church's polity.

2. Religious denominations would be required, if they wanted to protect their own member organizations and national offices from similar suits, to alter their organizational structures. The existing structures are usually the product of religious beliefs about relationships. A denomination would then have to choose between faithfulness to religious beliefs and security from liability for actions of member organizations.

We will try to keep our readers informed of developments. It may be that some conventions or agencies should begin to consider filing an *amicus* brief in the case when it reaches the U.S. Supreme Court. The names of the attorneys for the UMC are available from this office.

Supreme Court Update

Court Rules for Bishops in Dispute with NLRB

By Stan L. Hastey

WASHINGTON—A sharply divided Supreme Court ruled that the National Labor Relations Board may not force administrators of parochial school systems to permit their lay teachers to unionize.

Burger

In a 5-4 opinion delivered by Chief Justice Warren E. Burger, the high court avoided addressing directly the constitutional issue raised by the Roman Catholic bishops of Chicago and Fort Wayne-South Bend, Ind. that NLRB jurisdiction over union activities in parochial schools violates the no establishment of religion clause of the First Amendment.

Instead the court declared that "there would be a significant risk of infringement of the Religion Clauses of the First Amendment if the (National Labor Relations) Act conferred jurisdiction over church-operated schools."

The majority also suggested that Congress will need to pass additional legislation if it wishes such schools to be covered by the act. Implicit in the suggestion is the prospect of new litigation if Congress responds by including church-related schools.

Burger, who was joined by justices Potter Stewart, Lewis F. Powell, Jr., William H. Rehnquist, and John Paul Stevens, did cite several lengthy sections of a decision rendered earlier by the Seventh Circuit Court of Appeals rejecting the NLRB's claims to jurisdiction on First Amendment constitutional grounds.

That court held that "The real difficulty is found in the chilling aspect that the requirement of bargaining will impose on the exercise of the bishops' control of the religious mission of the schools."

Both the free exercise and no establishment clauses of the First Amendment foreclosed the NLRB's jurisdiction, the lower court ruled.

The NLRB had argued in a written legal brief and in oral arguments last October that it has jurisdiction over all schools that are not "completely religious." For jurisdictional purposes, the federal agency has contrasted such schools with those which are "merely religiously associated."

Burger's opinion made much of the fact that while the National Labor Relations Act has been law since 1935, the NLRB did not exercise jurisdiction over church-operated schools until 1974, when amendments to the law were passed to include non-profit private hospitals which had previously been specifically excluded.

The closest Burger came in the 17-page opinion to addressing the constitutional questions was to point out that in recent decisions involving aid to nonpublic schools, "we have recognized the critical and unique role of the teacher in fulfilling the mission of a church-operated school."

That role, he went on, "has been the predicate for our conclusions that governmental aid channeled through teachers creates an impermissible risk of excessive governmental entanglement in the affairs of the church-operated schools.

"The church-teacher relationship in a church-operated school," the chief justice continued, "differs from the employment relationship in a public or other non-religious school. We see no escape from conflicts flowing from the Board's exercise of jurisdiction over teachers in church-operated schools and the consequent serious First Amendment questions that would follow."

Justice William J. Brennan, Jr. dissented from the majority holding, declaring that the majority's construction of the National Labor Relations Act is "plainly wrong" and "seemingly invented by the Court for the purpose of deciding this case."

Speaking for fellow justices Byron R. White, Thurgood Marshall, and Harry A. Blackmun, Brennan said any employer who engages in an activity covered by the Constitution's Commerce Clause is covered by the act "regardless of the nature of his activity."

Brennan criticized the majority for avoiding the underlying First Amendment questions by deciding the case on jurisdictional grounds. "While the resolution of the constitutional question is not without difficulty," he said, "it is irresponsible to avoid it by a cavalier exercise in statutory interpretation which succeeds only in defying congressional intent."

The controversy between the bishops and the NLRB arose during 1974 and 1975 when lay teachers at two Chicago diocesan high schools and five similar schools in Forth Wayne-South Bend sought to organize teachers' unions by filing representation petitions with the NLRB.

Diocesan school administrators objected to the federal agency's assertion of jurisdiction in complaints filed with NLRB. After these were denied, the bishops appealed directly to the Seventh Circuit Court of Appeals.

Among religious groups siding with the bishops through friend-of-the-court briefs were the Baptist Joint Committee on Public Affairs, the General Conference of Seventh-day Adventists, the Center for Law and Religious Freedom of the Christian Legal Society, and the United States Catholic Conference. (BPA)

Wood: High Court Decision 'Reassuring'

(Note: Executive Director James E. Wood, Jr. issued the following statement after the U.S. Supreme Court's decision in *NLRB* v. *Catholic Bishop of Chicago*.)

In *National Labor Relations Board* v. *Catholic Bishop of Chicago*, the U.S. Supreme Court has clearly upheld the religious identity and religious integrity of elementary and secondary parochial schools. In doing so, it has affirmed the primacy of the Establishment Clause and Free Exercise Clause of the First Amendment as the basis for denying jurisdiction of the National Labor Relations Board (NLRB) over schools operated by a church to teach both religious and secular subjects. Furthermore, the Court said, the NLRB lacks statutory authorization, as well as constitutional grounds, to extend its jurisdiction over such church schools.

The decision of the Court in this case is completely in line with the contention of the *amicus* brief filed by the Baptist Joint Committee on Public Affairs that the same constitutional principles under the Estab-

(See WOOD, p. 11)

Congressional Update

Lobby Disclosure Bills Hit By Church Groups

By Carol B. Franklin

WASHINGTON—Lobby disclosure legislation came under attack from representatives of religious groups during a hearing of the House Judiciary Subcommittee on Administrative Law and Governmental Relations here.

James E. Wood, Jr., executive director of the Baptist Joint Committee on Public Affairs, told the subcommittee that the "major concern" of the Baptist Joint Committee about lobby disclosure bills is that "they fail to exclude bona fide religious organizations from coverage."

Wood pointed out that "involvement of the church in public affairs is an inescapable responsibility of the church" for many religious organizations.

He also noted that the proposed legislation would "unconstitutionally mandate excessive entanglement of government with religion." The requirements to register and report to the government would be unconstitutional regardless of the extent of reporting required, Wood said.

Also objecting to the inclusion of churches in such legislation was J. Elliott Corbett, United Methodist Division of Human Relations. "We feel that the burden of record-keeping and reporting required . . . is so great that it would inhibit us from carrying out what is part of the church's mission, namely impacting Christian ethics on public policy questions," Corbett said.

Charles V. Bergstrom, Lutheran Council, Office for Governmental Affairs in the U.S.A., told the subcommittee that "lobby disclosure legislation may jeopardize the fundamental constitutional rights of freedom to petition the Government for a redress of grievances, freedom of speech, and freedom of religion. . . . Congress must certify that these fundamental First Amendment rights have reached a dangerous level of abuse and that there is compelling interest for government intervention and regulation."

Barry W. Lynn, United Church of Christ, Office for Church in Society, charged that the bills under consideration contain requirements that are "monumentally impractical or intrusive upon legitimate privacy interests of religious organizations."

Lynn said that his office attempted to keep records on the costs of mailing, printing, advertising, telephone, and other expenses required by the legislation passed by the House last year as well as staff time for lobbying. "It is simply impossible," Lynn said: "We had to give up the effort after two days and I was lucky to escape alive for having suggested it."

Six measures on lobby disclosure have been introduced in the House of Representatives. None has been introduced in the Senate.

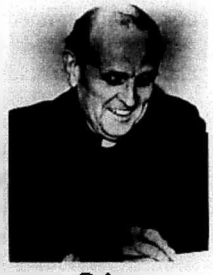
H. R. 81, introduced by Reps. Peter W. Rodino, Jr., D-N.J., and George Danielson, D-Cal., is identical to the one that passed the Judiciary Committee last year. It would cover any organization that spends at least $2500 a quarter on lobbying or employs at least one individual who lobbies for a specified number of days in each three-month period.

H. R. 1979, introduced by Rep. Tom Railsback, D-Ill., contains a provision for the disclosure of names of major contributors. That provision, which passed the House last year, met with strong opposition from many sources. (BPA)

Drinan Sees Long Church-State Struggle

By Stan L. Hastey

WASHINGTON—Congressman Robert F. Drinan, D-Mass., told an annual gathering of religious lobbyists that the present struggle between the government and the churches "is not a crusade for the short-winded."



Drinan

Referring to numerous recent instances of government interference with religious groups, the Jesuit priest who represents Massachusetts' fourth congressional district told nearly 500 persons attending the annual IMPACT legislative briefing that "we have a long, long pilgrimage ahead of us."

Drinan paid tribute to colonial Baptist leader Roger Williams, reminding his audience that Williams fled Massachusetts for Rhode Island because he wanted to prevent the domination of churches by government. Thomas Jefferson, on the other hand, was likewise properly concerned about the possible domination of the state by the churches, Drinan went on.

Drinan called the balancing of those two factors in U.S. church-state relations a "very delicate symbiosis." He also said that the constitutionally guaranteed right of free exercise of religion "still has a long way to go in the evolution of Supreme Court decisions."

He labeled as "overbroad" a set of revised procedures announced recently by the IRS designed to require private schools to prove they are racially nondiscriminatory and said that the IRS decision to revise the proposals after a flood of protest is a "dramatic example" of "rational" action by the churches.

On another key church-state question, Drinan said he opposes proposed lobby disclosure legislation which would require lobbyists "to fill in all sorts of forms." He said he is opposed to efforts to inhibit churches and other "grassroots" lobbyists from influencing the Congress.

He urged support of his own bill which would guarantee the employment rights of sabbatarians. "With a little help from the churches," he predicted that his bill could be passed.

Drinan also said he will continue to oppose proposed tuition tax credits for parents who choose to send their children to nonpublic schools, calling the proposal a "misuse of the tax structure."

He said the government "should not act in haste" in attempting to prevent future Jonestowns by monitoring and regulating religious cults, said he sees no real religious liberty issues in the placement of the World Wide Church of God under financial receivership by the state of California, and declared that charges of religious persecution by the Church of Scientology should be left to the courts.

Drinan pledged to continue to vote against restrictive abortion proposals, including any human life amendment to the Constitution and all efforts to restrict publicly funded abortions for needy women.

The legislative briefing is sponsored annually by the Washington Interreligious Staff Council and by IMPACT, a nationwide grassroots lobbying network sponsored by cooperating denominations. (BPA)

Bills Introduced to Deregulate Radio, TV

By Carol B. Franklin

WASHINGTON—Radio and television broadcasting would be deregulated and the "public interest" standard replaced if a bill introduced in the House of Representatives becomes law.

Van Deerlin

Rep. Lionel Van Deerlin, D-Cal., chairman of the House Interstate and Foreign Commerce Subcommittee on Communications, has introduced a bill, H.R. 3333, which would immediately deregulate radio stations and eliminate regulation of television after 10 years. It would also exempt cable TV from federal and state regulation.

Hearings on the Van Deerlin proposal and other broadcast bills are scheduled to begin in both the House and the Senate in late April.

At present, broadcasters must get input from community groups to determine programming content. These "ascertainment rules" of the Federal Communications Commission (FCC) would be eliminated under the proposed measure.

The bill would abolish the FCC and replace it with the Communications Regulatory Commission (CRC). The CRC would have far less power over broadcasters than the FCC presently does.

Radio broadcasters' licenses could be revoked only for violation of technical standards under the proposed bill. Television broadcasters would be allowed two five-year licenses and then indefinite terms.

Limited regulation would be allowed under the measure only when "marketplace forces fail to protect the public interest." The bill would cover telephone, satellite, and other communications technology, as well as radio and television.

Van Deerlin said that he expects new technology to overcome limits any local broadcaster might put on what is available to the public. Rep. James M. Collins, R-Tex., said that "competition will adjust the market."

Sen. Ernest F. Hollings, D-S.C., has also introduced a bill, S.611, to update the Communications Act of 1934. His proposal would also substitute marketplace competition for federal regulation of many aspects of the telephone, telegraph and cable television industries. Radio broadcasting would be substantially deregulated but television would still be highly regulated.

A bill, S.622, introduced by Sen. Barry Goldwater, R-Ariz., would also deregulate much of the communications industry.

Legislation which would have completely revised the 1934 law currently regulating the communications industry died in the House in the last Congress.

When asked when he expected passage of his bill this year, Van Deerlin replied, "How does Thanksgiving grab you?" Hollings, chairman of the Senate Commerce Subcommittee on Communications expects to have his measure ready for floor action by the end of the summer. (BPA).

Senate Panel Weighs New Refugee Policy

By Carol B. Franklin

WASHINGTON—Legislation designed drastically to overhaul U.S. refugee policy met with generally favorable comments from witnesses at a hearing before the Senate Judiciary Committee here.

The measure, a joint effort by the Carter administration and Congress, would establish the first comprehensive United States refugee resettlement and assistance program. The bill was submitted by the Departments of State, Justice, and Health, Education, and Welfare. Sponsors in Congress are Sen. Edward M. Kennedy, D-Mass., and Reps. Peter Rodino, D-N.J., and Elizabeth Holtzman, D-N.Y.

The proposal would redefine the term refugee, raise the annual limitation on refugee admissions, set procedure for emergencies, and provide federal support for the resettlement of refugees.

Present law requires that a person show that he has fled from a Communist or Communist-dominated country or a country in the Middle East. The proposed revision would define as a refugee any person outside his country unable or unwilling to return to that country because of persecution or a well-founded fear of persecution because of race, religion, nationality, membership in a particular social group, or political opinion.

Former Senator Dick Clark, newly-appointed coordinator for refugee affairs in the State Department, said the change in definition was necessary because "refugee problems unfortunately have become a regular feature of our world."

Clark cited figures which estimate that there are more than two million refugees in Africa, more than 200,000 Indochinese in camps in Southeast Asia, and thousands more in Bangladesh, Cuba, and elsewhere.

The present ceiling of 17,400 refugees admitted annually under regular procedures would be raised to 50,000 by the proposed measure. This would not actually mean greater annual immigration, according to Kennedy, who is chairman of the Judiciary Committee as well as a sponsor of the bill. Large numbers of refugees presently are admitted under a special parole provision of the current law. That emergency provision would be retained in the new law but would be used only in special cases.

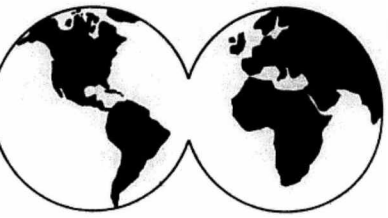
The federal support provisions of the proposal met with general acceptance from witnesses but some suggested changes. Norman V. Lourie, chairman of the National Coalition for Refugee Resettlement and executive deputy secretary, Pennsylvania Department of Public Welfare, pointed out that a cut-off of federal funds after two years would create hardships for states which have large refugee populations. Church groups involved in resettlement work also asked more flexibility in the time limits on federal aid. (BPA)

Hope for Churches?

NEW YORK—A United Methodist bishop who recently visited China has reported strong indications that a Roman Catholic church and a non-denominational Protestant church will reopen in Shanghai soon.

Bishop D. Frederick Wertz, Charleston, W. Va., said that the Chinese Christians he talked with during his 16-day visit "were very positive in saying the church will be a Chinese church. They say the Chinese people will not allow the denominationalism of the West to invade China. There will be a Catholic church and a Protestant church but they say there will not be Protestant divisions."

INTERNATIONAL DATELINE



Compiled by Carol B. Franklin

Australians Debate Aid

SYDNEY—A major clash over the granting of government aid to church schools has developed in Australia.

Commonwealth aid to church schools is unconstitutional, according to Neil McPhee, attorney for the Council for Defense of Government Schools (DOGS). McPhee made his statement before the Victorian High Court in Melbourne.

McPhee argued that federal government aid to church schools is illegal under section 116 of the Australian constitution, which prohibits government establishment of any religion or imposition of any religious observances.

The plaintiffs, who include teachers in government schools, parents, and trade union officials, began the action in 1973. The defendants are the Commonwealth of Australia, the federal minister for education, Senator James Carrick, the former treasurer of the Commonwealth, the National Council of Independent Schools, and the director of the Catholic Education Commission of Victoria.

McPhee also said it was clear that Commonwealth aid was a substantial factor in maintaining the religious school system in Australia. He said Commonwealth aid had increased from $36 million in 1971-72 to $253 million last year. "In 1976, this aid was 43 percent of the total income of Catholic schools," McPhee said. (RNS)

Peter Vins Released

LONDON—Peter Vins, 23, son of dissident Soviet Baptist leader Georgi Vins, has been released from prison after serving 11 months, according to reports received by close friends.

Georgi Vins has returned to prison in Siberia after a brief stay in a Moscow prison. He is due to complete his term in labor camp this year and to begin a five-year sentence of internal exile. (RNS)

Church Keeps State Ties

STOCKHOLM—By a vote of 54-42, the Assembly of the Church of Sweden (Lutheran) rejected proposals that would have loosened ties between the church and the Swedish government.

The plan proposed by Parliament would have rescinded the right of parishes to levy taxes in favor of payments collected by government and turned over to the church as a whole. Separate church membership and citizenship rolls would have been established also.

Archbishop Olof Sundby of Uppsala, primate of the church, said, "I do not think that the decision taken by the Assembly is good for the necessary renewal of the Church of Sweden." (RNS)

Hebrew Christian Snubbed

JERUSALEM—The Israeli Supreme Court has ruled that a "Hebrew Christian" woman cannot be considered a Jew under the Law of Return because she believes that Jesus was the Messiah.

Eileen Dorflinger, 35, of Connecticut, was refused Israeli citizenship although her American parents were Jewish. The court said a Jew's membership in another religion must be judged according to the criteria of that religion rather than Judaism. In those terms, it said, Dorflinger is a Christian and not a Jew.

The Law of Return defines a Jew as a person "who is not a member of another religion." Dorflinger said she considers herself a Jew though she believes Jesus was the Messiah. (RNS)

Solicitations Allowed

BERLIN—Reversing one of the strictest measures of Communist countries in the past, the East German government will now allow both Protestant and Catholic street collections at certain limited times.

The Federation of Evangelical Churches announced it has received state permission to solicit publicly for "church construction" and "inner-mission work and relief." Street collections for "institutional construction" and "charitable causes" of the Catholic church will also be allowed. (RNS)

Bible Reading Required

SOUTH HOLLAND, Ill.—Some 200,000 students in the rural Brazilian state of Espirito Santo will soon be reading the Living New Testament, according to a report from the World Home Bible League here.

Edilson Amaral, secretary of education for the state, requested the books after a similar program was begun in the Rio de Janeiro school system. One hundred and eight pastors of the Brazilian Baptist Convention agreed unanimously to assist in placing the Bibles and in teaching religion courses, according to the report.

Evangelist Imprisoned

AMSTERDAM—A Romanian Protestant evangelist, Rev. Ioan Samu, his brother, and a lay preacher of the Church of Gypsies in Medias have each been sentenced to six years in prison for "ideological propaganda," according to "Open Doors," a Netherlands relief organization for East European countries.

The three men were sentenced to six months in prison for attempting to conduct evangelistic services. Following an appeal, they were given six-year terms. (RNS)

Witness Sentenced

ATHENS—A 21-year-old member of the Jehovah's Witnesses has been sentenced to 10 years in prison by a military court for refusing to serve in the army. The sentence was handed down despite a four-year maximum jail term for such an offense.

Vassilis Spanoyannis has lodged an appeal, but will be required to remain in prison, pending a new hearing. A spokesman for the 30,000-member Jehovah's Witnesses sect in Greece said the sentencing of Spanoyannis brought the total number of imprisoned conscientious objectors in Greece to 84.

The sentence for refusal to serve in the army was legally reduced by the Greek government following protests from various European parliaments and Amnesty International, the London-based human rights organization. (EP)

Court Declines Review of Mandatory Retirement

WASHINGTON—In a series of actions announced March 5, the U.S. Supreme Court declined to become involved in the legal dispute over compulsory retirement laws.

Acting in four separate cases, the justices unanimously decided not to settle a growing dispute in lower courts over the constitutionality of state laws requiring public employees to retire at a given age.

Last year Congress passed legislation extending mandatory retirement from age 65 to 70 for most American workers. No exceptions were made for churches. The law applies only, however, to employers with 20 or more employees.

By declining to review the four cases, the high court seems to be signaling that it is unprepared for now to get into the thorny area. As is customary, the justices offered no reasons for their denial.

Two of the cases came from New York, where state laws requiring the retirement of public school teachers and tenured civil service employees at age 70 were under challenge. The Second Circuit Court of Appeals had ruled earlier that the laws do not violate either the equal protection or due process rights of those affected.

Another circuit court, however, has held that an Illinois school teacher who was retired at age 65 under a mandatory retirement policy had an "actionable claim" which required that the school board demonstrate that the policy served a purpose which furthered the "state interest."

The fourth case turned down by the high court involved a challenge by a college professor in California that a recent state law doing away with compulsory retirement on the basis of age necessarily invalidated an earlier law requiring college teachers to retire at age 67. A California state court disagreed, ruling that the earlier law could remain in effect. (BPA)

Wood

(Continued from p. 7)

lishment Clause which the U.S. Supreme Court has held "bar governmental financing of the operations of religious schools beyond narrowly prescribed limits, bars equally governmental exercise of jurisdiction under the National Labor Relations Act." Our reasoning for this position was argued on the basis that the primary effect of NLRB jurisdiction over parochial schools would be to inhibit religion and would result in unavoidable and excessive government entanglement with religion.

We completely and heartily agree with the majority opinion of the court that jurisdiction of NLRB over church schools "would be a significant risk of the infringement of the religion clauses of the First Amendment." We further reaffirm with the Court that NLRB jurisdiction over church-related schools violates the free exercise clause "since there is not, nor can there be any governmental interest so compelling as to justify the restrictions the Act places upon religious schools in the fulfillment of their sacred mission."

Thus, in this decision the U.S. Supreme Court has concluded, in complete harmony with the opinion expressed in the *amicus* brief filed by the Baptist Joint Committee, "that both the Free Exercise Clause and the Establishment Clause of the First Amendment foreclosed the Board's (NLRB) jurisdiction" over church schools.

The Court has also upheld the religious character of church schools which is ultimately determined by the key role played by religious teachers who teach even secular subjects in a church related school in which religious faith and doctrine become inextricably intertwined with secular subjects. The very basis for denial of public funds to parochial schools is precisely at the heart of the rationale for the denial of NLRB jurisdiction over church schools which are operated and maintained as an integral part of the mission of the church. The recognition of this principle on the part of the U.S. Supreme court is reassuring and a reaffirmation of the importance to be given the First Amendment in the formulation of government policy and statutory authority.

Peace

(Continued from p. 2)

of payments resulting from $8 billion of imports annually as over against only $4 billion of exports annually.

Both nations urgently need peace and security in order to meet the oppressive economic burdens presently borne by Egyptians and Israelis. The estimated cost to the United States for this peace treaty is $5 billion. In proportion to the U.S. defense budget of $138 billion or the U.S. military cost of the Vietnam War of $111 billion, the price for peace in this instance promises a favorable return in lieu of war and insecurity in the Middle East.

III

The events of the past month represent a bright beginning of a promise which will not be easy to fulfill. President Carter at the signing of the treaty rightly acknowledged that "differences will separate the two signatories of this treaty from each other." However, the signing of the treaty does mean, as he declared, that "we have won, at least, the first step of peace—a first step on a long and difficult road." While peace in the Middle East is far from assured, an important step has been taken because of the concerted efforts of peacemakers. Admittedly, many major problems remain unresolved. The treaty itself only marks a first step, but nonetheless is the beginning of a process for peace in the Middle East.

As in years past, the Baptist Joint Committee seeks to provide an authentic Christian witness to peace. This peace witness is an essential part of our Baptist witness in public affairs. During the past year the Baptist Joint Committee conveyed to President Sadat, Prime Minister Begin, and President Carter the view that "the prospect for peace in the Middle East . . . brought a new hope and a new confidence to the world and commended their efforts on behalf of a just and durable peace for the Middle East" and "at building a world at peace." The replies received were reassuring in that they indicated a determination to move toward peace in the Middle East.

While the world yearns for peace, and many rightly pray for peace, the ultimate concern for peace is to be found in those who labor on behalf of peace, not only in the Middle East but throughout the world. "Blessed are the peacemakers, for they shall be called the children of God."

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Report from the Capital

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