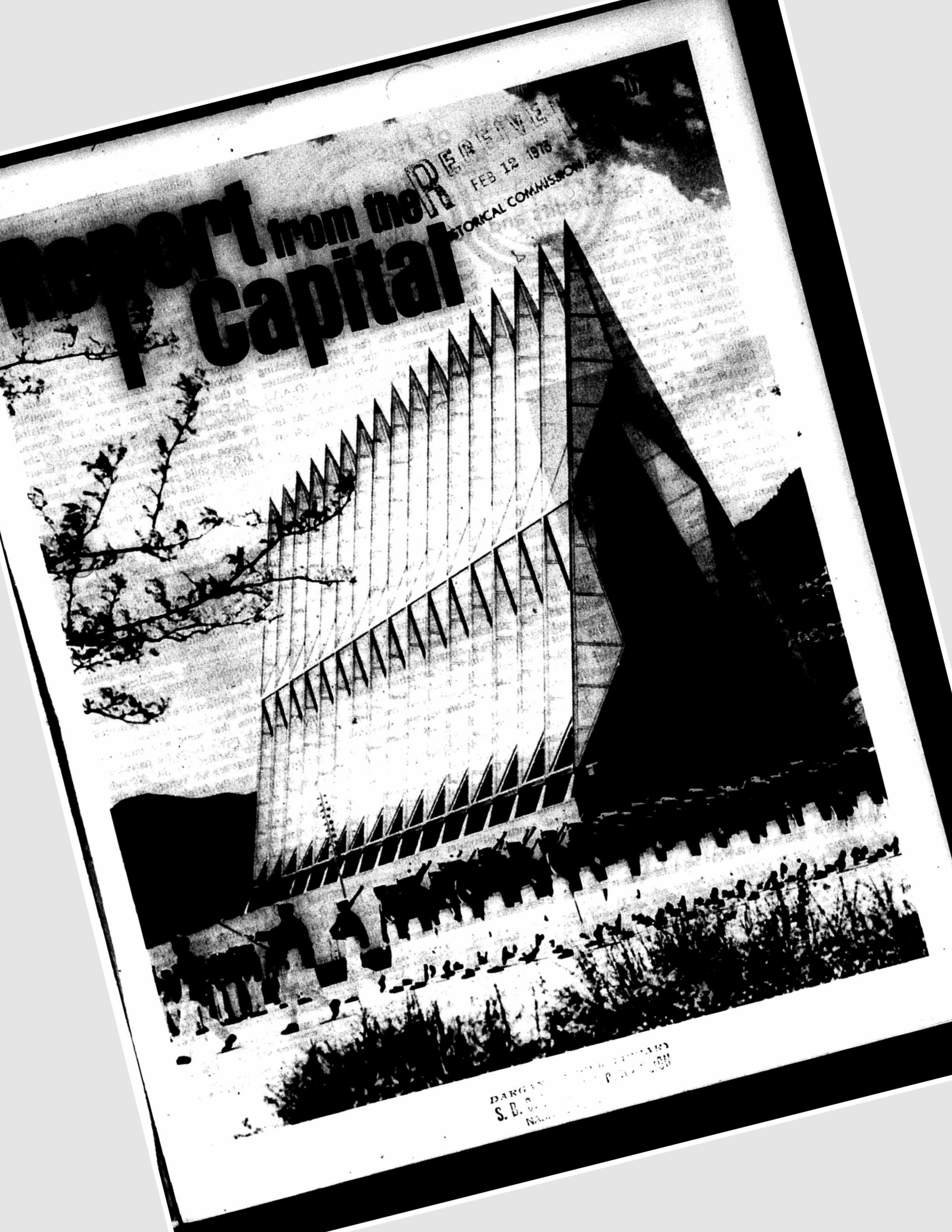
Report from the Capital



From the Desk of the Executive Director

Tax Credits and Nonpublic Schools

By James E. Wood, Jr.

While there is now some question whether 1973 will be "The Year of Tax Reform," as was widely predicted some months ago, the 93rd Congress had barely convened before legislation was introduced to provide tax credit up to $200 per child for parents with children in nonpublic elementary and secondary schools. Meanwhile, President Nixon has indicated that he does not feel that many of the so-called tax "loopholes" are as inequitable as they have been made out to be by tax reformers. Up to now, one of the main arguments for tax reform, aside from the question of the alleged inequity of present tax laws, has been the spiraling annual budget deficit of the federal government. There are now indications that the administration will attempt to meet this problem primarily by attempting to hold down federal spending and deficits.

Wood

One tax proposal, namely tax credit, has received, however, unqualified administration endorsement. It was the main proposal made by the Presidential Commission on School Finance, headed by Dr. Clarence Walton of Catholic University. In October it received the approval of the House Committee on Ways and Means, but Congress adjourned without acting on it. It now appears that tax credit legislation for parents of children in nonpublic schools will be given high priority by the 93rd Congress. Tax credit bills have already been introduced by both Republicans and Democrats in both Houses of Congress: one by House Minority Leader Gerald R. Ford (R-Mich.) and Rep. Herman T. Schneebeli (R-Pa.), ranking Republican on the House Committee on Ways and Means, and another by Senator Abraham Ribicoff (D-Conn.) and Rep. James Burke (D-Mass.), a member of the House Committee on Ways and Means. Such legislation has the personal backing of the Chairman of the House Committee on Ways and Means, Wilbur Mills (D-Ark.) who along with Hugh Carey (D-N.Y.) cosponsored the tax credit bill which was approved last fall by the House Committee on Ways and Means.

The tax credit plan should be distinguished from the tax deduction plan. In the tax credit plan, a specified amount may be subtracted from one's taxes to be paid the federal government, whereas in the tax deduction plan a specified amount of money is deducted from one's taxable income. Thus in the case of the tax credit plan, the amount allowed for tax credit actually becomes a reimbursement to the parents for that much of their income that was spent on tuition for each child attending a nonpublic school.

Part of the genius of the tax credit plan is that it offers direct financial benefit both to parents and to nonpublic schools. The tax credit plan is expressly proposed as an aid to America's nonpublic schools, the vast majority of which are parochial schools, and is not primarily aimed at aid to parents. As a matter of fact, the tax credit proposals provide no benefits to those who do not pay federal income taxes because of low income. Warning against the dangers of a collapse of the nonpublic school system, Senator Ribicoff has declared, "If America's more than 21,000 nonpublic schools were all thriving institutions, there would be no need for Government assistance." Having been thwarted by the United States Supreme Court, as well as state and lower federal courts, advocates of public funds to parochial schools now support tax credit legislation as but the latest major attempt to find some way to provide public funds for parochial schools.

While such legislation has considerable political appeal, it seems most unfortunate that the drive for aid to parochial schools should come at this time. It was just a year and a half ago, June 28, 1971, that the Supreme Court in two landmark decisions in American church-state relations, *Lemon* v. *Kurtzman* and *Early* v. *DiCenso*, ruled on the question of public funds to parochial schools with a unanimous decision in the former and an 8-1 decision in the latter. In both instances, the Court categorically rejected various forms of direct aid to parochial schools. More recently, October 10, 1972, the U.S. Supreme Court made a major decision affecting aid to nonpublic schools in a case even more closely related to the tax credit plan. In an 8-1 decision, the Court upheld the constitutionality of the judgment of the United States District Court for the Southern District of Ohio, Eastern Division, in *Essex* v. *Wolman*, which denied a $90 per child parental reimbursement program for parents who provided an education for their children outside the public school system.

The tax credit plan comes at a time when public schools are already in the vast majority of cases under-financed. Hence, public school teachers and administrators vigorously oppose any use of public funds to aid nonpublic schools for they see, as stated by the National Congress of Parents and Teachers (PTA), that "it could well bring about the disintegration of the public school system." Ironically the Nixon administration has vigorously advocated public funds for parochial schools while at the same time it has steadily reduced federal school aid in proportion to what is provided from local sources.

The suggestion that some way must be found to provide public funds for parochial schools has been justified on the grounds that the parochial school system in the United States is on the brink of collapse. Such an argument is simply not supported by the facts available and, as a matter of record, has been refuted by studies made on the subject. In any event, to propose that a tax credit plan is necessary in order to save America's parochial schools is to assure responsibility of the government to assist religious bodies to maintain their institutions. President Nixon's declaration that some form of aid to parochial schools must be found in order "to promote diversity in education" seems based on the assumption

(See, TAX CREDITS, page 8)

REPORT FROM THE CAPITAL—a bulletin published 10 months during the year by the Baptist Joint Committee on Public Affairs, 200 Maryland Ave., N. E., Washington, D. C. 20002. The purpose of this bulletin is to report findings on the interrelations between churches and governments in the United States. It affords church leaders a chance to understand developments, policies and trends affecting public policies and it affords public officials a chance to understand church structures, dynamics and positions. It is dedicated to religious liberty, to free and effective democracy and to equitable rights and opportunities for all.

The views of writers of material for *Report From The Capital* are not necessarily those of the Baptist Joint Committee on Public Affairs or its staff. The bulletin also provides for the sharing of views between leaders of the cooperating conventions and between leaders of various religions and traditions.

The Baptist Joint Committee on Public Affairs is a denominational agency maintained by the American Baptist Convention, Baptist Federation of Canada, Baptist General Conference, National Baptist Convention, National Baptist Convention, USA, Inc., North American Baptist General Conference, Progressive National Baptist Convention, Inc., Seventh Day Baptist General Conference, and the Southern Baptist Convention.

Executive Staff of the Committee: James E. Wood, Jr., executive director; John W. Baker, associate director in charge of research services; and W. Barry Garrett, associate director in charge of information services and editor of *Report From The Capital*.

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washington observations

news views trends

January 29, 1973

RELIGIOUS OVERTONES AND UNDERTONES abound in the abortion decision of the U. S. Supreme Court on January 22. The Roman Catholic hierarchy has reacted negatively in the extreme, while many Protestant clergymen are applauding it. Social workers, family planning groups and population control organizations hail the decision with approval.

ONE THING SHOULD BE CLEAR both to Catholics and all other religious groups. The Supreme Court in effect has said that it is inappropriate, if not unconstitutional, for religious views to be forced on the general public through legislative processes. This should be remembered by Protestants as well as Catholics when they seek to impose their religious ethics on society.

THE SUPREME COURT IN ITS DECISION made it clear that it was not entering the philosophical or theological aspects of abortion. It stated that the governing principle in such cases should be "the state's interest." Part of the Court's problem was to help determine when individual or personal rights and privileges begin and end and where state control becomes appropriate.

THE ABORTION DECISION was really two decisions - one on Texas law and the other on Georgia law. The Texas law, which is similar to that in 30 other states, proscribes procuring or attempting an abortion except on medical advice for the purpose of saving the mother's life.

THE GEORGIA LAW on abortion is more complex. Georgia proscribes abortion except as performed by a duly licensed Georgia physician when necessary in "his best clinical judgment" because (1) continued pregnancy would endanger a pregnant woman's life, or (2) injure her health, or (3) the fetus would likely be born with serious defects, or (4) the pregnancy resulted from rape.

THREE PROCEDURAL PROVISIONS are in the Georgia law; (1) that the abortion be performed in a hospital accredited by the Joint Committee on Accreditation of Hospitals, (2) that the procedure be approved by the hospital staff abortion committee; and (3) that the performing physician's judgment be confirmed by independent examinations of the patient by two other licensed physicians.

PARTS OR ALL OF THE ABORTION LAWS in Texas and Georgia were invalidated by the Supreme Court, thus affecting similar laws in the 30 other states. This decision was made not by a "liberal" Supreme Court but by a "strict construction" court. Three of the four Nixon appointees concurred in this 7-2 decision.

HARMONY BETWEEN THE RIGHT TO PRIVACY and the state's "compelling interest" in abortion was sought by the Supreme Court in the following formula: (1) during the first 3 months of pregnancy an abortion decision and its effectuation must be left to the woman and her attending physician; (2) during the second 3 months, the state may, if it chooses, regulate the abortion procedure in ways that are reasonably related to the mother's health; (3) in the last 3 months the state may regulate, or even proscribe, abortion except where necessary to preserve the life or health of the mother.

Restriction Of Press May Affect Religious Freedom

By John W. Baker, Associate Director in Charge of Research Services
Baptist Joint Committee on Public Affairs

Recently the news division of one of the national television networks began production of a documentary program on children in America. One of the points they wanted to make was that the practice of most states prohibiting welfare payments to a family which has a working father living with his family either encourages the breakup of families of the working poor or leads them to break the law by concealing the fact that the father is actually in the home.

Baker

After considerable searching they found an articulate welfare mother whose husband worked at a menial low paying job and secretly lived with his family. She agreed to discuss the dilemmas of welfare and the working poor provided that her face not be shown and that she not be identified by name.

In light of a U.S. Supreme Court decision in June, 1972, the network's legal department informed the field crew that they could not give absolute assurances that the woman's full identity could be kept secret. The interview was cancelled and the American people were denied access to information about a serious problem which needs to be aired in public.

Newsmen In Contempt

The case which prevented this and possibly many other stories from being written or shown involved the refusal of a newspaper reporter in California, one in Kentucky, and a television reporter in Massachusetts to reveal the confidential sources of information they had used in their investigative reporting. In securing their stories each relying on a commonly accepted constitutional right had pledged that he would not reveal the sources of his information. The courts, in seeking information about additional criminal activities, attempted to force the reporters to identify their sources. When the reporters refused to furnish the information, they were cited for contempt of court.

The reporters argued that if they acceded to the courts' orders their trustworthiness would be shattered and many important news sources for all reporters would dry up. This judicial intrusion into the realm of privileged information, they contended, interfered with the freedom of press guaranteed in the First Amendment.

Supreme Court Opinion

The Court's decision in this case (*U.S. v. Caldwell*) denied that the First Amendment protected the confidentiality of a reporter's sources of information. Justice Byron White wrote the majority opinion which maintained: "We cannot accept the argument that the public interest in possible future news about crime from undisclosed, unverified sources must take precedence over the public interest in prosecuting those crimes reported to the press by informants . . ."

Justice Potter Stewart, speaking for three of the four dissenters, reasoned that

> . . . when government officials possess an unchecked power to compel newsmen to disclose information received in confidence, sources will clearly be deterred from giving information, and reporters will clearly be deterred from publishing it because the uncertainty about the exercise of the power will lead to "self-censorship."

Since the decision in *U.S. v. Caldwell* there have been several cases in which courts have sought to force reporters to disclose sources of information. Several of them have been jailed for contempt of court when they refused to supply the information the courts demanded.

Bills In Congress

In the new 93rd Congress several bills have been introduced in both the House and the Senate which would serve to preserve the right of reporters to refuse to divulge confidential information in most cases. However, passage of such an act will be difficult—despite a December, 1972 Gallup Poll which showed that 57% of Americans thought reporters should be able to protect their confidential sources (34% believed they should be required to identify all sources and 9% had no opinion).

A particularly interesting facet of the Caldwell case is that eleven religious denominations or church agencies filed briefs as *amici curiae*—friends of the court—supporting the position that confidential communications with members of the press should remain confidential under First Amendment freedoms. No Baptist groups filed briefs.

Why should churches become involved in a case which deals with the secular press and its treatment of secular news items? Was there a legitimate church-state issue involved?

Freedom of Press and Religion

There is at issue in this case and in the legislation pending before Congress a serious question involving religious liberty as well as the freedom of the secular press.

The First Amendment guarantees five rights which are fundamental to freedom and to a democratic system: freedom of religion, freedom of the press, freedom of speech, freedom to assemble peacefully, and freedom to petition government for redress of grievances. These guarantees against the state and national governments are contained in a single integrated amendment. An attack on one part of it is, in effect, an attack on the entire amendment.

Religious liberty is mentioned first in the Amendment but it has no priority over the other liberties from the legal point of view.

Very few people have seriously contended that these are absolute rights and that the Congress cannot limit them if an overriding national need can be demonstrated. Justice Holmes affirmed that freedom of speech does not extend to shouting "Fire!" in a crowded theater, and we have accepted restrictions on religious ceremonies which involve the handling of poisonous snakes or the use of drugs. However, the Court in the Caldwell case upheld a judicial action under the Constitution and was not reviewing an act of Congress or a state legislature. It asserted judicial restraints on the freedom of the press.

Churches Are Involved

If a court can declare against protection of confidential communications between a reporter and his source of information, can it not also invade the confidential communications between a pastor and his people? Will people, who are in trouble or who need counseling, be free to confide in a clergyman if they know he may be forced to reveal what they have said?

The ministry of the churches extends well beyond the preaching ministry and Baptists must be careful to see that First Amendment freedoms are protected for all people as well as for themselves.

The currently pending Senate bills dealing with protection against disclosure of information and its sources are S. 36 introduced by Senator Richard S. Schweiker (R., Pa.), S. 158 introduced by Senator Alan Cranston (D., Cal.), and S.J. Res. 8 introduced by Senator Vance Hartke (D., Ind.). Similar bills have been introduced in the House by Congressmen Jerome R. Waldie (D., Cal.) and Dan Kuykendall (R., Tenn.).

The ideas involved in these bills are vitally important to Baptists. We will report on their progress through hearings and final congressional action.

Free At Last! Religion in Military Is Now Voluntary

By W. Barry Garrett, Associate Director in Charge of Information Services,
Baptist Joint Committee on Public Affairs

At last, the cadets and midshipmen in the nation's three military academies can enjoy the "free exercise" of their religion the same as other citizens rather than march to religious services under orders.

It has taken a long time, but now religion is voluntary at the U.S. Naval Academy, Annapolis, Md., the U.S. Military Academy, West Point, N.Y., and the U.S. Air Force Academy, Colorado Springs, Colo. For over 150 years the cadets and midshipmen went to church whether they wanted to or not. Now when one of them shows up in church it is because he made his own choice.

Garrett

On January 8, 1973 Judge Howard F. Corcoran of the United States District Court for the District of Columbia, as a result of U.S. Supreme Court action, issued orders declaring null and void the regulations of the military academies that required attendance at chapel or church services. He said that such regulations are in violation of the First Amendment of the Constitution of the United States.

This is the same judge, who in the case of *Anderson v. Laird* in 1970 ruled that the compulsory religion regulations at the academies did not violate the Constitution. The case was appealed, however, to the U.S. Court of Appeals, where in 1972 the ruling of Judge Corcoran was reversed in a 2-1 decision.

Appeal to Supreme Court

U.S. Solicitor General Erwin N. Griswold in turn appealed the case to the U.S. Supreme Court on behalf of the federal government. In his appeal Griswold maintained that the military should have the right to restrict the religion clauses of the First Amendment "to the extent necessary" to ensure effective military training.

On December 18 of last year the Supreme Court unanimously announced its decision not to hear the case. This denial of the Government's petition for certiorari left the decision of the U.S. Court of Appeals as the final verdict declaring that mandatory attendance at religious services is unconstitutional.

In his January court order Judge Corcoran further prohibited the military academies "from punishing or otherwise disadvantaging any cadets or midshipmen for violating" the regulations requiring church attendance.

The court order continued: "Within 30 days from the date of this order, the defendants (the military academies) shall take all appropriate steps to correct the records of all cadets and midshipmen who have been disciplined by receiving demerits or otherwise and whose class standings have been affected by their failure to attend church or chapel services."

An Evaluation

Warren K. Kaplan, the American Civil Liberties Union attorney who pursued this case to its conclusion, has evaluated its importance. "In terms of its legal significance," Kaplan said, "this case has become and will continue to be a major milestone. It is perhaps the first appellate decision holding unconstitutional a specific internal military practice. No longer can the military blithely claim that its internal procedures are immune to constitutional evaluation."

"Equally important, in my view," Kaplan continued, "has been the impact of this case on those who lived closely with it over the last three years. For all of us, and particularly, I think, for the midshipmen and cadets, it has been—overall—a tremendously gratifying experience to realize that a handful of dedicated people, working together without money, influence or power, against a tradition of nearly two centuries, and armed only with a copy of the Constitution, were able to put to rout some of the most powerful political figures and institutions in our society."

The compulsory religion case attracted widespread attention among religious organizations during the three years that it took to bring it to a conclusion.

Commission on Chaplains

As far back as 1964, before compulsory chapel attendance at military academies became an issue in the courts, The General Commission on Chaplains and Armed Forces Personnel issued a preliminary statement on the problem. The Commission said: "It is our conviction that any requirement by the State of compulsory attendance at services of worship is contrary to the principles of religious freedom and the constitutional rights of the individual citizen."

The statement continued. "Our religious history and experience have amply demonstrated that voluntarism is an essential element in the health and vitality of the religious life of individuals, churches, and synagogues. We believe that the military establishment would experience the same positive values if it consistently adhered to that principle, especially if all possible steps were taken to encourage personnel to attend the worship services of their choice."

The Chaplains Commission, on the basis of further study, then entered *Anderson v. Laird* with an amicus curiae brief opposing compulsory attendance at religious service in the military academies.

A. Ray Appelquist is the executive director of the General Commission which is supported by most of the Protestant denominations with chaplains in the armed forces.

Baptists File Brief

Likewise, the Baptist Joint Committee on Public Affairs filed a friend of the court brief in the U.S. Court of Appeals after the lower court approved the practice of compulsory church attendance in the academies. The Baptists took the position that religious participation, even in the military, should be a voluntary experience.

One of the major points made by the Baptist Joint Committee in its brief was a protest against governmental manipulation of religion for the secular purposes of the state. Both the military academies and the U.S. District Court of the District of Columbia had agreed concerning the chapel regulations that "attendance is purely secular and an integral part of the military training accorded various groups of cadets."

The Baptist brief declared that it is constitutionally inappropriate for government

(See, FREE AT LAST, page 8)

Cover Picture

The chapel at the U.S. Air Force Academy, Colorado Springs, Colo. is a unique and modernistic example of church architecture. The chapel and its 17 aluminum spires soar 150 feet into the Rocky Mountain air.

One visitor who saw this modern architecture for the first time is reported to have said, "I do not know if I should pray in it, or pray to it, or pray for it."

The other military academies with magnificent chapels are: the U.S. Naval Academy at Annapolis, Maryland and the U.S. Military Academy at West Point, New York.

According to recent court rulings and under the U.S. Constitution, no longer can the cadets and midshipmen at these military academies be required to attend religious services. Henceforth, they may attend religious services, either at the chapels or at the churches or the synagogues of their choice, on a voluntary basis.

Hargis To Appeal IRS Tax Exemption Ruling

DENVER (RNS)—Christian Echoes National Ministry, Inc., Dr. Billy James Hargis's publishing and broadcasting operation, has had its federal income-tax exemption revoked for the second time.

A ruling handed down by the 10th U.S. Circuit Court of Appeals here declared that the organization is ineligible for federal tax exemption because it has attempted to exert a "political" influence.

(In October 1966, the Internal Revenue Service revoked Christian Echoes's tax exemption.

(But a ruling by Judge Allen E. Barrow in the federal court in Tulsa in June 1971 held that Christian Echoes was a Church and was therefore entitled to the tax-exempt status of Churches.

(At that time, he ordered the IRS to return $103,493 in back taxes to the Hargis organization.)

The 10th Circuit Court ruling here, handed down by Judge James E. Barrett, declared that Christian Echoes has both attempted to influence federal legislation and has attacked political candidates running for office.

When Judge Barrett's ruling was announced here, Dr. Hargis commented in a statement issued from his Tulsa headquarters:

"We have no recourse now but to go all the way to the United States Supreme Court, which we will do.

"I am confident that we will ultimately receive a favorable decision from the High Court.

"We are fighting for every independent church and independent Christian ministry in this country. If we fail, these independent Christian organizations cannot survive."

CLERGYMEN IN CONGRESS

WASHINGTON—Although eleven clergymen ran for Congress in the last election, only five were elected, all of them in the House of Representatives.

Clergyman-Congressmen are: Robert F. Drinan (D., Mass.), a Jesuit priest; John Buchanan (R., Ala.), a Baptist pastor; Walter E. Fauntroy, (D., D.C.), a Baptist pastor; William H. Hudnut (R., Ind.), Presbyterian; and Andrew Young (D., Ga.), United Church of Christ.

Of these, two of them continue in the active ministry. Rep. Buchanan is the interim pastor of the Riverside Baptist Church in Washington, D.C. Rep. Fauntroy is the non-voting delegate to Congress from the District of Columbia. He is the pastor of the New Bethel Baptist Church in the District.

NCC REMAINS TAX-EXEMPT

NEW YORK—After examining the financial records and reviewing the activities of the National Council of Churches for the years 1968 and 1969, the Internal Revenue Service has completed its study and gave the NCC a clean bill of health. The IRS is continuing the Council's tax-exempt status.

At stake in the investigation was the federal provision that tax-exempt groups, including churches and religious agencies, may not use a "substantial" part of its income and activities to influence legislation.

The NCC is among several religious groups to come under IRS scrutiny in the past two years. Tempo, the NCC magazine, cited the fact that some churchmen contend that the probes were politically motivated, coinciding with the beginning of the Nixon administration and caused by a desire to silence groups which disagreed with government policies. (ABNS)

SCHOOL PRAYER IN PENNSYLVANIA

HARRISBURG — Pennsylvania's Gov. Milton J. Shapp last December signed into law, effective immediately, legislation permitting meditation and prayer in public schools.

The bill (H. 126), passed by the 1972 General Assembly, authorizes prayer in public schools at the discretion of the classroom teacher or at the direction of the school board. It specifically provides that the session "shall not be conducted as a religious service or exercise."

The text of the new law is as follows:

Public School Code of 1949. "Section 1516.1. Meditation and prayer periods.—(a) In each public school classroom, the teacher in charge may, or if so authorized or directed by the board of school directors by which he is employed, shall, at the opening of school upon every school day, conduct a brief period of silent prayer or meditation with the participation of all the pupils therein assembled.

"(b) The silent prayer or meditation authorized by sub-section (a) of this section is not intended to be, and shall not be conducted, as a religious service or exercise, but shall be considered as an opportunity for silent prayer or meditation on a religious theme by those who are so disposed, or a moment of silent reflection on the anticipated activities of the day." (RNS)

TAX CREDITS IN COURT

Two cases involving tax credits for parents who send their children to private schools are being appealed to the U.S. Supreme Court.

In Columbus, Ohio a three-judge Federal Court unanimously struck down a state law as unconstitutional which provided $90 per child as a tax credit for parents with children in parochial schools.

In New York a three-judge Federal Court in a 2-1 decision upheld a similar law as constitutional. Both the Ohio and New York cases are being appealed to the U.S. Supreme Court.

(Note: For later info, see "Tax Aid To Religion" on next page.)

CALIFORNIA TAX CREDITS

SACRAMENTO—A spokesman for the American Civil Liberties Union, citing a recent Ohio federal court decision, has promised a court challenge of California's recently enacted tax credit law providing aid to parents of nonpublic school children.

The ACLU statement followed the signing by Gov. Ronald Reagan of the measure which provides tax credits of up to $125 per child to parents of children in nonpublic elementary and secondary schools in California.

The new California law allows beneficiaries to take a certain amount of tuition costs off their 1973 state income tax return. The law applies only to families having adjusted gross incomes of less than $15,000 for the full $125 credit. It allows families with incomes of between $15,000 and $18,999 between $25 and $100 in tax credit. (RNS)

BILLY GRAHAM ON THE WAR

MONTREAT, N.C.—Billy Graham has refused to get himself publicly involved either for the war in Vietnam or in favor of the peace efforts by many of the war-protesters.

On December 31 Dr. Ernest T. Campbell, minister of the Riverside church in New York City, instead of his regular sermon read an open letter to Dr. Graham. He asked the evangelist to reply to a telegram from Dr. Henry W. Anderson, a United Presbyterian pastor and chairman of the Key 73 organization in the Chicago area.

Anderson and his colleagues had asked Dr. Graham to do something to stop the bombing in Vietnam.

The messages were directed to Dr. Graham because of his closeness to President Nixon.

Graham responded to these requests

with an 800-word statement in which he "clarified" his position on the war, his relationship to national leaders, and a definition of his own ministry.

As for the war, Graham said: "I have regretted that this war has gone on so long and been such a divisive force in America. I hope and pray that there will be an early armistice."

He continued: "I also deplore the violence everywhere throughout the world that evidences man's inhumanity to man. I am therefore praying for every responsible effort which seeks true peace in our time."

Concerning his relationship to the President: "It has been my privilege to be acquainted with five Presidents during my ministry. While I have attempted to avoid issues which are strictly political, at the same time I have spoken and continue to speak on issues in which I feel a definite issue is involved. I should stress, however, that any discussion I have with a President is private."

Concerning Graham's ministry: "I am convinced that God has called me to be a New Testament evangelist—not an Old Testament prophet! While some may interpret an evangelist to be primarily a social reformer or a political activist, I do not! An evangelist is a proclaimer of the message of God's love and grace in Jesus Christ and the necessity of repentance and faith." (RNS)

RELIGION IN SCHOOL

NEW YORK—The Tablet, weekly publication of the Catholic Diocese of Brooklyn, has urged that attention be given to the possibilities for the academic study of religion in New York City's public schools.

While proselytization would be undesirable and unconstitutional, says an editorial in the Jan. 4 issue, education "that strives to ignore religion's influence on mankind" is inadequate and distorted.

"The Supreme Court school prayer decision rejecting all forms of worship in public schools went out of its way to encourage the study of religion in those schools," the editorial says. It also notes that the National Council on Religion in Public Education lists more than 50 school systems in 28 states that already offer religion courses.

Three guidelines were offered by the Catholic journal:

1. Discussions should be held by PTA's, school boards and other groups to build community understanding and support.

2. Community interest must be ecumenically based, with involvement of the Jewish community.

3. Proponents should avoid excessive claims of what may be accomplished through this one approach. (RNS)

NIXON AND ABORTION

NEW YORK—An official of Planned Parenthood here charged that President Nixon was leading the New York State anti-abortion campaign by "virtually" requesting Cardinal Terrence Cooke of New York to lead the move for abortion law repeal.

Alfred E. Moran, executive director of New York City's Planned Parenthood office, also declared that abortion supporters this year are going to make their defense of the current liberalized law "a clear-cut religious issue."

Msgr. Eugene V. Clark, director of archdiocesan communications, denied that President Nixon or the White House had anything to do with Catholic opposition to abortion. He said it "is a matter of Christian principle that antedates any American President's administration. It is also a moral issue, but it is also a constitutional question of the protection of human life."

Tax Aid To Religion

WASHINGTON — The U.S. Supreme Court has slated a full-scale review during the current term of the constitutionality of state tax credit and tuition reimbursement to parents with children in parochial schools.

The Court has agreed to hear arguments in such cases from Pennsylvania and New York. Tax credits are involved in the New York case and tuition reimbursements in the Pennsylvania case.

The U.S. Supreme Court also rejected a plea from Catholic parents in Ohio to block a December 29, 1972 injunction by a federal court in Columbus against the awarding of state and local tax credits in that state. A three judge federal court in Ohio had ruled that the tax credit law there was unconstitutional.

It is entirely possible that the Ohio case will be appealed to the U.S. Supreme Court and that it will be combined with the New York and Pennsylvania cases.

The decision in these tax credit and tuition reimbursement cases, which is expected by June, could tell whether the Nixon administration's tax credit proposals are constitutional.

The New York legislation which will be reviewed by the Supreme Court include: a law permitting families having gross incomes of $25,000 a year and who pay at least $50 a year in tuition at private and parochial schools to receive state tax credits; a law which provides 280 parochial schools in heavily populated urban areas with funds for heat, lighting and other utilities; and a law which provides for direct payments of $50 per elementary school (and $100 per high school child) to parents having net taxable incomes of less than $1,000 a year.

The Pennsylvania law, signed by Gov. Milton Shapp on August 27, 1972, provides a reimbursement by the state of part of the tuition parents pay for their children in private and parochial schools.

In the meantime, Mrs. Florence Flast, vice chairman of the Committee for Public Education and Religious Liberty in New York, expressed gratitude that the highest court in the nation would review the constitutionality of these laws that provide public aid to parochial schools.

Mrs. Flast said, "This means that every legislative enactment now on the books to provide public funds for parochial schools will be examined by the Supreme Court—including funds for record keeping, testing and other services in parochial schools mandated by state law; building maintenance grants to parochial schools; tuition grants for low-income parents of parochial school children; and tax credits for middle-income parents of parochial school children."

"The decision of the high court should put an end, once and for all, to the various devices that have been enacted into law designed to give state aid to sectarian schools," Mrs. Flast said.

From The Pentagon

THE SECRETARY OF DEFENSE
Washington, D.C. 20301
January 4, 1973

MEMORANDUM FOR
The Secretary of the Army
The Secretary of the Navy
The Secretary of the Air Force

SUBJECT: Attendance at Religious Services

On 18 December 1972, the Supreme Court of the United States refused to review the case of *Anderson et al.* v. *Laird et al.* as decided by the Circuit Court of Appeals for the District Court Circuit on 30 June 1972. The decision of the Circuit Court was that regulations requiring attendance at religious services at the military academies violate the First Amendment of the United States Constitution.

In view of the above, I direct that appropriate action be taken to conform your regulations in keeping with the spirit and the letter of the court's opinion. This decision means that attendance at religious services shall not be required at the military academies or elsewhere within military commands.

It must be noted that the court's opinion in no way diminishes the importance of Divine Services. Therefore, the availability and opportunity for worship shall continue to be provided. I have every confidence that our servicemen and women will continue to seek the strength and inspiration that comes from friendship with God.

Melvin R. Laird

OE Official Pushes Nonpublic School Aid

WASHINGTON—A spokesman from the U.S. Office of Education has announced that extensive efforts will be made to assure that all students in nonpublic elementary schools will receive all of the federal benefits to which they are eligible.

Duane J. Mattheis, Deputy Commissioner for School Systems in the OE, issued a memorandum at the close of 1972 indicating the intent of the Nixon administration to aid nonpublic school children. The memorandum was addressed to Chief State School Officers and Nonpublic School Administrators.

"The U.S. Office of Education has a responsibility to assure that the benefits of all programs for which nonpublic school children are eligible are made fully available to such children," Mattheis said. He explained: "This includes the effective access, with advice and suggestions by persons knowledgeable as to the needs of such children, to policy making councils at the state and local levels where decisions on the use of federal funds under the applicable programs are made."

The federal program officers are expected both to make the benefits available and to monitor the programs, according to Mattheis. He cautioned that each federal program officer is expected "to take appropriate action in situations where nonpublic participation is found to be other than in accordance with the requirements of the law."

In addition to the federal program officers, Mattheis said that the Chief State School Officers "are responsible for assuring the level and quality of nonpublic participation" in the federal programs. He also said that about 20 state agencies have already designated an official responsible for ensuring the adequate participation in federal programs of nonpublic school children.

The Mattheis memorandum asked a more active role on the part of nonpublic school administrators to get in on the benefits of the federal programs. It also encouraged nonpublic school leaders "to contact their state educational agency for further information on all federal programs" to which they are eligible.

Mattheis concluded his memorandum by saying: "The U.S. Office of Education is determined to achieve that degree of participation of eligible nonpublic school students which is required by law."

There are now approximately 30 federal education-aid programs—about 25 of them administered by the Department of Health, Education, and Welfare and the Office of Education—in which nonpublic elementary and secondary school students are eligible to take part.

TAX CREDITS

(Continued from page 2)

that the federal government is also obligated to preserve pluralism in American education through some form of public aid to parochial schools.

The Baptist Joint Committee in testimony before the House Ways and Means Committee last August expressed strong opposition to proposed tax credit legislation. Again in October in its semi-annual meeting, the Joint Committee reaffirmed its opposition and respectfully requested that "the Committee on Ways and Means refuse tax credits out of consideration to the American tradition of religious liberty and separation of church and state." We still maintain that the tax credit procedure's operational effect would be the same as other forms of government aid to church schools which have been held unconstitutional by the Supreme Court. Therefore, we sincerely hope that the tax credit proposals now being introduced into Congress will be decisively rejected by the U.S. Congress as incompatible with the American tradition of religious liberty and church-state relations. We also believe that America should be spared the religious divisiveness engendered by this proposal.

Mounting concern in recent months over proposed tax credit legislation has resulted in expressed opposition on the part of a number of religious, educational, and civil rights organizations. A one-day Conference on Church and State has already been scheduled for March 12 at the National Education Association building in Washington, D.C. to provide for a systematic discussion of substantive issues and to consider ways and means of establishing some kind of formal consortium for effective action in this area.

Now is the time to make known expressions of opposition to this plan of federal aid to parochial schools to the members of the 93rd Congress.

FREE AT LAST

(Continued from page 5)

"to use religion" to achieve the secular objective of government. "Worship or attendance at worship services must not be used as a training exercise," the brief asserted. It continued: "Any attempt by government to manipulate God and religion . . . is tinged with blasphemy and is also unconstitutional."

The Baptist Joint Committee brief further claimed that mandatory attendanae at church services violates both the "no establishment" and the "free exercise" clauses of the First Amendment, which says, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." It also attacked the compulsory attendance regulation as "a religious test for holding an office or public trust under the United States, in violation of Article VI of the Constitution."

Other Religious Groups

Other religious bodies opposing compulsory church attendance in the military included the United Methodist Church, the United Church of Christ, the American Baptist Convention, the Central Conference of American Rabbis, the Commission on Jewish Chaplaincy, the National Jewish Welfare Board, the Rabbinical Assembly, the Rabbinical Council of America, the Union of American Hebrew Congregations, the Union of Orthodox Jewish Congregations, and the United Synagogue of America.

Earlier in 1965 the Executive Council of the Lutheran Church in America and the annual convention of the Lutheran Church-Missouri Synod voted to oppose the compulsory chapel rule at the military academies. The previous year the American Lutheran Church took similar action.

Not every group, however, opposed the regulations. The Association of Jewish Chaplains in the Armed Forces, in contrast to the large group of Jewish organizations listed above, went on record in 1971 as favoring compulsory church attendance at service academies. The Military Chaplains Association of the U.S.A. refused to take a position on the question.