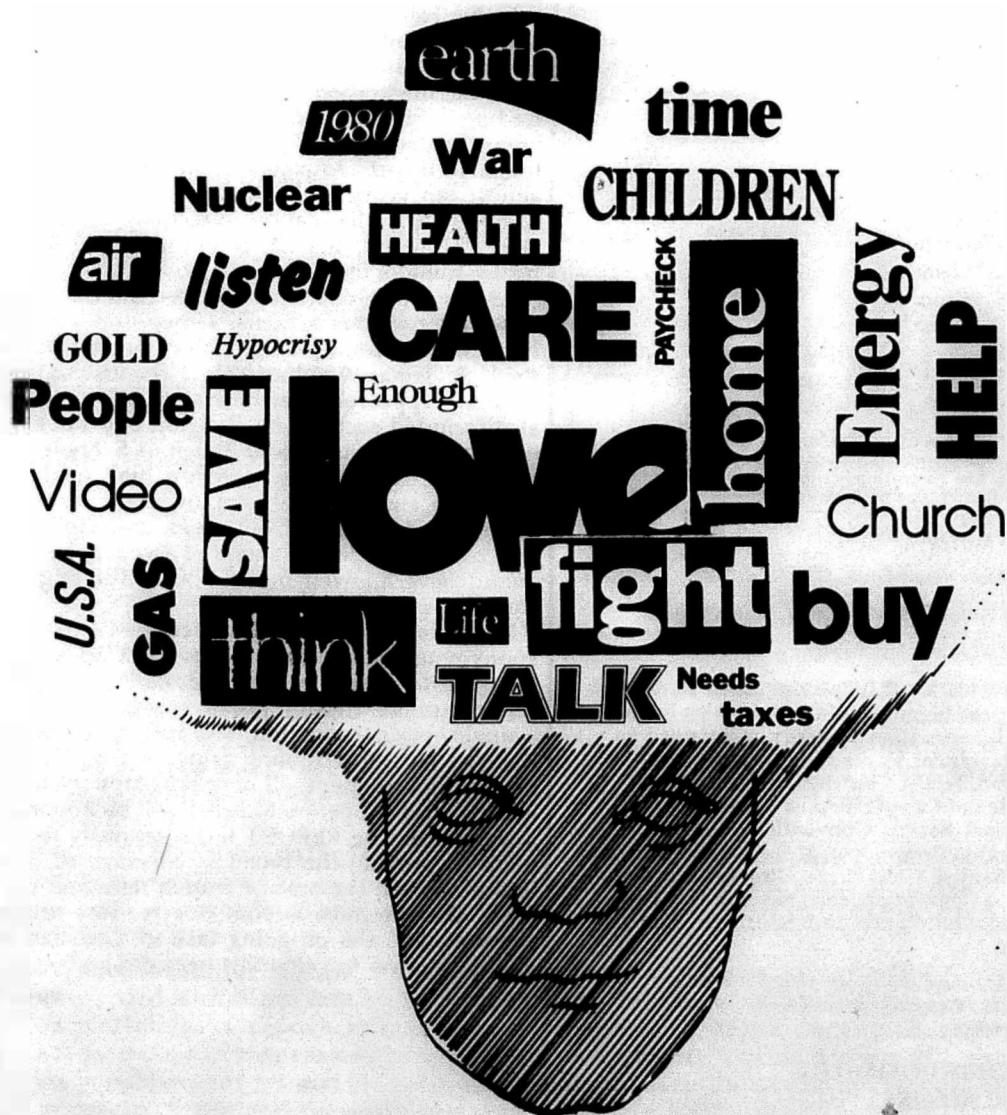


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REPORT from the CAPITAL



REPORT from the CAPITAL

"... a civil state 'with
full liberty in religious concerns' ..."

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The Cover:

"As for me, . . . my spirit within me was anxious and the
visions of my head alarmed me. I approached one who stood
there and asked him the truth concerning all this. So he told
me, . . ." (By S.H. Shira)

Daniel 7:15

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On the Issues

We started the 35th volume of the REPORT from the CAPITAL with a vision that projected lucidly written, substantive articles on issues of deep concern to our Baptist community in a format equally clear and pleasant to the eye. Graphics designer Bill Kreitlow, a member of the Calverton (MD) Baptist Church provided his keen aesthetic insights to account largely for the overall concept. It remains for the staff to prepare articles of major interest and to keep a watchful eye toward supplying news and feature material.

Esther Herst has suggested some of the pitfalls of an omnibus approach to criminal code reform. The process in the Senate Judiciary Committee, she says, is a "graphic illustration of the risks of legislative horse-trading." She finds many of the improving amendments inadequate and parts of the bill itself as an "intolerable threat" to constitutional rights. It has been almost ten years since Congress began dealing with comprehensive legislation to recodify federal criminal law. The result, S.1722, is examined by Ms. Herst, listing some of its shortcomings.

As the debate continues over federal funding of private and religious schools, it becomes important to have in mind a succinct picture of public education in the U.S. James Wood's article, "The Rise of the Public Schools" appeared elsewhere as part of a study which also included sections on Religion and Public Education and Public Funds and Religious Schools. Another respite in the battle to maintain high quality public education and constitutional strictures on support of alternate educational institutions came following the rejection by California voters of a voucher plan which would have allowed massive state funding of parochial and private schools.

There is good news and bad news, to quote an anonymous source, that affects REPORT subscribers. First the bad news: we have found it necessary to increase our subscription prices, from \$3.00 to \$4.00 for a single year subscription, and from \$2.00 to \$3.00 for the club (10 subscriptions or more) rate. In the good news announcement, all new subscriptions and all renewals received before March 1 will be honored at the lower price. The REPORT takes seriously its commitment to provide the broadest coverage of news and information in the area of church/state and public affairs. Our premise is that our readers are equally committed to the on-going task of Christian witness and have come to value this periodical.

Victor Tupitza



WASHINGTON OBSERVATIONS news/views/trends

DECLARING THAT AMERICANS have become "profligate wasters" of energy resources, President Carter called on representatives of the nation's religious community to help lead the way in conservation efforts.

CARTER TOLD 125 PERSONS representing more than 30 religious groups at a White House breakfast that "the conservation of oil has a religious connotation" in that "we are stewards under God's guidance" who are called upon "to husband" natural resources for the good of all persons, especially the less fortunate.

THE DAY-LONG CONFERENCE on religion and energy in the 1980s was sponsored by five groups, including the Sunday School Board of the Southern Baptist Convention. Sixteen Baptists, including several members of the Baptist Joint Committee on Public Affairs, were among the participants.

IN THE SUPREME COURT, a Chicago public school teacher who was dismissed after refusing to teach her kindergarten class the pledge of allegiance to the flag and certain patriotic songs, failed to convince the justices to take on her case.

JOETHELIA PALMER, a member of the Jehovah's Witnesses sect, complained that engaging in the patriotic exercises would violate her religious freedom by forcing her to engage in idolatry.

ATTORNEYS FOR THE CHICAGO school system disagreed, arguing that Palmer's termination was based on "curricular non-conformity" and came only after "elaborate experiments to accommodate" her religious needs.

THE CITY OF DENVER, CO has appealed a court order to dismantle a Nativity scene traditionally displayed on the grounds of the City and County Building. A federal district court judge ordered the display removed following a suit filed by the American Civil Liberties Union on behalf of a local group calling itself Citizens Concerned for Separation of Church and State.

THE PUBLIC DISPLAY of religious symbols during the holiday season and the singing of Christmas carols in public schools have been under attack in recent years. No such dispute has arrived at the U.S. Supreme Court for final resolution.

COLLEGE ADMISSIONS OFFICIALS have depended too heavily on standardized tests developed and distributed by Educational Testing Service of Princeton, NJ, according to a report released in Washington by Ralph Nader and associate Allan Nairn. The tests fail to predict students' true potential, exclude too many members of minority groups, and perpetuate "a class system in the guise of merit," the 550-page report concludes.

Esther Herst

The author serves as Coordinator of the Washington, D.C. office of the National Committee Against Repressive Legislation (NCARL).

Criminal Code Reform Bill Threatens Civil Liberties

Must Balance Law Enforcement, Democratic Rights

A major civil liberties issue of this decade is nearing a final resolution. The issue is the reform and the recodification of our federal criminal laws, embodied in two bills: S. 1722 in the Senate and an as-yet-unnumbered counterpart in the House. The challenge facing Congress is to pass a criminal law reform bill that, on the one hand, fills the legitimate needs of law enforcement, and, on the other hand, safeguards the fundamental constitutional rights of all Americans. While these two bills represent improvements over previous drafts of similar legislation, neither of them successfully balances those two interests. They do not reform our criminal justice system so as to result in a meaningful decrease in our crime problem, nor do they protect democratic rights of free assembly, press, association, and due process.

The process of criminal code reform began with a Presidential Commission which studied the issue from 1966 through 1970. The Commission's report evolved during the Nixon administration into a controversial bill, S. 1, introduced in 1975. It would have reinstituted a federal death penalty, created an "official secrets act" and placed far-reaching limits on the rights of people to dissent and organize against government policies.

S. 1 met with widespread public opposition and was stopped in 1976. In 1977, a revision of S. 1 was introduced as S. 1437, this time sponsored by Sens. Edward M. Kennedy and John McClellan. Some of S. 1's most egregious features had been modified, though most remained. Still, after only 5 days of hearings and 8 days of debate, the Senate passed S. 1437 on Jan. 30, 1978.

Immediately thereafter, the House Judiciary Subcommittee on Criminal Justice began studying S. 1437, hearing more than 100 witnesses. After careful review, the Subcommittee unanimously rejected S. 1437 because of its threats to First Amendment rights and its massive increase in the reach of federal criminal laws, which could result in an increase in the federal prison population of up to 92%.

Additionally, the House Subcommittee unanimously agreed that criminal law reform should not be attempted through passage of one massive bill. Rather, such reforms should be made on an issue-by-issue basis, as those reforms are needed, to ensure proper and judicious consideration of each change and to eliminate "trade-offs" of constitutional rights in order to retain majority support for such a large and complex bill. Such trade-offs were common during the Senate debate on S. 1437, when the bill was made even more damaging to constitutional rights in an effort to gain more conservative Republican support. The Subcommittee believed that this illustrated how difficult it is to protect such comprehensive or "omnibus" legislation.

New Bill Limits Rights

In the 96th Congress, the new House Judiciary Subcommittee on Criminal Justice is drafting a new omnibus bill. At the same time, Sen. Kennedy reintroduced S. 1437 with additional modifications, this time numbered S. 1722. The bill was approved by the Senate Judiciary Committee after it had been amended to include several new antilibertarian provisions in December, 1979 and it will be debated by the Senate in January, 1980.

Like its predecessors, S. 1 and S. 1437, S. 1722 seriously limits the rights of people to engage in protest activities. Demonstrations could become criminal acts under Impairing Military Effectiveness, Obstructing Military Recruitment or Induction, Obstructing a Government Function by Physical In-

terference, Obstructing a Proceeding by Disorderly Conduct, Demonstrating to Influence a Judicial Proceeding, Leading a Riot, or Engaging in a Riot. Rallies against nuclear power or in favor of utilities reform could become criminal under the statute against Aggravated Property Destruction, which covers not only the destruction of property (such as breaking down a fence) but also the planning of the demonstration (Conspiracy), the encouragement to people to attend (Solicitation), and the initial steps towards making the demonstration occur (Attempt).

S. 1722 also threatens the free flow of information to the public. Journalists could be charged with Hindering Law Enforcement or Failing to Testify or Produce Information if they refuse to reveal confidential sources. Disclosing secret information that may embarrass the government could become criminal through the statutes against Espionage, Disclosing Classified or National Defense Information, and Obstructing a Government Function by Fraud. A broad obscenity statute further limits freedom of press; whistleblowers, as well as those who print information obtained from leaks, could be accused of Revealing Private Information Submitted for a Government Purpose and Tampering with a Government Record.

No Decrease in Crime Rate

As to sentencing, S. 1722 would severely cut back on time-off for good behavior. It would abolish parole. It would create a U.S. Sentencing Commission to write sentencing guidelines for judges. These guidelines would be based on defendants' past history, including education, vocational training, community ties, employment, etc. This may mean that the guidelines will show the same bias that now occurs against poor, undereducated, and minority persons, and in favor of white-collar or corporate offenders. By increasing the number and reach of federal criminal laws, eliminating parole, and limiting good-time, S. 1722 will result in a significant increase in the already overflowing federal prison population. The U.S. incarcerates at a higher rate than any other western industrialized nation. S. 1722 would con-

Crime Rate (from page 4)

tinue and aggravate that trend, with no discernible decrease in the crime rate. S. 1722 would also give judges broad discretion to deny bail and order preventive detention before conviction. This violates a fundamental tenet of our legal system: that a person is innocent until proven guilty.

The bill pending in the House Judiciary Subcommittee on Criminal Justice is not completed yet. It is clear, however, that many of the same dangers in S. 1722 will be part of the House bill. The House bill eliminates good-time, for instance, and phases out parole. It does not encourage alternatives to incarceration, preferring the present system. It, too, would place limits on the rights to demonstrate. The crime of Extortion has been rewritten so that it can be used to criminalize labor union organizing or strike activities.

While the House bill at this time is not as dangerous to the Constitution as



S. 1722, it likely will become so. As it moves through the legislative process, efforts to make trade-offs, with amendments to add preventive detention, a death penalty (already pending in the Senate in the form of S. 114, a bill to be debated as soon as S. 1722 is completed), anti-demonstration provisions, and more severe penalties will occur. In the Conference Committee that must resolve the differences between the House and Senate bills, many of the threats in S. 1722 will be added to the House bill as part of the compromise necessary to produce a final bill.

It is clear that both bills must be stopped if our civil liberties are to be protected. The damage that they could do to our constitutional rights could far exceed the worst excesses of the McCarthy era and could result in "1984" coming early, coming, in fact, by the end of 1980.

Report from the Capital

Quoting

James L. Young
Rocky Mountain Baptist

Religious News Service reports that within the past year, three new organizations devoted to conservative "Christian politics" have set up shop.

One is the Pasadena-Calif.-based Christian Voice, which was founded in January and claims more than 100,000 members from 30 denominations.

It claims also to have the support of 1,500 members of the clergy.

It has a 1979 budget of \$1 million from individual donations, garnered primarily from evangelical direct mail individual gifts, with the budget directed primarily toward media penetration.

Another group, Moral Majority, was formed in June from the inspiration of television preacher Jerry Falwell of Lynchburg, Va., and is pushing for a conservative Christian coalition.

Falwell opposed the Equal Rights Amendment and parimutuel gambling in his home state of Virginia and was a key to the defeat of both issues.

He is opposed also to abortion, pornography and "militant" homosexuality. In 1976, he opposed evangelist Jimmy Carter's candidacy for President.

Still another conservative group is the New Right, which claims that "nearly 100 million Americans" are potential supporters of a "pro-family, Bible-believing coalition."

The group's magazine, *Conservative Digest*, notes there are "50 million born-again Protestants, 30 million morally conservative Catholics, 3 million Mormons and 2 million Orthodox Jews."

Such groups have an appeal to conservative Christians searching for a unified front along evangelical lines.

But politics in this country is still fragmented, even among conservative Christians—like Southern Baptists who were pretty well divided over the election that saw Gerald Ford and Carter both representing Christian backgrounds and opposing political parties.

Therefore, certainly not all evangelicals, conservatives or whichever label you prefer, if any, will line up with such groups, particularly among Southern Baptists.

There are certain issues with which we and other Southern Baptists would

generally find ourselves in agreement with such groups, like abortion, and homosexuality, on separation of church and state, against pornography and gambling, opposing child abuse, and other issues.

Yet, we would likely not stand with them on others. The same holds true for each of us on some stands taken by national and regional bodies of Southern Baptists. This very truth of life among Southern Baptists is the one thing that makes it difficult for us as a denomination to provide a united front on issues.

We (editorially speaking) are opposed to political blocs defined along specific religious lines and are generally wary of specifically, religiously oriented political campaigns, even though there are certain issues on which the vast majority of Southern Baptists will find themselves in agreement.

However, to say that someone is a heretic less than, or even not, a Christian because they happen to disagree with us on ERA, abortion, or some other such issue, is not fair and a judgment we do not have the right to make. The same applies to determining which political candidates to vote for.

Such groups as we have discussed apparently have the right to exist, but they should not pretend to speak, nor do we automatically assume they will, for all evangelical, conservative Christians.

An example of the large interest in religious political blocs is the campaigning for and attempts to indiscriminately elect "born again" candidates to office.

It doesn't necessarily follow or prove out that a "born again" official or legislator will necessarily do the best job, or will even make the best candidate while running for office.

Certainly, Christians should run for office and some should be elected, based on their qualifications for office, but not simply because they are "born again" and running for office.

Of course, conservative Christians would prefer to see persons qualified for office, who know Jesus Christ as Savior, elected to office. That's a bias we would admit and for which we would make no apology.

John W. Baker

VIEWS OF THE WALL



The First Amendment built "a wall of separation between Church and State." Thomas Jefferson in a letter to the Danbury Baptist Association
"... the line of separation, far from being a 'wall', is a blurred, indistinct, and variable barrier." Chief Justice Burger, *Lemon v. Kurtzman*.

The argument that laws which limit the availability of abortions violate the religion clauses of the First Amendment was held invalid by a federal district court even though that court did hold a Nebraska abortion law to be unconstitutional for other reasons.

Nebraska passed a law which required that a woman, before she could obtain an abortion, had to be advised of all "reasonable possible medical and mental consequences" of abortion, pregnancy, and childbirth as well as the alternatives to abortion and the abortion procedures to be used. Having been so informed, the woman had to give her consent in writing and then wait for 48 hours before the abortion could be performed.

Among the arguments raised in challenging the constitutionality of the law was that it violated the establishment clause and the free exercise clause of the First Amendment. The challengers argued that the law failed the tests of establishment of religion: it had a religious purpose, it had the primary effect of advancing religious belief, and it excessively entangled government with religion.

To support the claim of a religious purpose the plaintiffs argued that the law was partially motivated by the belief that human life begins at the moment of conception. Because there is no scientific way of determining when the fetus becomes "human," plaintiffs argued that the purpose of the bill was to write into law a value judgment which was essentially religious. The court rejected this argument. The legislature gave as its legislative purpose the protection of maternal health—a purely secular purpose. The court said that the "true" legislative intent was too speculative on the facts of this case to compel it to disregard an explicit legislative purpose.

The court also rejected the argument that the effect of the legislation is to advance religion. The requirement that a woman receive information and then delay an abortion does not, the court said, advance or inhibit religion. The court could not find any sign of entanglement problems either.

The free exercise argument was rejected because the plaintiffs presented no evidence to indicate that a woman's

obtaining of an abortion without the regulation contained in the statute would constitute a fundamental tenet of any religion.

However, the court held that the due process standard that protects a pregnant woman's privacy rights protects her right to choose whether to terminate a pregnancy without unduly burdensome interference by government. In adhering to the Supreme Court's holdings on abortions, the court held the law was unconstitutional in that the interest of the state in protecting the fetus was not sufficiently compelling to justify the burdens which the law put on the woman's right to privacy. *Womens Services v. Thone*, — F. Supp. — (D. Neb. 1979).

An Ohio State University student organization which distributes *Today's Student*, a national student newspaper presenting Christian ideas, was granted a preliminary injunction preventing the University and its officials from enforcing regulations which limited the distribution of newspapers other than the University's student newspaper to locations in only eight of approximately 100 campus buildings. The University student newspaper, *The Lantern*, was distributed at 145 points around the campus.

The injunction did not prevent the University from making carefully drawn regulations which would protect the rights of students and faculty to move freely across the campus. *Solid Rock Foundation v. Ohio State University*, — F. Supp. — (S.D. Ohio 1979).

The Federal District Court for the Western District of Missouri has held that it would be a violation of the establishment clause of the First Amendment for the University of Missouri at Kansas City to permit a religious group to conduct religious services in university buildings. Students claimed that their rights to free exercise of religion were denied by the University's prohibition of such services. The court, in balancing the claimed rights, upheld the University's actions. *Chess v. Widmar*, — F. Supp. — (1979).

After the issue of the snail darter had been resolved, it appeared that the way was clear for the Tennessee Valley Authority to complete the building of the Tellico Dam on the Tennessee River. However, construction was delayed by a suit brought by Cherokee Indians who claimed that the reservoir created by the dam would flood one of their sacred sites and would, thereby, deprive them of access. They sought injunctive relief. The Federal District Court for the Eastern District of Tennessee held that the plaintiffs failed to state a cause of action under the First, Fifth, or Ninth Amendments and that the denial of access to government owned land considered sacred and necessary to their religious beliefs did not infringe free exercise of religion rights. *Sequoyah v. Tennessee Valley Authority*, — F. Supp. — (1979).

The Federal District Court for Rhode Island held that a Rhode Island statute permitting deductions from gross income for amounts paid by parents and guardians for their dependents' tuition, textbooks, and transportation violated the establishment clause of the First Amendment. The court said that the primary effect of the tuition deduction was the advancement of religion and that the deductions for secular textbooks and other instructional materials could not be policed without excessive government entanglement with religion. *Rhode Island Federation of Teachers v. Norberg*, — F. Supp. — (1979).

A New York court has enjoined the medical examiner from performing an autopsy of an elderly woman who was struck and killed by an automobile while she was crossing the street because there was no criminal activity or suspicion of foul play and because the woman was a member of the Orthodox Hebrew faith—a tenet of which prohibits dissection of the human body after death. *Atkins v. Medical Examiners of Westchester County*, 418 N.Y.S.2d 839 (1979).

Sabbatarian Upheld In High Court Test

By Stan L. Haste

WASHINGTON—A divided U.S. Supreme Court announced here it will not hear a First Amendment challenge to a provision of California's Constitution forbidding employment discrimination on the basis of religion.

The Ducor Union School District had asked the high court to decide if the nondiscrimination provision of the state constitution amounted to an establishment of religion in violation of the federal Constitution's ban.

Three high court justices, William J. Brennan, Jr., Harry A. Blackmun, and John Paul Stevens, indicated they had voted to schedule the case for oral argument. But four justices must agree to hear a case before it can be scheduled.

The California case involves a long struggle by public school teacher Thomas E. Byars to force the school district to provide him with non-paid leave to observe certain holidays of his religion, the Worldwide Church of God.

The controversial sect, headed by Herbert W. Armstrong, requires worship on Saturdays and designates at

least 13 days during the calendar year as religious holidays to be observed by practicing church members.

Byars, who converted to the Worldwide Church in 1971, began to request leaves of absence to observe the holidays. For the next two school years, the school district permitted him two days off for the observances.

When he began taking unauthorized leave for some of the other days, however, the school district stiffened and began procedures to dismiss him.

The school board's reasoning was that allowing Byars the ten days off would violate the First Amendment's ban on an establishment of religion.

Byars has countered throughout his long legal effort that the school district's denial deprives him of his First Amendment guarantee of free exercise of religion.

Although lower California courts had ruled against him, the California Supreme Court last May held that Byars' rights had been violated and that the provision against religious discrimination in the California constitution does not contravene the First Amendment.

In written briefs filed with the nation's high court, the school district argued that under the California Supreme Court ruling Byars has been

"relieved of contractual and statutory obligations . . . to perform teaching duties by claiming this religious exemption."

The effect of the ruling, the argument continued, "is to require a governmental entity . . . to give preference to a particular, identifiable religion . . . which seeks and receives unprecedented prerogatives to practice its religion."

The school district concluded that because the United States is a "pluralistic and largely secularized society . . . it is more important than ever to maintain the wall of separation between church and state."

Byars, likewise invoking the First Amendment, argued that if the school district had its way, school boards across the country would be authorized to fire all teachers of minority religions, thereby attaining "an unlimited right to practice rank religious discrimination."

"Perhaps even more ominously," the argument concluded, "all school districts in the United States would be compelled to refuse all religious absences, and hence the only persons who would be permitted to teach in the public schools . . . would be those who do not have any sincere religious beliefs." (BPA)

Please send me the following:

BOOKS

Baker, John W. (ed.) *Taxation and the Free Exercise of Religion*. Papers and proceedings of the Sixteenth Religious Liberty Conference (BJCPA, 1978, \$2.50)

Wood, James E., Jr., (ed.) *Baptists and the American Experience*. Papers delivered at the National Baptist Bicentennial Convocation by outstanding Baptist scholars; (Judson Press, 1976 \$16.50)

— *Nationhood and the Kingdom*. An exposition of the role of religion in the life of a nation. (Broadman Press, 1977, \$3.00)

STAFF REPORTS

Baker, John W., "The Court on Church Tax Exemption." \$.20 single copy; 2.00 dozen copies.

— "Government and the Mission of the Churches: The Problem of 'Integrated Auxiliaries'." \$.30 single copy; 3.00 dozen copies.

— "Nontheistic Religions and the First Amendment." \$.30 single copy; 3.00 dozen copies.

— "Taxation and the Churches." \$.20 single copy; 2.00 dozen copies.

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News in Brief

Human Rights Abuses Sad, Continuing Chronicle

WASHINGTON—The thirty-first anniversary of the adoption of the Universal Declaration of Human Rights by the United Nations was observed here, with President Carter calling again for ratification of the Equal Rights Amendment and of four pending international treaties.

On Capitol Hill, meanwhile, U.S. Senator Henry M. Jackson, D-Wash., made an impassioned plea for universal religious liberty in a speech on the Senate floor.

Carter's presidential proclamation noting adoption of the universal declaration on Dec. 10, 1948 called attention to the stalled Equal Rights Amendment, which still lacks three state legislatures' approval before becoming the twenty-seventh amendment to the Constitution.

Noting that while "almost every country" has adopted the universal declaration, the President charged that "in too much of the world its promise is mocked." He cited as examples arbitrary arrest and imprisonment, summary executions and torture, unexplained disappearances, and acts of genocide.

Carter renewed his challenge to the Senate to ratify the Genocide Convention, the Convention on the Elimination of all Forms of Racial Discrimination, the Covenant on Civil and Political Rights, the Covenant on Economic, Social and Cultural Rights, and the American Convention on Human Rights.

Sen. Jackson's speech made note of the release last spring of Soviet dissident Baptist pastor Georgi Vins and his family but pointed also to many others still imprisoned for their religious beliefs.

"The bright promise of the Universal Declaration of Human Rights has not been realized," Jackson declared. "Abuses of human rights form a sad, continuing chronicle of injustice, stupidity, and suffering. If the United States government and its people do not stand up for human rights, there is little prospect that nations whose governments are based on the denial of key rights will make even a minimal effort to comply with internationally recognized standards, including the right to religious freedom." (BPA)

IFCO Announces Anti-Klan Network

NEW YORK—The Interreligious Foundation for Community Organization (IFCO) has announced plans to develop a network of people to counter the efforts of the Klu Klux Klan.

The idea for the conference grew out of a meeting of persons interested in considering strategies for dealing with the Klan.

Black and white leaders of church and community organizations were called together by Dr. Negail Riley, president of IFCO; Dr. Joseph Lowery, president of the Southern Christian Leadership Conference; and Dr. Lucius Walker, executive director of IFCO, to begin planning for a broad-based coalition effort to educate church and community leaders to the new threat of the Klu Klux Klan. They also hope to develop a national network of persons who will move into any city where Klan activity surfaces.

"This is a critical time," said the leaders. "Not only because of the five brutal murders in Greensboro, NC, but also because the Klan is on the increase nationally, organizing in schools and colleges, policy departments, prison guard systems and in the military—in the North as well as in the South."

The statement issued by the group points to "the defamation of affirmative action" as the Klan's "new sophisticated artillery" and asks for the efforts of concerned church and community leaders "to respond constructively by developing a working strategy to halt Klan activity not only in Mississippi or North Carolina but in Long Island, Buffalo, California and Massachusetts."

They also called on church leaders to be "armed with a sound theological and biblical basis" from which to address the growing threat of Klan activity. (ABNS)

Senate Bill Targets Domestic Violence

WASHINGTON—The House of Representatives passed and sent to the Senate a bill designed to curb the growing problem of physical abuse and violence within American families.

The measure calls for coordination of all federal programs that deal with domestic violence by a new inter-agency council composed of represen-

tatives from federal agencies, state and local government, and members who have themselves been victims of or worked with victims of such violence.

During 1975, the committee heard, one-fourth of all persons murdered in the United States were killed by a family member and half of such victims were killed by a spouse.

Rep. Paul Simon, D-Ill., a prime sponsor and floor manager of the bill, told Baptist Press after its passage that domestic violence is a larger problem than he realized before his subcommittee held hearings on the subject.

"Violence is unfortunately very much a part of the American scene," he said.

Simon expressed the hope, nonetheless, that because of this bill, "not only can violence be prevented but a lot of marriages can be saved." (BPA)

Group Urges Carter to Halt Executions

WASHINGTON—Amnesty International (AI), the London-based human rights organization, has called on President Carter to set up a presidential commission to investigate all aspects of capital punishment in the United States.

AI also urged Mr. Carter to oppose, and, if necessary, to veto proposed federal legislation on the death penalty.

It said that capital punishment "constitutes a serious violation of the most basic internationally recognized human rights—the right to life and the right not to be subjected to cruel, inhuman, and degrading punishment."

AI Secretary General Martin Ennals made the proposals in Washington following visits to California, Ohio, and Georgia as part of an AI mission on the death penalty.

Calling for a moratorium on executions in the United States while the proposed presidential commission did its work, Mr. Ennals said, "There can be no more serious act of government than the deliberate extinction of a human life." (RNS)

Baptists Push For ERISA Amendments

WASHINGTON—The President of the Annuity Board of the Southern Baptist Convention pressed Congress to make changes in a pension reform bill passed five years ago.

In testimony before the Senate Subcommittee on Private Pension Plans and Employee Fringe Benefits, Darold H. Morgan urged that corrective legislation be enacted in order to exempt denominational agencies and institutions from coverage of the Employee Retirement Income Security Act of 1974 (ERISA).

"By 1983," Morgan explained, "a church plan may not include employees of church agencies, if the church plan is to maintain its exemption."

According to Dean R. Wright, executive director of the Ministers and Missionaries Benefit Board of the American Baptist Churches, one of the law's effects is "that a minister who moves from the pastorate to a position in a denominational agency such as a hospital, retirement home, etc., would be prohibited from participating in a church pension program."

The law, which takes effect Jan. 1, 1983, must be amended, according to Morgan, or pension boards such as the Annuity Board will be faced with administrative expenses of thousands of dollars yearly. Under the law, the board would be required to file detailed reports with the Internal Revenue Service.

Of importance to church pension executives are the church-state implications of ERISA as it now stands.

"Excessive entanglement by the Government in the church" may be the result unless ERISA is amended, testified Gordon E. Smith, an associate of Wright at the American Baptist agency.

Concern over the effect of the law has spread to virtually every major denomination. Morgan is chairman of the Church Alliance for Clarification of ERISA, a group comprised of 25 denominational pension agencies. (BPA)

Incarceration an Issue in Justice Document

NEW YORK—In a policy statement titled "The Injustice of the Criminal Justice System" the governing Board of the National Council of Churches of Christ reinforced its 1968 policy statement calling for the abolition of the death penalty.

This new document, which caused sharp debate over its theological base (issue was taken over the interchanging use of "justice" and righteousness), asks that imprisonment be considered as the last possible resort for an offender.

Only where such behavior constitutes a "severe threat to the safety and survival of individuals or the community" should incarceration be considered.

Instead, the report held, criminals should have social services "through community-based agencies."

"Unlawful behavior is nourished by pervasive cultural violence . . . and flourishes in the soil of alienation and isolation, fanned by arrogance, discrimination and prejudice," the report continued. As a consequence, society has a "particular responsibility to eliminate the crime producing effects of community life and to seek reforms in the criminal justice system where it tends to reinforce social injustices."

Hits Deprogramming

The executive director of the Baptist Joint Committee on Public Affairs joined two recent victims of deprogramming in denouncing the controversial technique.

"All religions are equal before the law," Wood declared at a press conference on the issue. The 14th Amendment guarantee applies to church groups as well as to individuals, he said.

At the same time, Wood emphasized that government has a responsibility to investigate and prosecute individuals or groups, regardless of their religious identity, if there is probable cause that they have committed crimes. He cited the Jim Jones Community in Jonestown, Guyana as one instance in which government failed to respond even though there was clear evidence that Jones had violated a variety of federal laws.

Adjudication Urged in Iran Complaints

PHILADELPHIA—A resolution asking that the "legitimate claims" of the Iranian government "be adjudicated in accordance with international law" was adopted at a Board of National Ministries meeting of the American Baptist Churches in the U.S.A.

The resolution said the Islamic militants in Iran had some legitimate grievances "arising out of offenses committed before the present government came into power," a reference to the history of American support for the allegedly brutal regime of the deposed Shah. The statement also asked American Baptists to "act with care and calmness" to protect the rights of visiting Iranians, pray for a resolution to the crisis and seek a deeper understanding of Islamic concerns in the Middle East.

The statement, co-sponsored with the Board of International Ministries, will be referred to the General Board of American Baptist Church for consideration as a churchwide resolution in the 1.3-million-member denomination. (ABNS)

Stewardship Implicit in Agri Structures

HUNTSVILLE, AL—The structure of American agriculture should be viewed as a moral issue with far-reaching implications, David R. Currie testified at a hearing conducted here by the U.S. Department of Agriculture.

The hearing was one of a series of 10 across the nation during November and December led by Secretary of Agriculture Bob Bergland to gather information on the economic and social issues affecting the structure of American agriculture and rural life.

"Agricultural structure affects the stewardship of land, food prices, energy use, rural communities, and ultimately food security," said Currie, special projects coordinator for the Christian Life Commission of the Southern Baptist Convention, Nashville.

Currie urged the Department of Agriculture "to look carefully at the ethical implications of U.S. agricultural policy." He suggested that the department "structure policies to preserve the family farms as the primary source of American food production; examine tax policies, commodity programs, export-import restrictions; and research programs to see if they help or harm family farmers." (BP)

Moderates Asked to Resist Trends

MINNEAPOLIS—An appeal to religious and political leaders of moderation to raise their voices in protest of the growing "Right-Fundamentalist" trend has been made by the regional director of the National Conference of Christians and Jews.

In a guest column in the Minneapolis Star, Paul O. Sand, director of the Minnesota-Dakota Region of the NCCJ, said his office has been increasingly concerned about the formation and the organized efforts of the "Christian Right."

"This Right-Fundamentalist trend—perhaps caused by the high degree of economic and social insecurity—assumes that only secular conservatism espouses the true philosophy of Christ and the Holy Scriptures. (RNS)

James E. Wood, Jr.

A frequent contributor to professional journals and periodicals, Dr. Wood is executive director of the Baptist Joint Committee.

Religion and Education: A Continuing Dilemma

Questions concerning the use of public funds for nonpublic schools and the role of religion in public schools have been critical issues in U.S. church-state relations. During the past thirty years no other church-state issues have provoked as much litigation. Approximately three decades ago, within the period of a year, the U.S. Supreme Court handed down two landmark church-state decisions; one respecting public funds and nonpublic schools, *Everson v. Board of Education* (1947); and the other, religion in the public schools, *McCullum v. Board of Education* (1948). The issues addressed by the Court in these decisions are indissolubly and inevitably linked in American church-state relations. In large measure, in the years which have followed, religion and education have constituted the primary basis upon which the Establishment Clause of the First Amendment has been adjudicated.

Religion and education form a continuing dilemma in American church-state relations. On the one hand, the role of religion in public schools has been adjudicated on the basis that public schools are necessarily subject to public control and public policy by virtue of the fact that they are tax supported and, therefore, must be governed by the Establishment Clause of the First Amendment even if a given program of religion is maintained on a "voluntary" basis. On the other hand, the use of public funds for religious schools has been repeatedly ruled as violative of the Establishment Clause since the use of such funds constitutes aid to religion and results in the entanglement of the institutions of church and state in a program of education. That the Court's most far-reaching decisions on church and state should have to do with the public

schools has been noted as both historically appropriate and judicially significant.

THE RISE OF THE PUBLIC SCHOOL

The American public school is as historically unique as the American tradition of church and state. Together they represent two distinct contributions of the United States to the world. Founded as a secular state, the United States was the first nation in history constitutionally to prohibit the establishment of religion and to guarantee the free exercise of religion. While this view of church and state has been frequently referred to as the greatest single concept America has contributed to civilization, the public school has been called by many the supreme achievement of American democracy.

"The origin of public education in the United States not merely antedates separation of Church and State," as Leo Pfeffer perceptively observed, "to a considerable extent, it owes its very existence to the fact that it antedated separation." For the fact is that in education, as in church-state relations, the European pattern prevailed in colonial America. Here the first schools were avowedly religious, not secular. America's first education laws, enacted in Massachusetts in 1642 and 1647, explicitly acknowledged that common schools were to be organized to teach children "to read and understand the principles of religion and the capital laws of this country" and to frustrate the designs of "ye ould deluder, Satan, to keepe men from the knowledge of ye Scriptures." Connecticut in 1650 similarly expressed the religious purpose of education. Not only New England colonies but also Southern colonies emphasized the central role of religion in education. As late as 1766, for example, the constitution of North Carolina affirmed "the great necessity of having a proper school of learning established whereby the rising generation may be brought up and instructed

in the principles of the Christian religion."

As the pattern of the state church gave way to disestablishment and pluralism in the New World, so the free, secular public school gradually emerged and in time supplanted the sectarian school which dominated during the colonial era and the early decades of the new Republic. With the growth of experimental science, international trade, and religious diversity of the population, the religious character of America's schools was increasingly a source of conflict and consequently resulted in an increased demand for secular subjects without ecclesiastical or sectarian control.

Developments in the Commonwealth of Virginia in the latter part of the eighteenth century marked a turning point in the course of America—both in church-state relations and in the emergence of a non-sectarian public school system. Under the leadership of Thomas Jefferson, Virginia disestablished the Anglican Church and laid the foundation for church-state separation. Having disestablished the Anglican Church in 1779, the state legislature in 1786 passed a "Statute of Religious Liberty" which declared "that to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves, is sinful and tyrannical; that even forcing him to support this or that teacher of his own religious persuasion, is depriving him of [his] liberty."

It was Jefferson also who first conceived of public schools, free and tax-supported, as the basis of an informed, democratic citizenry. According to Jefferson, these public schools were not necessarily to replace private schools, but to provide free education for all. In his *Report of the Revisors of Virginia, 1770*, Jefferson proposed that at each of the public schools "shall be taught reading, writing, and common arithmetic, and the books which shall be used therein for instructing the children to read shall be such as will at the same time make them acquainted with Graecian, Roman, English, and American history. At these schools all the children, male and female . . . shall be entitled to receive tuition gratis." In 1817 Jefferson specifically advocated that free common schools be non-

Excerpted from the *Annals of the American Academy of Political and Social Sciences*. © Used with permission.

sectarian, in advocating that "no religious reading, instruction or exercise, shall be prescribed or practiced inconsistent with the tenets of any religious sect or denomination." Jefferson's opposition to state support of religion in education extended even to the College of William and Mary and the University of Virginia, because he thought it proper "to leave every sect to provide, as they think fittest, the means of further instruction in their own peculiar tenets."

By the 1830s Jefferson's concept of non-sectarian public schools began to take root in one state after another. Horace Mann exerted particular influence on the state legislatures to pass laws prohibiting all sectarian practices, including the use of sectarian textbooks, in tax supported schools. It is interesting to note that Mann's first speech after his election to the Massachusetts Assembly was on religious liberty. Mann contended for the free public school, tax supported and without sectarian control, on the principle of religious liberty and the separation of church and state. In his Final Report to the Massachusetts State Board of Education in 1848, he wrote, "If a man is taxed to support a school where religious doctrines are inculcated which he believes to be false, and which he believes that God condemns, then he is excluded from the school by divine law, at the same time that he is compelled to support it by the human law. This is a double wrong."

Meanwhile, sectarian influences and teachings in the public schools compelled some, especially Catholics, to emphasize parochial schools to escape sectarian teachings in conflict with their own. Bible readings and prayer recitations were in most instances a Protestant-sponsored practice, more easily maintained by Protestants in view of their numerical superiority over other religious groups, specifically Catholics and Jews.

During the first half of the nineteenth century, bitter conflict resulted over rival claims of Baptists, Methodists, Presbyterians, and Catholics, among others, for tax support of educational and welfare institutions. Public support of some, while denying or terminating support to others, served to sharpen the issue of the great difficulty, if not impossibility, of supporting sectarian institutions in a secular state. Protestants vigorously objected to tax support of Catholic institutions, and Catholics were strongly opposed to the broadly Protestant influences on the tax-supported public school.

In the 1880s and 1890s waves of immigrants, particularly from southern, eastern, and southeastern Europe, greatly increased the multifaith character of American society by bringing to the nation increasingly large numbers of Roman Catholics, Eastern Orthodox, and Jews. These immigrant groups, as they integrated into American life, understandably challenged any form of Protestant establishment, especially when manifested in public schools. There was now less and less of a religious consensus to give support to either religious instruction or religious exercises in the public school. Thus the states led the way in the separation of church and state in the public school and the denial of public funds to parochial schools.

In 1818, Connecticut, the first state specifically to outlaw the use of public funds for church schools, set the pattern for the constitutions of the states. By the 1870s most state constitutions expressly prohibited the use of public funds for church schools. Finally, in every state without exception it became unlawful to grant tax-raised funds for their support. With the exception of Massachusetts, no statutory authorization for Bible reading in the public school appeared until 1913, when Pennsylvania passed the first law requiring Bible reading in the public schools. "Few verdicts of history," Murray A. Gordon has declared, "are clearer than the purposeful determination of the states to bar the church from public schools and the church schools from public funds." With the new high watermark of the separation of church and state reached in the waning years of the nineteenth century, the distinctly secular character of the public schools was substantially strengthened.

RELIGION AND PUBLIC EDUCATION

"The [First] Amendment's purpose was not to strike merely at the official establishment of a single . . . religion It was to create a complete and permanent separation of the spheres of religious activity and civil authority by comprehensively forbidding every form of public aid or support for religion, the Court held."

Also, once again the Court affirmed that the decision outlawing religious exercises in the public school is not a manifestation of a hostility to religion, nor does it mean establishing a "religion of secularism." Neither the study of the Bible nor the study of religion, when made the object of academic in-

"An old teakettle or pot, a mat, a rolled-up blanket—evidence that a Cambodian refugee family has staked claim to this piece of ground. Then the blanket moves, a bony arm comes up and an emaciated head emerges. That 'roll' is a person."

Thousands of Cambodian men, women and children are clustered in makeshift refugee camps along the Thailand border. Many are too sick or too weak to go on. They live in improvised lean-to's, made from whatever they can find—twigs, a piece of plastic, a blanket."

—Martha Aranyaprathet, Thailand



REGISTER CITIZEN OPINION

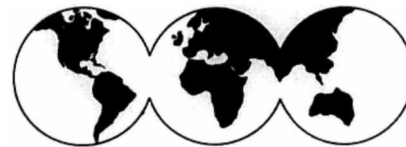
Register Citizen Opinion, a 32-page publication made available by the Baptist Joint Committee on Public Affairs, provides a wealth of information to assist you on how best to communicate your concerns and views and lists the appropriate elected representatives in the nation's capital. It also contains members of the President's Cabinet, and the Supreme Court.

Exercising a bit of stewardship, we have made the few changes that have occurred in the 96th Congress and Cabinet and offer this edition at a reduced price: 25¢ each, ten for \$2.00, 100 for \$15.00.

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quiry and "presented objectively," is necessarily in conflict with this decision or the First Amendment. Rather, devotional Bible reading and prayer recitation "are religious exercises, required by the States in violation of the command of the First Amendment that the Government maintain strict neutrality, neither aiding nor opposing religion."

INTERNATIONAL DATELINE



For Unregistered Churches

KESTON, England—The current religious revival in the Soviet Union has nothing to do with the weak Moscow Patriarchate, according to the Father Gleb Yakunin, himself a Priest of the Russian Orthodox Church.

Yakunin in a new document argued that in order to counter strangulation of the Orthodox Church by the Soviet state, unregistered churches and secretly ordained priests and bishops should be encouraged. He looks to the unregistered Protestant and Catholic communities as an example.

Of especial concern to Yakunin, who has been a victim of state persecution and expelled from his Moscow parish, is the fate of believers who live in areas where there are no open churches, Siberia and the Soviet Far East in particular.

Yakunin says he is not suggesting the creation of a "catacomb" church nor of a rival to the Moscow Patriarchate, but believes unregistered communities would take some of the pressure off the Moscow Patriarchate and facilitate the preaching of the Gospel (KNS)

Ministry Opens to Women

KESTON, England—*Episkepsia*, the bi-monthly information bulletin of the Ecumenical Patriarchate of the Orthodox Center, Geneva, reports that the Russian Orthodox Church has taken women into its ministry. Since the beginning of September, 25 women, whose ages range from 18 to 32, have been attending courses at the Leningrad School of Music. The course lasts three years and at the end the students will receive the diploma of choir master. The Moscow Patriarchate is paying their stipends. (KNS)

Refugee Medical Plan

VALLEY FORGE, PA.—A plan to send teams of doctors and nurses into Kampuchea to minister to the multitudes of starving and medically-deprived refugees has been reported by the Board of International Ministries of the American Baptist Churches in the USA.

Announcement was made of the program costing in the neighborhood of one-half million dollars in response to the urgency of the situation involving thousands of dislocated Cambodians, many of them fleeing into Thailand.

American Baptists, who support a mission endeavor in Thailand, noted that in addition to the new program general relief efforts and a massive feeding program will continue.

In a letter to Rosalyn Carter, the ABC's Hugh W. Smith acknowledged the helpfulness of a recent White House briefing. The President's wife was brought face to face with the extremities of human need in her visit to the area. (ABNS)

Peace Centre in Lidice

PRAGUE, Czechoslovakia—The six congregations of the Evangelical Church in Breman have set for themselves the task of working for the establishment of a Reconciliation Centre in Lidice, the Czechoslovak village that had been levelled to the ground by Nazis during World War II.

An assembly was held in the framework of the "Week of Reconciliation" on the occasion of the 40th anniversary of the war; it was organized by a group known as the "Disarmament Initiative of the Church Communities in Breman."

The group has begun work as congregations for disarmament on the basis of the peace message of Jesus Christ. With the support of UNESCO, they will operate on broad principles and serve predominantly for the purposes of education for peace and disarmament. (CFK)

Religious Groups Banned

VALLEY FORGE, PA.—World attention has been diverted from South Africa by other global crises where a seemingly minor event went largely unnoticed. Its implications are serious. The Transkei, first of South Africa's black tribal "homelands" proclaimed independent, banned 34 organizations, many of them church related, last Nov. 2.

Among them are the South African Council of Churches, the World Coun-

cil of Churches, the Student Christian Movement, and the Young Christian Workers.

The Transkei has so far failed to receive recognition as a separate nation from the world community, and remains under the tight control of the South African government. Thus the action taken there is regarded as endangering institutions and organizations active in South Africa itself.

Bishop Desmond Tutu, the outspoken, highly popular executive secretary of the SACC, pleaded, "Don't make it a crime to be a Christian in the Transkei," but to no avail.

Financial assistance for development and other service programs organized by the churches and groups has all but stopped, forcing the Transkei Council of Churches to cease functioning until the banning order is lifted by the government.

The entirely black homeland population suffers high unemployment and discrimination. Many individual needs have been cared for by these groups that are now banned.

On behalf of American Baptist Churches, Dr. Chester J. Jump Jr., executive director of International Ministries, has written to the prime minister of the Union of South Africa and the Republic of Transkei, as well as to the South African ambassador to the United States and the United Nations, protesting the banning order. (ABNS)

Human Rights Violated

ROME, Italy—The Rev. Edward Schillebeeckx, one of Europe's leading theologians, emerged from a controversial interrogation at the Vatican, saying that the church was not conducting a heresy trial against him while criticizing the method of investigation as one which violated human rights.

He singled out for special criticism the fact that an accused theologian "has no say in, or knowledge of, the investigation, until it is well-advanced." He voiced his concern that one of his four questioners was able to make a public statement in a Vatican Radio interview virtually accusing him of holding positions verging on heresy before the examination was underway.



Pope Asked to Intercede

VATICAN CITY—Religious activists from the Soviet Union and Czechoslovakia appealed to their fellow Slav, the Polish-born Pope John Paul II, in two separate moves to press for religious freedom in their countries.

After a weekly general audience, the Pope spoke briefly with Antolij Krasnov, a 64-year-old religious exponent protesting the arrests in the USSR of three members of a recently founded spiritual movement. Speaking in Russian, Krasnov asked the pope to intervene on behalf of the "philosophical-religious seminarians," a group which he says is "orthodox, tending to ecumenical unity with Rome."

Earlier, the pope received a petition signed by 350 Czechoslovakian Catholics denouncing what they termed the "persecution of believers" in their nation.

As opposed to Poland, "in Czechoslovakia little is known about the present life of the church, of modern catechesis and of pastoral theology," the petition read. "The little which censorship allows us to publish is done only to give the impression that we are a church without future." (RNS)

BCC Opposes Nuclear Arsenal

LONDON ENGLAND—The British Council of Churches (BCC) has called on Britain to rid itself of its nuclear arsenal, but has urged the country to remain in the North Atlantic Treaty Organization (NATO).

Discussing the "Future of the British Nuclear Deterrent" at its recent assembly here, the BCC passed a resolution which read:

"The assembly believes the non-replacement by the United Kingdom of its present nuclear strategic deterrent (the Polaris missile system) would strengthen moves for a nuclear non-proliferation and urges Her Majesty's government to make a decision to this effect."

The Polaris system is due to become obsolete and be withdrawn in the mid-1990's. While urging that it not be replaced, the Council said that Britain should continue to be a member of NATO as a non-nuclear member.

The Council also invited other governments to take "comparable confidence-building measures of restraint or renunciation" and encouraged Christians actively to promote such steps. (RNS)

Apartheid Foes Jailed

JOHANNESBURG, S. Africa—Two whites have been imprisoned and a third charged with violating banning regulations as a protest against the South African government's policy of isolating critics of the apartheid racial segregation system.

Jacqueline Bosman and Hona Kleinschmidt began four- and three-month prison sentences for refusing to answer a magistrate's questions about a visit to a Winnie Mandela, a banned friend and stalwart foe of apartheid. Mrs. Mandela, the wife of jailed political leader Nelson Mandela, is banned and may not receive visitors.

The Rev. David Russell, a banned Anglican priest was charged with violating the banning requirement that he return to his house each night by six o'clock. The offense carries a three-year maximum sentence.

The banning order is meant to keep critics of the government from normal social intercourse that might influence others. Banned persons are not allowed to speak to more than one person at a time and cannot attend a "gathering." (RNS)

'Ghetto Status' Church Lot

BERLIN, Germany—Protestant churches in East Germany are "trying too hard to integrate Marxism," says a political refugee who recently spent 19 months in an East Germany prison.

In an interview with IDEA, the press service of the Evangelical Alliance, Niko Hubner declared that Marxism and Christianity are "totally irreconcilable," and that in socialist countries, the church will always have a "ghetto status" imposed on it.

Mr. Hubner, 23, was sentenced to five years' imprisonment in 1978 for refusing to serve in the East Germany army. He was recently released under an amnesty given to celebrate the 30th anniversary of the German Democratic Republic. (RNS)

S. Korea Frees Captives

SEOUL, South Korea—The acting South Korean president has ordered the release of some 200 political prisoners including Christian activists who were arrested under a repressive 1975 decree forbidding criticism of the government.

Christian leaders in Korea including the Archbishop of Seoul and the general secretary of the Korean National Council of Churches have long called for the repeal of the 1975 Emergency Measure 9 and other repressive decrees, and appealed for the release of political prisoners.

Members of the Korean Student Christian Federation, the Human Rights Commission of the National Council of Churches of Korea and the Korean Church's Urban Industries Mission have been among those arrested for human rights involvement.

Among the prisoners held under the emergency decree and expected to be released is President Park's chief critic, Kim Dae Jung, who is under house arrest. It isn't known whether some 60 people held under an anti-Communist law will be released. Other prisoners held under milder national security laws and expected to be released include Moon Dong Whan, a pastor. He was arrested for allegedly instigating a strike of women workers in a textile plant. (RNS)

WCC Organizes Conclave

MOMBASA, Kenya—An international gathering of Christians here has proposed that a joint Christian-Muslim commission be established to act as a mediating body "in situations of grievance between Muslims and Christians."

The World Council of Churches meeting, which brought together 100 Protestant and Orthodox leaders from 40 countries, also called for the establishment of "co-citizenship" principles under which Christians and Muslims could live in countries as equals without using such yardsticks as "majority" or "minority" to determine their status. (RNS)

Pacifists Lose in Bid to Avoid Taxes for Military

By Stan L. Haste

WASHINGTON—As millions of citizens received their income tax forms for 1979, the U.S. Supreme Court declined to review lower court decisions denying pacifist citizens the option of refusing to pay that portion of their taxes which goes to the Pentagon.

Unanimously and without comment, the justices let stand rulings by the U.S. Tax Court and the Fourth Court of Appeals denying such tax relief to three pacifists, Howard L. and Barbara B. Lull and Peter W. Herby.

The three refused to pay that portion of their 1974 and 1975 income taxes which they estimated would go for military expenditures. After an audit by Internal Revenue Service personnel, they were ordered to pay taxes plus penalties. On appeal, the U.S. Tax Court ruled for the government. That ruling was upheld by the court of appeals.

The Lulls and Herby, without identifying their denominational affiliation, argued in a written brief that they are Christian pacifists. "The history of Christian conscientious objection and civil disobedience has been coupled

with much suffering and struggle," they stated.

"In spite of this," attorneys for the pacifists continued, "the Christian conscience, at least in a remnant of that community, has held true to the belief that the all-pervading teaching of Jesus to love God and one another in the way He loved us mandates that a Christian cannot kill another person for any reason."

That belief, the argument continued, "includes the refusal to pay for killing in the form of taxes for war" for some Christians.

Besides their argument from religious grounds, the three also contended that the Ninth Amendment to the Constitution, which states that the enumeration of "certain rights" does not exclude other rights "retained by the people," protected them from the obligation to pay the taxes in question.

They also cited what they called an imminent "doomsday" of nuclear war by the mid-1980s, the "demonic character of the SALT agreement," the "Pentagon playground," "robbing the

poor and hungry," and "waste" as valid reasons for refusing to pay taxes for military purposes.

"A properly filed Form 1040 carries the odor of blood," they concluded.

Writing for the government, solicitor general Wade H. McCree, Jr. argued that neither the First Amendment guarantee of freedom of religion nor the Ninth Amendment cover the pacifists' claims.

Freedom of religion, he said, does not absolve even pacifists "from their obligations to comply with otherwise valid legislation of general applicability because they disagree on religious grounds with government policy."

McCree argued further that the taxes in question "are neutral and apply to all taxpayers without regard to their religious beliefs."

On the Ninth Amendment question, McCree likewise disputed the pacifists' contention, saying that the amendment "provides no basis for contesting the exercise of powers expressly granted to Congress by the Constitution."

Reflections (from p. 15)

tion has a moral responsibility to say that we do not condone or defend any such acts which were carried out by the Shah or the previous government of Iran. The separation of the United States from any policy of human rights violations on the part of any government, no matter who the ally may be in international relations, can only add credibility to America's commitment to human rights at home and abroad.

The revolution now taking place in Iran has an importance of its own far beyond U.S.-Iranian relations. The release of the fifty U.S. hostages will not remove, let alone resolve, the profound impact of the revolution on the present and future course of Iran in the Middle East and within the family of nations. The repeated outbreaks of violence between the various Ayatollahs of Iran may raise serious questions with regard to the political force of Islam as a basis of national unity, but Islamic disunity does underscore the complexity and gravity of the revolution which is taking place. The winds of change in Iran show increasing evidence of a nation dominated by anarchy and division, with disparate groups demanding revolutionary changes and restitution for the ills perpetrated by the autocratic rule of a dynasty which had long ago lost all touch with the people.

III

Nationalism is a third component in the Iranian crisis, and one closely intermingled with the resurgence of Islam and

the revolution itself. Both the resurgence of Islam and the revolt of the people against the Western "reforms" of the Shah are efforts to stem the tides of change and Westernization which have been sweeping Iran for more than three decades. For many Iranians, including the national leader Khomeini, these foreign influences are viewed as having the effect of denationalizing the people and their traditions. Quite aside from the intense hatred of the people for the Shah and the previous government, there is a xenophobia in the revolt of the people. As one Iranian recently explained to a *New York Times* correspondent, "Third world countries must regain their own cultures as the first way of fighting imperialism."

The sentiment of anti-Americanism, almost daily made manifest through the mass media, provides an important emotional basis for Iran's new wave of nationalism. The crusade for the new nationalism is perceived as a war Iran must wage not only against economic exploitation, but also against any form of cultural hegemony, which is primarily identified with Westernization. Already, however, this rising tide of nationalism is being challenged from within the nation by major ethnic minorities, such as the Kurds, who seek the fulfillment of their own national aspirations.

The day after Christmas, Khomeini advised his followers, "We are at war, a political and economic war. It is possible that a military war will also come along." It is this spectre that makes the crisis in Iran so ominous and threatening to the entire region of the Middle East, which is of critical importance to both super powers as well as to the rest of the world.

FROM THE
EXECUTIVE DIRECTOR,
JAMES E. WOOD, JR.

James E. Wood, Jr.



REFLECTIONS

Religion, Revolution, and Nationalism

The Iranian crisis, which constitutes one of the most serious developments in international relations since World War II, has been precipitated by three powerful forces: religion, revolution, and nationalism—each of which exists in combination with the other two. American preoccupation with the fifty hostages in Iran must not obscure the dynamic drives behind the present Iranian confrontation with the United States against which each of these forces is, at least in part, directed. The seriousness of this volatile situation for international relations can hardly be overstated.

The Communist presence in the Iranian revolution, including Communist support (for obviously cynical reasons) of the Islamic constitution recently adopted by Iran, adds substantially to the gravity of the present crisis not only for the Middle East but also for world peace. Escalation of the Iranian situation runs the risk of a broader U.S.-Islamic confrontation at a time when such a polarization could have dire consequences for U.S. interests as well as geopolitical balance of power and world order.

I

Religion is the most obvious, and possibly the most powerful, single rallying force in the chain of events which have occurred in Iran during the past year. Iran is a dramatic example of the catalytic role that religion can play in the life of a nation. While the Shi'ite sect which dominates Iran is in many respects far from representative of Islam (fewer than ten per cent of the Muslims in the world are Shi'ite), the religion of Islam is the basis of the nation's renewed self-identity—its constitution, its laws, and its ultimate political authority. The fact is that the Iranian crisis cannot be separated from the dynamic role being played by religion in the life of the nation, no matter how heterodox the Iranian brand of Islam under the Ayatollah Khomeini may appear to the larger Muslim community or to non-Muslims outside of Iran.

The part being played by Islam in Iran is a familiar one in the history of religions, in which a given faith is made the basis of cultural identity and nationality. As the great mold and purveyor of civilization, religion has traditionally been inextricably intertwined with nationhood. The greater the integration of religion and the state, the greater the tendency to sanctify the nation state and ultimate political authority, thereby sowing the seeds for the deification of the nation state. With the fusion of religion and the state, the religious community and the political community are virtually indistinguishable, and, as in much of Asia and the Middle East, the concept of "church and state" becomes almost incomprehensible.

Among the religions of the world, Islam is the supreme expression of the blending of religion and the state, so much

so that the secular state is viewed as being irreconcilable with traditional Islam and the secularist is viewed as being the archenemy. There is in traditional Islamic thought no differentiation to be made between church, state, and community. *Shariah*, the religious law, is the law of society and the state, to which all courts are bound. Thus, the goal of the Ayatollah Khomeini for Iran is not a state church, but rather a church state, in which the usual distinctions between religious and civil institutions and laws are non-existent. All authority is to be ultimately rooted in Islam. As a result, Iran's Islamic constitution provides the religiopolitical structure whereby political tradition and authority are fused with religious tradition and authority.

While many would prefer to argue that Islam is being made to serve political purposes in Iran—a pattern all too familiar in the history of religions generally including Christianity—Islam is nonetheless enjoying a resurgence in Iran as it has for several decades throughout much of the Islamic world and beyond.

II

Revolution completely engulfs the nation of Iran today. Closely related to the resurgence of Islam, the revolution is deeply rooted in years of cumulative hatred for the absolute rule of Shah Mohammed Reza Pahlavi for his political crimes against the Iranian people, already well documented, and for being responsible for the incursion of foreign imperialism which threatened the foundation of Iranian culture and nationhood. Already the revolution has been marked by virtually uncontrollable outrages of the people against decades of injustices and foreign influence. For many Iranians, Islam is seen as the enemy of both. Islam constitutes the counterforce required to restore justice and the soul of the nation to Iran. Perhaps, it should not be overlooked that the seizure of the U.S. Embassy in Teheran occurred just at the beginning of the holy month of Muharram for the observance of the deaths centuries ago of Al-Hasan and Al-Husain, the two founders of the Shi'ite sect.

From its beginning, the revolution in Iran has bordered on anarchy, but throughout has been unified by the intense hatred of the people for a ruler whose obsession with self-interests long ago alienated him from the people he ruled. The bitter denunciations unleashed against the government of the United States for its years of economic and military alliance with the Shah, now viewed as the number one enemy of the nation and the people, should come as no surprise to the American people. This is not to justify the take over of the U.S. Embassy, an act which should be viewed as deplorable and intolerable by all nations. However, no matter how adverse Americans may feel with regard to the revolution with its accompanying conflicts with American self-interests, some empathy should be felt and expressed by this nation for the injustices and sufferings which have been endured by the Iranian people. Economic and military interests cannot justify this nation's ignoring gross patterns of human rights violations and systematic acts of cruelty perpetrated by the Shah against the Iranian people. This na-

(Continued p. 14)

REVIEWS



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Somebody's Calling My Name

Black Sacred Music and Social
Change

By Wyatt Tee Walker,
208 pp. Valley Forge, Pa.:
Judson Press, \$10.00

The present moment in Black church life is one of severe crisis. The high-speed events of the last fifteen years in social change (much of it church sponsored and/or church led) have raised measurably the expectations of the Black and oppressed community. As the backlash sets in as a response to the identifiable gains made in recent years, the combination of events has placed an awesome challenge on the doorstep of the Black Church which it is hard pressed to answer. The virtue of having been the dominant influence in the life of the oppressed community has seemingly been distorted into cardinal sin. Many strident voices, outside and inside the church are asking, "What have you done for me lately?" Pointing to the record of yesteryear is insufficient to slough the persistent criticism leveled at the Black Church. It is undeniably true that the humanity of Black people could never have survived without their Africanized Christianity. The record speaks for itself. Nonetheless, James Russell Lowell said in poetic verse, "Time makes ancient good uncouth."

It's a new age so far as the expectancy of the oppressed community is concerned, and it looks, properly so, to that institution which has been the chief liberating influence in its history. There are about fourteen million people of African descent in the various denominations across the United States, and the onus is upon the Black Church to give an account of its impact on Black life commensurate with its resources and the age in which it purports to serve. The very survival of the Black community can be directly attributed to the role that the Black Church has played in the lives of the people it served, but this can be no excuse to rest on its laurels of past performance.

(Used by permission of Judson Press)

How shall the Black Church proceed? It is an oversimplification to say that the Black Church must serve this dilemma-ridden generation just as the "invisible church" served its generation. The enemy is the same; only his methods have changed. What can the Black Church do? It can remain as the citadel of hope and faith to a people too long oppressed, and in this generation it can try to create a model that delivers twentieth-century answers to twentieth-century problems. The injunction of the Galilean Prince is timeless and timely: "Feed the hungry, clothe the naked, heal the sick, give shelter to the homeless, bind up the wounds of the brokenhearted, set at liberty the captives, and preach the good news to the poor." (See Matthew 25:35-38; Luke 4:18.)

The Black Church cannot do it all, but it can *begin*! Much of the criticism against the present-day Black Church is unwarranted, but some of it has legitimate grounds. The energy of the Black Church is too precious to be spent making defenses; it must address itself to correcting and strengthening the areas of its responsibility which are under legitimate attack. There is no way, generally or specifically, that the Black Church can function in the real world of the American nightmare without the instruments of the struggle: a *Theology grounded in liberation, a contemporary sense of historical context, a God-ordained sense of destiny in this land, and the determination to endure*. Each of the above could require an inquiry in the context of the Black experience in America. They are listed here as ingredients which are contained in the music of the Black religious tradition. It is a very short step to conclude that maximizing the potential of the Black Church enterprise can be facilitated best through the use of its primary culture vehicle—Black sacred music!

It is obvious, then, that the first step for any congregation that is genuinely interested in a ministry of social change is to preserve the integrity of the Black sacred music tradition. That is to say, churches peopled by the oppressed community must be diligent in resisting the temptation to "improve" so much that the musical idiom which helped them to survive is lost or diluted beyond recognition."

Christianity and the World Order

By Edward Norman, 105 pp.
(Paper). New York: Oxford University Press. f 1.50 net in UK.

These 1978 Reith Lectures, which have generated considerable discussion, express Norman's views on Christian social and political responsibility and criticize the modern church for interpreting religious values as political values. That occurs in the process of politicization, ("a symptom of its decay as an authentic religion") in which Christianity no longer defines the areas of public debate but follows the definitions of others. The church, he finds, is thoroughly permeated by the moral and political idealism of the secular culture—its a theme he drives home over and over again. In the area of human rights, for example, it takes direction more from Western Liberalism than from its own tradition. Norman cautions against "identifying the ultimate purposes of God with the shifting values of contemporary society." At the centre of the Christian religion stands the unchanging Christ in a world of perpetual social change, and the danger is to identify him with the "passing enthusiasms" of men. Norman contends for "the separation of individual Christian action from the corporate witness of the Church"; Christianity is "primarily concerned with the relationship of the soul to eternity."

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