

# Report from the Capital

June  
1979

JUN. 28 1979



**"Representative Women"  
National Portrait Gallery  
Smithsonian Institution  
Washington, D.C.**

ISSN 0346-0661

**DARGAN-OARVER L.**  
**S. B. C. HISTORICAL COMMISSION**  
**NASHVILLE, TENNESSEE**

# From the Desk of the Executive Director

## International Year of the Child 1979

By James E. Wood, Jr.

The International Year of the Child has been proclaimed by the United Nations for 1979 as a means of bringing world attention to the needs and rights of children everywhere. Its stated purpose is "to bring the situation of children to the forefront of international attention;" "to give all nations, rich and poor, a special chance for fresh emphasis on the needs and rights of children everywhere;" "to spur specific, practical actions—with attainable goals—to benefit children on national and international levels now and in the future;" and "to promote recognition of the vital link between programs for children and economic and social development in general."



Wood

The proclamation by the UN General Assembly coincides with the twentieth anniversary of the Declaration of the Rights of the Child, which was first enunciated November 20, 1959. This Declaration, which is a significant international document, states that every child has a right to:

- affection, love, and understanding
- adequate nutrition and medical care
- free education
- full opportunity for play and recreation
- a name and nationality
- special care, if handicapped
- be among the first to receive relief in times of disaster
- learn to be a useful member of society and develop individual abilities
- be brought up in a spirit of peace and universal brotherhood
- enjoy these rights, regardless of race, color, sex, religion, national social origin.

Although not a binding set of rules, the Declaration sets forth common standards of measurements for all peoples and nations in upholding the rights of children, a nation's most precious resource. In doing so, the Declaration provides an international framework of goals for national planning and action in a world where the status of children all too often still falls far short of such ideals.

The International Year of the Child comes at a time when children aged fifteen and under constitute more than one-third of the world's 4 billion people—1.5 billion, 76.9 million of whom are to be found in the United States. Although readily recognized as the potential strength of tomorrow's world, children are easily the most vulnerable group of the world's population because of their extreme dependence on adults to meet their physical, emotional, social, cultural, intellectual, and

spiritual needs. Of the 500 million people chronically hungry throughout the world, two-fifths are children. It is estimated that at least 350 million children are beyond the reach of basic health care services, education, and sanitation. The religious community needs constantly to remind governments everywhere of the sacred trust given them to provide for the protection of the rights of children, many of whom are still denied basic rights either out of neglect or abuse.

The rights of children, as formally declared by the UN twenty years ago, are still widely violated throughout the world. Among the less developed countries, millions of children are caught in the web of poverty, disease, and ignorance. Less than 10% of the children born every year in these countries are immunized against childhood diseases, such as measles, diphtheria, whooping cough, tuberculosis, tetanus, and polio. Among the less developed nations, 25%-30% of the children die before their fifth birthday. Fewer than half of the children of school-age attend school. Multitudes of children in the developed countries are also denied these rights. High adult unemployment, abject poverty, inadequate health care, malnutrition, and lack of educational incentives and opportunities severely restrict the realization of the rights of children even within nations of affluence.

Child abuse has come to the forefront of public attention in recent years even in economically secure societies such as the United States. Thus the Baptist Joint Committee on Public Affairs last year adopted a policy statement committing its staff to work for legislation to protect children from child abuse and sexual exploitation, a social phenomenon which has now reached almost epidemic proportions throughout the United States. In doing so, the Baptist Joint Committee called on Baptists everywhere to join in the fight to protect the rights of children. Baptist support for such legislation will do much to insure that the constitutional and inviolable rights of all children are protected. The Committee also urged Baptists in their respective conventions, associations, and churches to "exert all legitimate influence on . . . legislatures to meet and enforce at least a minimal standard of child abuse prevention."

Responses from Baptist groups have been forthrightly supportive of the rights of children. Last year the Southern Baptist Convention, for example, passed a resolution affirming the rights of children and condemning child abuse. Publications of the Baptist World Alliance, American Baptist Churches in the U.S.A., and the Woman's Missionary Union of the Southern Baptist Convention are promoting and supporting the International Year of the Child. Let it be said that endorsement of the International Year of the Child does not entail a commitment to any UN program for children or to any UN program statement on children.

The rights of children are integral to one's commitment to human rights and the sanctity of all persons. The United Nation's Declaration of the Rights of the Child recognizes the priority of the right of the child "to affection, love and understanding" without which no child can become a real person. The point is forcefully made in a story by Margery Williams, in which a toy horse explains reality to a toy rabbit. "Real isn't how you are made," the toy horse says. "It's a thing that happens to you. When a child loves you for a long, long time, not just to play with, but *really* loves you, then you become Real." This is the birthright of each child, and the foundation of the rights of every child.

# washington observations



news  
views  
trends

GEORGI VINS, THE BAPTIST pastor released by Soviet authorities in April following his second lengthy imprisonment, told the Commission on Security and Cooperation in Europe (Helsinki Commission) that pressure by government officials and Christians in the Western world was essential to his release.

"I AM ABSOLUTELY SURE that without the help of God and the support of Christians around the world, many more USSR Christians would be in prison," he declared during two hours of formal testimony to the 15-member Commission June 7.

VINS, SECRETARY of the non-registered Reform Baptist group in the Soviet Union, was sharply critical of the officially recognized All-Union Council of Evangelical Christians and Baptists, saying that "its prescribed role is to act as a screen for religious freedom in the USSR."

HE REPEATEDLY called for continued intervention on behalf of "all prisoners of conscience" in the Soviet Union and named specifically members of the Russian Orthodox Church, Pentecostals, Adventists, Catholics, and Jews.

EXPRESSING REGRET OVER his expulsion and loss of citizenship, the 51-year-old Ukrainian concluded his testimony by declaring, "I would like in the final analysis to return to my homeland and preach the Gospel freely."

NEXT MONTH'S Report from the Capital will carry a full report.

THE U.S. SUPREME COURT announced June 4 that it has upheld a California Seventh-day Adventist's refusal to join or pay dues to a union. A collective bargaining agreement between his employer, General Dynamics, and a union resulted in the 1972 dismissal of David Anderson, although he had worked for the company for 16 years.

THE HIGH COURT ACTION entitles Anderson to reinstatement, back pay, and attorney's fees.

IN A SEPARATE ACTION, the Supreme Court declined to hear an Alabama prison inmate's appeal that his free exercise of religion as an Orthodox Jew was denied by a prison regulation that he shave and have his hair cut.

# Women, Religion, and Human Rights

By Edwin S. Gaustad

As few if any need to be told, the drive for women's rights in America has been a long one: filled with misunderstanding, abuse, frustration, sacrifice, and fleeting moments of achievement. Also, it comes as no sudden revelation to learn that religion has not always been in the vanguard of that battle; often it has been a restraining anchor, an unyielding institution, a bastion of male domination that has behind it the unanswerable force of centuries or even millenia of tradition and precedent. On the other hand, there is an "other hand." It is this more positive, more promising aspect which I wish briefly to review, observing where religion has seemed to provide impetus, shelter or channel for persons seeking or claiming rights on behalf of the whole human species. Along the way, two points will be suggested for your consideration: 1) that women in striving for their own equality have in that process generally fought for and asserted the rights of others as well. In other words, historically the battle for "women's rights" has been a battle for human rights. 2) that America's women, like America's blacks, have in the past often found that only in the realm of religion have leadership roles or opinion-shaping opportunities been open to them. This does not mean that existing religious institutions always provided that platform; on the contrary, frequently it was necessary to start new institutions or, at a minimum, to reform old ones.

## Distinguished Religious Leadership

Much of any roll call of distinguished female leadership in American religion is familiar and need not be labored. From the founder of the Shakers, Ann Lee, to the Public Universal Friend, Jemima Wilkinson; from America's native saint, Elizabeth Ann Seton, to America's native prophetess, Ellen G. White; from Sojourner Truth to Coretta King; from Francis Willard to Aimee Semple McPherson to Mary Baker Eddy—and many more. For all of these, it is not enough to say that religion provided a stage: religion was the whole play. It was, at once, the

drive, the instrument, the end. But for nameless hundreds, in less dramatic ways, religion also opened vistas, provided sanction and support, legitimized leadership that would otherwise have been resisted as unseemly, inappropriate and even pushy (more Jezebel than Deborah). As Donald Mathews has shown in his recent excellent book on *Religion in the Old South*, the "birth of the evangelical woman"—to use his phrase—helps to account for a sweeping transformation in the South from a formal, class conscious, established Anglicanism to a vibrant, socially mobile, voluntary evangelicalism among both blacks and whites. While Mathews recognizes that the theme of women and religion is one that still calls for additional investigation, he points out that "It is possible, however, to learn much about the social impact of Evangelicalism upon the south by focusing on the people who, as much as the preachers, made the movement possible." Women used Evangelicalism "—sometime consciously, usually not—much as did their coreligionists of a different race, to fend off oppression, secure their personal and group identity, and assert themselves in new and sometimes surprising ways." In this region and at this time, religion provided women with both "psychological and social space."

To illustrate or test that generalization as it might apply to America at large, I would like to select a single decade of the nineteenth century, namely the first decade, and speak briefly of four careers that demonstrate a varying interaction among women, religion and human rights.

## Prudence Crandall

Prudence Crandall, born in Rhode Island in 1803, descended from an old New England family. (Note that I did not say "old and respectable" New England family, because her heritage was Baptist which had little to do with respectability, especially that off-shoot variety with which her ancestors were associated: viz., Seventh Day Baptists.) Prudence, however, grew up a Quaker which again in the

eighteenth century (to say nothing of the seventeenth) was not the surest path to Boston's social registry. After attending the New England Friends Boarding School in Providence in the 1820's, Prudence Crandall along with her family moved to Canterbury, Connecticut (Windham County) where she was encouraged by the town's better citizens to open up a boarding school for their daughters. All went well (as the saying goes) until one bright day the daughter of a respectable farmer presented herself for admission to the Canterbury Female Boarding School. The daughter was black. She was admitted. The town was outraged. In this volatile circumstance Ms. Crandall could either retreat or hold firmly to her position. She did neither; she marched forward. As white parents withdrew their daughters in greater numbers, the headmistress announced that henceforth her school would be open to all "young ladies and little misses of color." Advertising in William Lloyd Garrison's *Liberator*, Prudence Crandall invited applications from all over New England and even New York. Before only the town had been outraged; now, the entire state of Connecticut was seething. No storekeeper would sell supplies to the school; no citizen would publicly acknowledge the presence of Ms. Crandall or any of her "little misses of color." Town meetings were held, old state laws against vagrancy were revived, new state laws against teaching out-of-state Negroes were passed. And in the summer of 1833, Prudence Crandall was arrested, tried and convicted. One of her few defenders, abolitionist and Unitarian minister Samuel J. May said: "I felt ashamed of Canterbury, ashamed of Connecticut, ashamed of my country, ashamed of my color. Thus ended the generous, disinterested, philanthropic, Christian enterprise of Prudence Crandall." Though it did indeed end in Connecticut, for nearly half a century more on the frontiers of Illinois and Kansas, Prudence Crandall continued her interests in and efforts on behalf of 1) education for Negro girls; 2) temperance; and, 3) women's rights—a logical if not inevitable combination in nineteenth-century America. Footnote: In 1886, four years before her death, the state of Connecticut repented and voted a small pension for Prudence Crandall.



Gaustad

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### Angelina Grimke

Two years after Ms. Crandall's birth in Rhode Island, Angelina Grimke entered the world in Charleston, South Carolina. Growing up in a slaveholding family, Angelina (like her older sister Sarah) welded together women's rights and blacks' rights into a powerful bond. Knowing slavery first-hand (and not finding it any more lovable thereby), Angelina Grimke lost few opportunities, even as a girl, to complain against "all the cruelty and unkindness which I had from infancy seen practiced . . ." Her anti-slavery sentiments led her to leave Presbyterianism for Quakerism (which in Charleston was in a pitiable state: two old men who bore a grudge against each other, and would not address each other, in or out of the meeting) and later caused her to leave Charleston for Philadelphia (where Quakerism was considerably more vigorous). In Pennsylvania she learned of the plight of Georgia's Cherokee Indians; she also learned of a new movement called abolitionism.

Within a very few years, Angelina assumed a *public* role in castigating the oppression of the black—and of the female. "The discussion of the rights of the slave," she wrote to Catherine Beecher, "has opened the way for the discussion of other rights, and the ultimate result will certainly be the breaking of every yoke, the letting the oppressed of every grade and description go free,—an emancipation far more glorious than any the world has ever yet seen . . ." Linking slaves' rights to women's rights may spell the doom of both, many warned. Yet to Angelina Grimke, they appeared a single and righteous cause to be unlinked only by the most calloused and calculating. Along with these was another right on which Ms. Grimke would not yield: the right to speak in *public*. When the Congregational clergy in 1837 issued a Pastoral Letter critical of Garrison and the Grimke sisters, Angelina replied that her rights and the rights of all women were at stake. "If we surrender the right to *speak* to the public this year, we must surrender the right to *petition* the next year and the right to *write* the year after and so on. What *then* can woman do for the slave when she is herself under the feet of man and shamed into *silence*?" Our womanhood, she added, has become as objectionable as our abolitionism—"and I am glad of it." In 1837 she wrote, "We are willing to bear the brunt of the storm, if we can only be the means of making a

break in that wall of public opinion which lies right in the very way of woman's rights, true dignity, honor and usefulness." The next year, a break was made in that wall when Angelina Grimke was actually invited to address, publicly, a Committee of the Massachusetts legislature. To an overflow, curious, and only partly sympathetic audience gathered in the State House, she presented a petition on behalf of 20,000 women of the state of Massachusetts. "These petitions relate to the great and solemn subject of slavery. And because it is a political subject, it has often been tauntingly said that women had nothing to do with it. Are we aliens, because we are women? Are we bereft of citizenship because we are mothers, wives and daughters . . . ? Have women no country—no interests staked in public weal—no liabilities in common peril, no partnership in a nation's fault and shame?" Throughout history, Angelina Grimke declared, woman has exercised her influence as courtesan and mistress. Now the age "is approaching [when] she should be something more—she should be a citizen."

### Phoebe Palmer

In this same initial decade of the nineteenth century, in the year 1807, Phoebe Palmer was born in New York City. Married at the age of 19 to a young homeopathic physician and fellow Methodist, Phoebe Palmer did not in her writing or her speaking take the stands of a classic feminist. This she did in her living. It is, I trust, no faint praise to say that her contribution to women's rights and to human rights is seen more clearly in what she did than in what she said.

As evangelist and author, Phoebe Palmer began her life work modestly enough by organizing a Methodist prayer meeting for women in New York City in 1835. Soon to be known as the Tuesday Meeting for the Promotion of Holiness, this innocuous assemblage (innocuous because it was lay, not clerical; female, not male) led to a movement which swept far beyond the confines of sex, of ecclesiastical status, of Methodism, and of New York City. Remarkably, however, once males and clergymen became active in it, Phoebe Palmer's leadership remained in force and intact. Ms. Palmer's first book, *The Way of Holiness* (1845), proved a best seller, which success might have encouraged her to become a quiet literary recluse. But it did not. In fact, she took up the role of a traveling evangelist (itin-

eracy was bad enough; female itineracy was horrifying). In Phoebe Palmer's case, the striving for Christian perfection and holiness did not mean a life of self-centered introspection; it meant, rather, a life of service, of active concern not so much with her own dignity and rights as with the rights and dignity of others: the poor, the ill, the imprisoned, the ghettoed. Not to be compared with the Grimkes as an *advocate* of women's rights, Phoebe Palmer stands out as one who *exercised* those rights. By her example, she convinced hundreds of women in the churches that they should, that they could, take up roles of leadership that were imaginative and decisive. For all of the nation's new problems of industry and city, of alienation and exploitation, of hunger in body and in spirit, Ms. Palmer pointed the way to be followed by innumerable "Sally Anns" of the Salvation Army as well as by female preachers in the rapidly expanding holiness and pentecostal movements.

### Margaret Fuller

The last to be mentioned, born at the very end of our decade (1810), is probably the best known to this audience: Margaret Fuller. The only female accorded full membership in that Transcendental inner circle of Emerson, Thoreau, Ripley, Alcott, Channing et al., Margaret Fuller was no passive reflection of those around her. She excelled in writing, in teaching, in editing the *Dial* (which was published for those "who trust the living soul rather than the dead letter") and above all she excelled in raising to its highest level the art and substance of conversation among Boston's leading women. For five years, from 1839 to 1844, Margaret Fuller proved herself in total command of not only conversation, but of art, music, literature, politics, philosophy and religion. When she went to New York in 1845 to work on Horace Greeley's newspaper, she published her classic essay, *Woman in the Nineteenth Century*. In that work, she too seized upon the relationship between the blacks' drive for freedom and the women's clear call for full equality.

If the Negro be a soul, if the woman be a soul . . . to one Master only are they accountable. There is but one law for souls, and if there is to be an interpreter of it, he must come not as man or son of man, but as son of God.

We would have every arbitrary barrier thrown down. We would have every (See GAUSTAD, p. 11)

# 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*.

Should the Smithsonian Institution in Washington, D.C. be required to remove all exhibits on evolution from the Museum of Natural History? Dale Crowley, Jr., a 50-year-old printer and former missionary to Japan, thinks that the exhibits, which include a major new display called the "Dynamics of Evolution," in a publicly supported museum are contrary to the establishment clause of the First Amendment.



Baker

The suit alleges that the theory of evolution is not any more subject to scientific verification as an explanation of the origin of man on earth than is the story of creation found in the Bible. He asserts that because this is true, to believe one or the other requires an act of faith. Further, to give preference to one act of faith over the other, when religious beliefs are involved, creates an unconstitutional establishment of religion.

On December 11, 1978 the U.S. District Court in Washington, in *Crowley v. Smithsonian Institution*, 462 F. Supp. 725, issued a summary judgment in favor of the Smithsonian Institution. Crowley has appealed to the U.S. Court of Appeals for the District of Columbia Circuit asking that it remand the case to the District Court for a full evidentiary hearing. Briefs are in but at this writing the case has not been set for oral argument.

The United States District Court for the District of Utah has ruled that a city's released time program which permitted public school students to attend church-operated seminars during regular school hours did not constitute a *per se* violation of the establishment clause of the First Amendment. However, the fact that state credit was given to public school students for Bible courses taken in the program did violate the establishment clause where the

classes were not planned and taught strictly from an historical, literary, or comparative viewpoint but rather were geared toward reinforcing religious beliefs. *Lanner v. Wimmer*, 463 F. Supp. 867 (1979).

An employee of the Internal Revenue Service sued the Secretary of the Treasury alleging that he had been denied a promotion because of his religious beliefs, as a Catholic, that abortion clinics and certain other organizations should not be classified as tax exempt. The U.S. District Court for the District of Columbia held that the employee's unwillingness to process certain exemption applications for reasons based on his religious beliefs could not justify the denial of promotional or other employment rights and opportunities. The court held that the IRS failed to establish that accommodating the employee's religious beliefs would constitute an undue hardship on it. *Haring v. Blumenthal*, \_\_\_\_ F. Supp. \_\_\_\_ (1979).

The United States Court of Appeals for the 8th Circuit has held that the practice of the County Board of St. Louis County, Minnesota of beginning each meeting with an invocation given by a local clergyman does not violate the First Amendment. The court held that the practice reflects a secular purpose of establishing a somber atmosphere and serious tone for the board members and neither advances nor inhibits religion. The court did take note that the county was getting on unsound ground, however, because, up to the time the case went to oral argument, only Christian clergymen had been used to deliver the invocation. *Bogen v. Doty*, \_\_\_\_ F.2d \_\_\_\_ (1979).

On May 17, 1979 the Supreme Court of California in bank denied the United Methodist Church's petition for hearing in *Barr v. United Methodist Church*. In effect, the decision not to hear the case

leaves standing the decision of the California Court of Appeal that the United Methodist Church is a jural entity even though it is unincorporated, has no employees, has no administrator, and owns no property. Attorneys for the United Methodist Church have asked Supreme Court Justice Rehnquist to stay the proceedings in the San Diego, California Superior Court on the merits of the case until the Church has had an opportunity to present the constitutional issues to the full U.S. Supreme Court.

The U.S. District Court for the Southern District of New York has held that the federal regulations allowing the Native American Church to use peyote in its worship cannot be limited exclusively to that church and must also be available to any other church which uses peyote as a bona fide part of its religious service. However, the court did hold that Congress is under no obligation to permit a church to use any other controlled substance in its worship services even though the church may assert that it worships all psychedelic substances as deities. *Native American Church of New York v. United States*, \_\_\_\_ F. Supp. \_\_\_\_ (1979).

As a continuing public service to the churches we would like to make the following statements: (1) There is NO petition before the Federal Communications Commission to "take God off the airways" and there has NEVER been such a petition. (2) A petition to have a temporary freeze on the assignment of NEW educational TV and FM channels to groups which would air exclusively religious programs was denied by the FCC on August 1, 1975. (3) Madalyn Murray O'Hair WAS NOT in any way involved in RM 2493 despite what current petitions say. (4) DO NOT send money to anyone to fight Mrs. O'Hair's "attempt to get God off the air"—it is a nonexistent issue.

## Congressional Staff Report Suggests Actions On Cults

By Carol B. Franklin

WASHINGTON—Stepped-up research on cults, review of Internal Revenue Service rules on the tax-exempt status of churches, and the inclusion of the subject of cults on the agenda of a White House Conference on the Family were recommended in a congressional investigative report on the murder of Rep. Leo J. Ryan, D-Cal., in Jonestown, Guyana last year.

The report, prepared by a staff investigative group for the U.S. House of Representatives Committee on Foreign Affairs, was ordered by Rep. Clement J. Zablocki, D-Wis., chairman of that committee. Although it is not an official report of the committee, the findings may be used in deciding if future action is needed in response to the murder of Ryan, members of his party, and the mass suicide/murder of the followers of the People's Temple on November 18, 1978.

The report notes that Jim Jones' group, People's Temple, had tax-exempt status as a "church." It recommends periodic review of qualifying status "in order to assure that originally stated purposes and objectives are still being fulfilled and that the nature and general activities of an organization deemed to be a 'church' under IRS guidelines have not changed over time."

"The issue of People's Temple's status as a 'church' is also significant in connection with First Amendment protections it sought and received," the report acknowledges. It notes that this is "a difficult and complex matter" which goes beyond the mandate of the investigative group.

The report concludes that People's Temple "may have been a bona fide church in its Indiana and early California origins" but that it progressively lost that characterization in almost every respect. By 1972, according to the report, it could

be accurately described as a "sociopolitical movement."

"Under the direction and inspiration of its founder and director and the Marxist-Leninist-Communist philosophy he embraced, People's Temple was in the end a Socialist structure devoted to socialism," the report asserts. "Despite that fact, People's Temple continued to enjoy the tax-exempt status it received in 1962 under Internal Revenue Service rules and regulations."

The report also deals with the possibility of People's Temple being revived. It notes signs of an internal power struggle and the alleged existence of a "hit squad" to eliminate opponents. "There is evidence to suggest Jones and some of his key lieutenants discussed and had 'understandings' to eliminate various individuals, including national political leaders," the report notes.

The report acknowledges the complex and emotional nature of the issue of cults but concluded that "too little is known about . . . cults or the dynamics and methods of such groups and their leaders. It is not unreasonable to conclude, in fact, that cult groups in the United States tend to thrive because of this lack of understanding and information."

The report recommends "on an urgent basis, that the professional scientific community undertake a concentrated program of research and training aimed at understanding fundamental questions in this area."

The final recommendation of the report is the inclusion of cults on the agenda of a White House Conference on families "with special reference to their mode of operation, the style and tactics of their leaders, and means and methods by which parents and their children can avoid becoming involved with such organizations." (BPA)

## Lobby Disclosure Heats Up In House

WASHINGTON—Churches lost a round in the battle to gain exemption from the lobby disclosure bill pending in the House Subcommittee on Administrative Law and Governmental Relations of the Judiciary Committee.

Rep. Carlos J. Moorhead, R-Cal., introduced an amendment to H.R. 81 which would have excluded bona fide religious organizations from coverage under the bill's provisions, as urged by numerous religious groups, including the Baptist Joint Committee on Public Affairs. But before that could be voted on, Rep. Herbert E. Harris, D-Va., offered a substitute amendment which would exclude church organizations from the requirement of reporting contributors but leave them covered by the rest of the measure's terms.

When debate bogged down in parliamentary maneuvering, Harris withdrew his amendment long enough for the Moorhead amendment to be voted on. Voting with Moorhead were Reps. Thomas N. Kindness, R-Ohio, and Robert McClory, R-Ill., but their votes were not enough to carry the amendment, which lost, 5-3. Harris' amendment then passed.

Moorhead argued that the First Amendment guarantees of free exercise of religion would be violated by including churches in the bill. "If we want to keep this bill constitutional, so it can stand the test of the courts, this exemption is important," he said. "Beyond that, we are a nation of people strongly oriented to churches which build our moral standards. It is wrong for us to harass them."

Moorhead also pointed out that churches "are not in the same bag with everyone else with financial motives. They view speaking out on social and moral issues as a basic part of their ministry. We would be interfering with freedom of religion."

When the subcommittee completes its work on the bill it will go to the full Judiciary Committee for a vote before reaching the House floor. A bill which included churches passed the House in the last Congress.

No lobby disclosure bills have been introduced in the Senate in this Congress. Attempts to move such a bill out of committee failed in the Senate last year. (BPA)

## High Court Refuses Scientology Claims, Takes Other Church-State Actions

By Stan L. Haste

WASHINGTON—Returning to the bench for the stretch run of its current term, the U.S. Supreme Court affirmed a lower federal court ruling that U.S. customs officials did not violate the rights of members of the Church of Scientology of California by opening and inspecting four boxes of church materials flown from London to Los Angeles International Airport.

In other actions, the high court refused to hear the appeal of an Indiana teacher who was fired for reading the Bible to his classes, denied a hearing to a Pennsylvania man who claimed he was denied real estate tax exemption because of religious beliefs, and ruled that a Lutheran campground facility in Pennsylvania is entitled only to fair market value indemnity.

The California Church of Scientology took the federal government to court over the inspection of church-related papers and documents even though they were returned to church officials after four days.

A U.S. customs agent at the airport became suspicious of the boxes' contents upon discovering references to the CIA, Interpol, and sabotage. He and his supervisor then determined that the documents should be detained and examined by a customs special agent. The Bureau of Customs is operated by the Treasury Department.

The special agent, Michael Peel, reviewed the materials over a three-day period and determined that they contained potential evidence of tax fraud and possible violations of other laws.

His decision was quickly overruled by the Bureau of Customs, however, and the materials were handed over to church officials.

The church went to court anyway to challenge the provisions of federal law that allows customs officers to inspect packages coming into the country from abroad without probable cause or warrants. Last fall a federal district court in California held against the church.

In appealing to the Supreme Court, church attorneys declared that the lower court decision, if allowed to stand, "will signal that all written matter brought into the United States by any means other than by international mail will be subject to reading and detention . . . for any reason at all, or for no reason."

The resulting "chilling effect on the exercise of First Amendment rights of speech and expression would be monumental," the argument continued.

The government, on the other hand, argued that federal customs officials must be permitted to open cartons coming into the country "without probable cause and without warrants" in order to detect violations of customs laws.

Two of the high court justices, Harry A. Blackmun and John Paul Stevens, indicated they voted to schedule the case for oral argument and a full decision. Four justices must agree to hear a case, however, before it is scheduled. (*Church of Scientology of California v. Blumenthal*)

In the Indiana Bible reading case, the high court refused to hear the appeal of Max W. Lynch, an assistant mathematics professor at Indiana State University who was dismissed five years ago for insisting on reading the Bible to his classes.

Lynch, who taught high school-age young people at the university's Laboratory School in Terre Haute, was notified by school officials in the fall of 1973 that he was violating university policy. When he persisted with the readings, he was fired.

Lynch, who earlier lost an appeal to the Indiana Supreme Court, argued in a written brief that his dismissal violated his free exercise of religion. "The door of the Free Exercise Clause stands tightly closed against any governmental regulation of religious beliefs as such," his attorneys declared.

His "compelling religious beliefs caused Lynch to read his Bible" to his students, the brief continued. Furthermore, no one was required to remain in the room during the readings and no religious service as such was involved.

The university brief countered by citing previous Supreme Court decisions that merely allowing dissenting pupils to leave the classroom during such exercises is not a satisfactory solution. "The supervisory position of control occupied by the teacher over student grading and conduct, coupled with peer pressure and disapproval" would deprive the students of their constitutionally protected "freedom to believe as they wish," the statement argued.

University lawyers went on to declare that while "the concept of freedom to believe is an absolute right", the "freedom to act . . . cannot be absolute." (*Lynch v. Indiana State University Board of Trustees*)

The justices also declined to hear the appeal of a Pennsylvania man who claimed he was denied real estate tax exemption "solely on the basis of religious beliefs."

Robert B. Graham, an ordained "cardinal" in the Universal Life Church, the mail-order ordination service headed by Kirby J. Hensley of California, took his case to the Bucks County Court of Common Pleas after the county board of assessments refused to exempt his house from real estate taxes.

Hensley and his associate, Daniel J. Callahan, of the Holland Universal Life Church of Love, maintained that the church abides by the Golden Rule and the Ten Commandments, that they believe in a Supreme Being, that their church has a membership of 100, and that they hold regular services every Sunday.

None of those arguments convinced the county court or the Pennsylvania Supreme Court, which like the nation's high court refused to hear the case. (*Graham v. Bucks County Board of Assessment*)

In another Pennsylvania case, the justices ruled 8-0 that the Southeastern Pennsylvania Synod of the Lutheran Church in America is entitled only to the fair market value of a camping facility and not the cost of its replacement.

(See COURT, p. 11)



## Court Majority Bars Deductions For Parochial School Costs

By Stan L. Haste

WASHINGTON—Despite the objection of three justices, the U.S. Supreme Court ruled that New Jersey's tax deduction provision for parents of students enrolled in nonpublic schools violates the no establishment of religion clause of the First Amendment.

With Chief Justice Warren E. Burger and associate justices Byron R. White and William H. Rehnquist calling for the high court to give a full hearing to the case, the other six justices summarily affirmed two lower federal courts which held earlier that New Jersey's plan had the primary effect of advancing religion contrary to the Constitution.

The New Jersey law, which included a \$1,000 tax deduction for each dependent child attending a nonpublic elementary or secondary school, was challenged in U.S. District Court for New Jersey by a number of individual taxpayers and several organizations, including the American Civil Liberties Union, Americans for Democratic Action, the American Jewish Congress, the Union of American Hebrew Congregations, the Society of Separationists, and Americans United for Separation of Church and State.

Both the district court and the Third Circuit Court of Appeals ruled the law unconstitutional. U.S. District Court Judge H. Curtis Meanor declared that the law had "the direct effect of aiding religion and is . . . in violation of the establishment clause."

Judge Meanor went on to say, "One need not be clairvoyant to know that if this New Jersey statute continues there will be increasing pressure to enhance it." That "would enmesh New Jersey in continuing political strife over aid to religion, thereby engaging the government of New Jersey in excessive entanglement with religion," Meanor concluded.

On Jan. 12, 1979, the Third Circuit Court of Appeals affirmed the district court ruling, declaring that the New Jersey law presented "an insurmountable obstacle" to the Supreme Court's 1973 rul-

ing that the principal or primary effect of such a law must neither enhance nor inhibit religion.

"We hold that the exemption has a primary effect of advancing religion and therefore violates the first amendment," the court declared.

Of New Jersey's 753 nonpublic schools, 714 are religiously affiliated, and of those, 575 are Catholic parochial schools.

In appealing the lower decisions to the nation's high court, New Jersey officials argued that "the meager amount of tax relief . . . is nothing more than a recognition that taxpayers whose dependents attend elementary or secondary schools that are not funded by public monies have an added financial burden deserving of some form of tax relief . . ."

They further maintained that "the benefits, if any, . . . upon organized religion are incidental."

New Jersey attorney general John J. Degnan also argued that the tax exemption provisions "are not part of a comprehensive aid package" such as a New York plan struck down six years ago by the Supreme Court. Degnan pointed out that the provision was but one of several identical \$1,000 deductions for dependency, old age, blindness, and disability, among others.

He also noted that a separate provision of the law allows for a \$1,000 deduction for each college student enrolled at any college or university, private or public, in the state.

By affirming the lower courts, the high court did more than simply decline to hear the New Jersey appeal. Although the brief order consisted of only one sentence, the action to affirm upholds both the decision and the reasoning of the lower courts and establishes a precedent for all similar cases in the future. (*Beggans v. Public Funds for Public Schools of New Jersey*, *Byrne v. Public Funds for Public Schools of New Jersey*) (BPA)

## Justices Avoid Debate Over Abortion Funding

WASHINGTON—Advocates of public funding of abortion suffered a setback here when the U.S. Supreme Court declined to hear their appeal that states are under obligation to pay for abortions for indigent women.

The appeal to the high court is but one in a series of moves by abortion advocates to nullify the effect of the Hyde Amendment, first passed by Congress in December 1977 as an amendment to the Department of Health, Education, and Welfare (HEW) appropriations bill.

Although the original Hyde Amendment forbade the use of HEW funds for abortions except to save the life of the mother, it was broadened last year to include abortions for victims of rape or incest and "in those instances where severe and long-lasting physical health damage to the mother would result . . ."

Last July the Massachusetts legislature, over the veto of governor Michael S. Dukakis, passed a law restricting state Medicaid payments for abortions to cases involving danger to the mother's life or instances of rape or incest.

In January the Court of Appeals for the First Circuit invalidated the Massachusetts law, holding that its limitations were unreasonable and inconsistent with the federal statute.

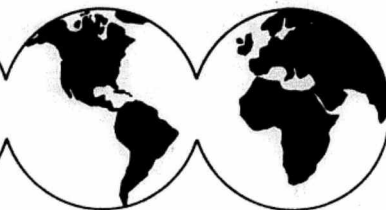
At the same time, the court of appeals held against abortion advocates on another point, ruling that the federal Medicaid law carries with it no requirement that states provide funding for all abortions deemed "medically necessary" by attending physicians.

But abortion advocates, unhappy with the split decision, took their arguments to the high court. Without comment, the justices declined to schedule the case for oral argument. (*Preterm, Inc. v. King*)

The high court heard arguments during February in another Massachusetts case challenging that state's law requiring young women who fail to obtain their parents' written permission for an abortion to secure permission from a superior court judge. The state supreme court has also held that abortion orders cannot be given without parents' knowledge.

(See ABORTION, p. 11)

# INTERNATIONAL DATELINE



Compiled by Carol B. Franklin

## Iran Inquiry Urged

NEW YORK—Citing the execution of Jewish businessman Habib Elghanian and other civilians by an Islamic revolutionary court in Iran, the Anti-Defamation League of B'nai B'rith has urged President Carter to ask the United Nations to examine the human rights situation in Iran.

In a hand-delivered letter to the White House, ADL national director Nathan Perlmutter said, "There is unmistakable evidence that the Islamic Republic proclaimed by the Ayatollah Khomeini is turning the clock back to the dark ages of religious hostility and attempting to resolve its internal problems through wholesale murder."

Elghanian was accused of having spied and raised money for Israel to use in killing Palestinians. Formal charges against him included "friendship with the enemies of God and being an enemy of the friends of God." (RNS)

## U.S.S.R. Christians Persist

KESTON, England—A recent article in the Soviet press indicates there is lively religious activity in the provinces. A correspondent of *Sovetskaya Rossiya* (Soviet Russia), writing in the April 27, 1979 issue, reported that the township of Var-enikovskaya (population 15,000) in the Northern Caucasus has registered Orthodox and Baptist churches, as well as an unregistered Baptist group and the Jehovah's Witnesses. The latter are banned by Soviet law. The local authorities apparently do nothing to combat the influence of these groups.

The headmasters of two local schools were interviewed and told of children from believing families often having a very strong faith of their own. One head teacher summed up the situation: "We've neglected atheist work in our township, but the sectarians are wide awake." (KNS)

## Human Rights Decline

NEW YORK—The human rights situation in South Korea, far from improving, has worsened considerably over the past year, according to a report released here by the U.S. Conference for the World Council of Churches.

According to the report, Christian churches remain the rallying point of the human rights movement in South Korea.

In response, says the report, the government continues to exert efforts to control the churches' internal activities by various means, including monitoring of sermons by government agents, preventing, restricting, or disrupting religious meetings, and harassing "people active in the church." (RNS)

## Broadcasts Jammed

SAN SALVADOR, EL Salvador—The Salvadorean military government has been jamming the Sunday morning broadcasts of the Catholic radio station in an effort to silence the voice of Archbishop Oscar Romero of San Salvador, according to unconfirmed reports circulating in this Central American country.

The archbishop is noted for his outspoken defense of human rights and his criticism of the government's repressive policies. A spokesman from the prelate's office said, "It is common knowledge that no radio or TV station enjoys as large an audience as the archbishop's broadcasts."

The church-owned station regularly reports persons who have "disappeared" and are feared dead or held incommunicado in military prisons. The latest report included the names of six leaders of the country's outlawed major opposition party, the Popular Revolutionary Bloc, who have suddenly disappeared. (RNS)

## Romanians Suffer

KESTON, England—The situation for some believers under state surveillance in Romania has deteriorated further, reports Keston College. Father Gheorge Calciu Dumitreasa, former lecturer at the Orthodox Theological Seminary in Bucharest, was imprisoned on March 10. During the four days following his arrest he suffered beatings and ill treatment in order to extort a confession, according to Keston College.

Members of the Christian Committee for the Defense of Religious Freedom are constantly watched. The chief spokesman for the Committee, Pavel Nicolescu, has been followed wherever he goes by agents of the secret police who continually threaten him with violence, Keston College also reports.

Pressure by the Department of Cults and the Baptist Union continues on the Holy Trinity Baptist Church, Bucharest, according to Keston College. Their church building is to be demolished in the fall. Requests for a new building have been refused though the congregation has money to pay for it. The church's 600 registered members (and average attendance of 800-900 people) will be dispersed among other churches in the city.

Holy Trinity's problems are seen as an attempt to break up the church because pastor Vasile Talos has defied the Baptist Union which ordered him to exclude Pavel Nicolescu and other dissidents from the church's membership.

Three other Baptists, imprisoned in October 1978, Petre Cocirteu, Oinel Prejban, and Nicolae Radoi, are said to be undergoing severe punitive treatment in prison because of their continued insistence on witnessing to the Gospel. (KNS)

## Gaustad

(Continued from p. 5)

path laid open to Woman as freely as to Man.

Yet by men in this country, as by the Jews when Moses was leading them to the promised land, everything has been done that inherited depravity could do to hinder the promise of Heaven from its fulfillment.

Without reciting the remaining extraordinary and drama-filled years of Margaret Fuller's life, it must be noted that she, like those before her, also demonstrated a deep concern not alone for women's reform, but for public charity, for political liberty, for intellectual freedom and for spiritual progress.

The first decade of the nineteenth century was, perhaps, unique in its managing to bring forth so remarkable a group as we have quickly sketched. But the principal point is not one of chronology. It is, rather, that for these women, the zeal for women's rights represented an enlargement of sympathies, not a narrowing of them. It was part and parcel of a dedication to the whole human cause, to the whole human race. And in these cases, at least, I believe that religion assisted them in understanding that—even in so sacred a cause as theirs was—if they sought to save only their own souls, they would surely lose them . . . Since this audience is in part one of biblical scholars, perhaps it is appropriate to close with a text—even if we did not begin with one: "Therefore, since we are surrounded by so great a cloud of witnesses . . . let us run with perseverance the race that is set before us." (Hebrews 12:1)

### On the Cover

The lithograph shown on this issue's cover, "Representative Women," depicts (clockwise from top): Lucretia Coffin (1793-1880); Elizabeth Cady Stanton (1815-1902); Mary Ashton Rice Livermore (1820-1905); Lydia Maria Francis Child (1802-1880); Susan Brownell Anthony (1820-1906); Sara Jane Clarke Lippencott ("Grace Greenwood," 1823-1904, center); and Anna Elizabeth Dickinson (1842-1932). The lithograph was provided to *Report from the Capital* by the National Portrait Gallery, Smithsonian Institution, Washington, D.C.

## High Court to Rule On Minority Public Works Set-Asides

WASHINGTON—For the third time in its last three terms, the U.S. Supreme Court has decided to hear charges by whites that affirmative action programs designed to help minorities make up ground in education and employment violate both the Constitution and the Civil Rights Act.

The high court announced May 21 that it will decide if Congress can require that ten percent of all federal funds appropriated for certain public works projects go to businesses that are at least 50 percent owned by certain minority groups.

At issue is the Public Works Employment Act of 1977 requiring that the ten percent set-aside be made to companies at least half-owned by "Negroes, Spanish-speaking, Orientals, Indians, Eskimoes, and Aleuts."

That portion of the law was introduced on the floor of the House of Representatives during debate on the measure by U.S. Rep. Parren J. Mitchell, D-Md. No action on the provision was taken during committee hearings on the bill.

Although the challenged section has been upheld by several federal courts at the district and circuit levels, a U.S.

district court judge in Los Angeles struck it down on grounds that it violates the Civil Rights Act of 1964. (*Fullilove v. Kreps*)

Last year the Supreme Court held in one of its most publicized decisions ever that Allan Bakke, a white applicant to the University of California—Davis medical school twice denied admission because of an affirmative action policy, had to be admitted.

The court held that while race may legitimately be considered as one of several criteria for admission to universities, it may not be singled out exclusively. The justices also ruled that the university's system, requiring that 16 percent of new medical school students be from minority groups, violated white applicants' constitutional rights of due process and equal protection of law.

Earlier this term the justices heard arguments in the case of Brian Weber, a white worker at the Kaiser Aluminum Co. plant in Gramercy, La., who claimed that a promotion plan voluntarily implemented by the company and designed to advance members of minority groups to better jobs over equally or more qualified white violated his constitutional rights. (BPA)

## Court

(Continued from p. 8)

The synod took the government to court after condemnation proceedings were initiated to acquire land on which the synod operated summer camps. A federal district court held last year that the government was obligated to pay the fair market price for the property, but not the "substitute facilities" price which the synod claimed was due it.

Justice Thurgood Marshall, writing for the unanimous court, declared that contrary to church arguments, the synod "is under no legal or factual obligation to replace the camps, regardless of their social worth."

He went on to observe that as a private entity, the synod "is free to allocate its resources to serve its own institutional objectives, which may or may not correspond with community needs. Awarding replacement cost on the theory that re-

spondent would continue to operate the camps for a public purpose would thus provide a windfall if substitute facilities were never acquired, or if acquired, were later sold or converted to another use." Marshall concluded for the court. (*United States v. 564.54 Acres of Land*) (BPA)

## Abortion

(Continued from p. 9)

Three years ago the U.S. Supreme Court invalidated a Missouri law requiring parental consent before an abortion could be performed on grounds that it violated the privacy rights of underage women. At the same time, it left open the door for some state regulation in such cases. The Massachusetts law was enacted after that decision.

The high court's decision in the Massachusetts test case is due before the justices adjourn the current term around June 30. (BPA)

## Tupitza Joins BJCPA Staff

WASHINGTON—Victor Tupitza, an American Baptist clergyman and journalist, has been named director of denominational services for the Baptist Joint Committee on Public Affairs.

Tupitza comes to the BJCPA staff from the position of director of communication for denominational concerns for the American Baptist Churches in the U.S.A., Valley Forge, Pa. He has served American Baptists in several capacities since 1966.

As director of denominational services for the BJCPA, Tupitza will succeed Stan L. Hasteley, who was named last fall as the agency's director of information services.

The denominational services post involves overall responsibility for the Washington-based agency's relations with all nine sponsoring Baptist bodies and with other agencies and institutions belonging to those groups.



Tupitza

In addition, Tupitza will assume the role of managing editor of *Report from the Capital*, the monthly publication of the Baptist public affairs agency. He will also have responsibility for the development of brochures, pamphlets, and other promotional and issue-oriented publications produced by the BJCPA.

Other responsibilities include the promotion of Religious Liberty Day, observed throughout the denomination the first weekend of each June, and helping plan and promote the agency's biennial Religious Liberty Conferences.

As a member of the executive staff of the BJCPA, Tupitza will share responsibility for issue development and advocacy on behalf of agency public affairs positions.

"I have had a long interest in the area of personal liberties," he told *Report from the Capital*. "I feel keenly about them in part because my parents left a repressive atmosphere in the Soviet Union just before the Revolution," he elaborated.

As to the contemporary state of freedom in America, he observed that "we

are now dealing at a very fundamental level with the erosion of personal liberties. We have to maintain an open society in spite of pressures brought upon government by groups and individuals to entangle the state in the affairs of conscience."

Tupitza said he identified the Baptist Joint Committee as being "at the forefront" of the ongoing struggle to preserve and enhance personal liberties and added, "Theologically, I feel very comfortable with my decision to join the staff."

Born in Erie, Pa., Nov. 24, 1926, Tupitza graduated from Eastern College, St. Davids, Pa. in 1955, where he earned the A.B. degree. Eastern Baptist Theological Seminary in Philadelphia conferred the B.D. degree on him in 1958. He has also done work toward the Ph.D. in religious thought at Temple University in Philadelphia.

Before attending Eastern College, Tupitza worked for his hometown newspaper and as a laboratory analyst at a steel plant.

After seminary graduation, he served for six years as pastor of the First Baptist Church of Manayunk in Philadelphia.

He joined the staff of the American Baptist Churches in 1966, serving for four years as business manager and editor's assistant of *Mission* magazine and *Crusader*, two ABC, USA publications since merged as *The American Baptist*.

From 1970 to 1974, he was director of communication for the division of national ministries, where he developed communication strategy, wrote news stories and interpretive articles, and produced brochures and audio-visual materials.

His last five years at Valley Forge were spent as director of communication for denominational concerns, where he worked directly under ABC, USA general secretary Robert Campbell.

BJCPA executive director James E. Wood, Jr., commenting on the appointment, said, "We are extremely pleased to have Victor Tupitza join our staff. His twelve years of service in the areas of communication, promotion, and public relations on behalf of American Baptists give him special qualifications for the denominational services post."

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HISTORICAL COMMISSION  
127 NINTH AVENUE, N.  
NASHVILLE, TN 37234

## Report from the Capital

Vol. 34 No. 6 June 1979

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*Report from the Capital* is published 10 times each year by the Baptist Joint Committee on Public Affairs (BJCPA), a denominational agency maintained in the nation's capital by the American Baptist Churches in the U.S.A., Baptist Federation of Canada, Baptist General Conference, National Baptist Convention, National Baptist Convention, U.S.A., Inc., North American Baptist Conference, Progressive National Baptist Convention, Inc., Seventh Day Baptist General Conference, and Southern Baptist Convention.

Subscription Rates: Individual subscription, \$3.00 per year; Club rate for 10 or more, \$2.00 each per year; Bulk distribution of 10 or more to a single address, \$2.00 each per year.

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200 Maryland Ave., N.E.  
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