

## Department of Labor Amends Rule on Contract Compliance

WASHINGTON—The Department of Labor published in the Federal Register, March 29, 1974, a proposed exemption to the nondiscrimination policy of Executive Order 11246, which prohibited discrimination in employment on account of religion, even in church related schools or other agencies where a contract of \$10,000 or more with the Federal government existed.

The proposed exemption states that the nondiscrimination clause on account of religion "shall not apply to a religious corporation, association, educational institution or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its activities."

In explaining the proposed exemption, the Department of Labor said that the purpose was to comply with the religious exemption provision of the Civil Rights Act of 1964.

Public comment on the proposed exemption was to close on April 29, 1974. Unless adverse criticism calls for a new look at the proposal, it will be adopted by the Department of Labor. No such opposition was anticipated.

## Public Financing Passes Senate; House Outlook Dim

WASHINGTON—The U.S. Senate has passed a bill which would provide public financing of federal elections for the first time in American political history.

The measure passed the upper house by a 53-32 vote, following 13 days of debate dominated by a filibuster led by Sen. James B. Allen (D., Ala.).

Despite the victory for proponents of public financing of federal elections in the Senate vote, the measure faces stiff opposition in the House of Representatives. President Nixon has insisted that even if the House were to pass legislation providing for public financing, he would veto it.

The Senate measure drew immediate support from a variety of groups pushing for election reforms in the wake of the Watergate scandals.

One such organization, the Religious Committee for Integrity in Government, had sought such a measure. The Baptist Joint Committee on Public Affairs is one of 20 bodies which has joined the Reli- (See, PUBLIC FINANCING, page 7)

# Report from the Capital

MAY  
1974

## House Passes Education Bill, Senate Next

WASHINGTON—The U.S. House of Representatives passed an education bill which provides for bypassing state prohibitions against aid to nonpublic schools.

The new measure authorizes an expenditure of more than \$18 billion and extends for four years the major provisions of the Elementary and Secondary Education Act of 1965.

Under the bill, which was passed by a 380 to 26 vote, the U.S. commissioner of education is empowered to provide funds for disadvantaged children attending nonpublic schools in states which have laws prohibiting such aid.

During the House debate on the Elementary and Secondary Education Act of 1974, an amendment to the so-called "bypass" provision was passed. The amendment, proposed by Rep. Lloyd Meeds (D.-Wash.), included three provisions:

—The amendment insures that the criteria for furnishing programs and services to educationally deprived children attending nonpublic schools shall remain the same as in the 1965 Elementary and Secondary Education Act.

—The amendment makes clear that there would be no cutoff of that portion of federal funds to be used for public school children when the commissioner chose to invoke the bypass.

—The amendment provides for administrative and judicial review in states where the bypass might be invoked.

Two other amendments which would have deleted the entire section of the bill dealing with funds for nonpublic schools and the bypass provision failed to muster enough support to reach the House floor for votes.

Another major feature of the new bill is an anti-busing provision which prohib-

its virtually all school busing designed to achieve racial balance. Under the measure, enforced busing would be forbidden except in extreme conditions. When employed, busing would never be beyond the school closest to the pupil's home, according to the amendment.

The new education bill, which came to the House floor from the Education and Labor Committee chaired by Rep. Carl D. Perkins (D.-Ky.), must now survive what is expected to be a difficult battle in a conference committee with the Senate.

A major Senate education bill, which has yet to come before that body, differs widely from the House-passed measure. The Senate version does not include an anti-busing provision and has been threatened with a veto by President Nixon if passed without it.

The Senate version, however, does call for bypass provisions in funding programs for disadvantaged children attending nonpublic schools similar to those approved by the House. (BPA)

## Supreme Court to Decide on 'Carnal Knowledge' Film

WASHINGTON (BP) — Attorney Louis Nizer urged the U.S. Supreme Court here to overturn the conviction of an Albany, Georgia theater owner for showing the highly acclaimed film, *Carnal Knowledge*.

Nizer, representing the motion picture industry, and attorney Tony H. Hight, who represented the State of Georgia, made oral arguments before the nation's highest court in the case of *Jenkins v. Georgia*.

The case is the most recent in a series of so-called "obscenity" cases which have (See, CARNAL KNOWLEDGE, page 8)

# From the Desk of the Executive Director

## Integrity in Government

By James E. Wood, Jr.

At no time in the history of this nation has the need for integrity in government been more manifest than now. The erosion of integrity in high places has resulted in widespread distrust of public officials and institutions. This loss of confidence represents a serious threat to the survival of democracy, which inevitably requires the support of a substantial majority of its citizens.

Doubtless the year 1973 will be remembered by future American historians as "the year of Watergate." Because the Watergate affair and the transgressions of the Nixon administration are still far from resolved, it may well be that 1974 will be remembered for generations to come as the year which laid bare to the American people the lack of morality within the Executive branch of government.



Wood

### I

*By any standard, Watergate and the accompanying abuses of Executive power must be regarded as the great American tragedy.* Nowhere is the tragedy more clearly evident than in the widespread cynicism and disillusionment exhibited toward the public enterprise in general. Watergate now seems to justify for millions of Americans a sense of despair over the entire political process. Watergate and the abuse of executive power symbolizes how the Bill of Rights may be discarded in an effort to rig a national election and to acquire political power outside of the democratic process. Repeated disclosures have shown how men of power and professed piety have arrogated to themselves the right to operate outside the law.

There is no denying the fact that the very foundations of this nation have been threatened. Ethical and spiritual decay is apparent in the almost daily sordid revelations of Watergate investigations and manifold abuses of political power.

There are however some signs of hope. The continued disclosures of the investigations and findings of the judicial and legislative branches of government are themselves evidence of the health and vigor of the political process. There is even reason to believe that Watergate may well mark, as Martin Marty expressed it recently, the formation of a new "watershed" in American political and religious life.

### II

*The times require the renewal of the Christian's commitment to the legitimate role of the political process.* The Christian wit-

ness needed is not one of cynicism, but one that affirms the Christian's obligation to exercise his religious liberty through responsible citizenship and concern for integrity in government which is committed to liberty and justice for all persons. It is a witness needed also to uphold the inviolability of the church's mission to the whole man.

Visible evidence of concern for integrity in government is a Christian necessity. Thus, out of the current crisis in American government has come the formation of the Religious Committee for Integrity in Government, a non-partisan interfaith committee of Washington-based religious staff persons.

Following up "A Statement of Concern" (adopted October 3, 1973 and published on the cover of the October-November 1973 issue of this publication), the Baptist Joint Committee voted on March 6, 1974 for affiliation with the newly formed Religious Committee for Integrity in Government. The purpose of this committee is a positive one and in no way should its purpose be seen as seeking a vendetta against the President. Rather, its formation signals the beginning of an effort to bring cleansing to the nation's political processes.

The objectives of the Religious Committee for Integrity in Government are: (1) "the clarification of critical moral issues in the present crisis"; (2) "justice for the President and the American people"; (3) "campaign reform, including public financing of campaigns"; (4) "the restoration of Constitutional checks and balances in the federal government"; and (5) "the clarification of critical and moral issues facing the electorate in 1974 and 1975." Charter members of the committee include the executive director and the associate director in charge of research services of the Baptist Joint Committee.

### III

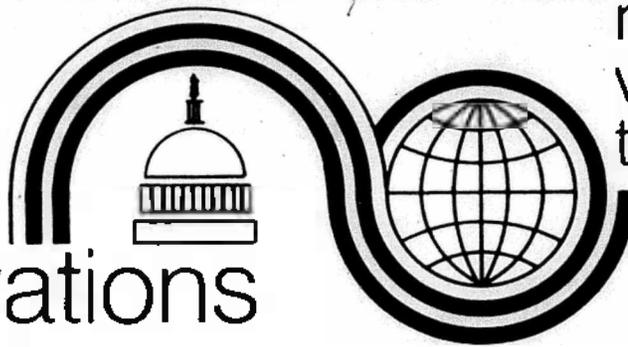
*Christian witness in public affairs of necessity includes concern for integrity in government.* The current crisis in American government is clearly a moral as well as a constitutional one. Without integrity no democratic government can endure.

One major step to be taken toward assuring integrity in government is campaign reform. Recent elections have all too often manifested the power of special interests through sizable financial contributions from large corporations and wealthy individuals to certain political candidates. The fact that 90 percent of all contributions come from the richest 1 percent of the people is itself indication of the desperate need for campaign reform in American political elections.

Any restoration of public confidence in the nation's political process must include high priority to campaign reform, including some form of public financing of all federal elections. On April 11, 1974, the U.S. Senate took an historic and significant step toward the goal of integrity in government by passing S. 3044, a bipartisan campaign reform bill which provides for public financing of primary and general election campaigns for federal elective office.

It is through the passage of such legislation, largely as a result of Watergate, that Watergate may become the great watershed for a new era of integrity in government rather than the epitaph of the American political process.

# washington observations



April 26, 1974

RELIGIOUS LIBERTY normally is a deadly serious matter especially for the person or persons who feel that their religious liberty is being tampered with. On the other hand, it produces some comical situations if a person is able to see the funny side of a sober event.

FOR INSTANCE, down in San Juan the Pentecostal Church of God was declared to be a public nuisance by the Supreme Court there because of the noise generated in their services. In response, 78 Protestant ministers from a number of denominations took to the streets by way of a full page "ad" in the newspaper. The ministers protested the Court's decision as a "grave menace to religious liberty in Puerto Rico."

TO ILLUSTRATE THEIR POINT the ministers deplored the lack of action against the din of traffic and jukeboxes, the loud curses of drunks, drug addicts, prostitutes, pimps and homosexuals, and the generally high level of noise from a variety of commercial establishments, including bars, in the area where the noisy church conducted its services.

EVIDENTLY, in San Juan it makes a difference who makes the noise and for what purpose. Rather than ban noisy religion, wouldn't it be better to let the Pentecostals shout? Maybe the voice of the Lord could be heard by someone over the sounds of Satan!

ON THE OTHER HAND, the exercise of religious liberty can produce some real heart-rending situations. There is the case of Miss Patricia Bently, a resident of Washington, D. C., and a member of the Jehovah's Witness religion. Miss Bently was due to give birth to a baby when the doctors refused to perform a caesarean section unless she agreed to a blood transfusion if needed.

THIS RESULTED in a series of frantic court hearings with lawyers representing the doctors, Miss Bently, and the unborn infant appearing before the judges. Since the due date for delivery was already seven days past, an immediate decision was necessary. Superior Court Judge Alfred Burka ruled "with great sorrow" that the mother does have a right to die. He ordered the doctors to proceed with the operation. He pointed out, however, that his ruling did not affect the right of the baby to live after it was born.

AS THIS IS WRITTEN the operation is probably being performed, so we have no way of knowing whether or not the mother survived. The chances are that no medical complications arose. If, however, the mother gave up her life in loyalty to her religious beliefs, we can but admire such devotion even though we are in total disagreement with her views.

UNITED METHODIST Dean M. Kelley, director of civil and religious liberties for the National Council of Churches, told a Baylor University audience that the four most serious threats to religious liberty in the United States at this time are: (1) tax exemption for churches, (2) state aid to Christian education, (3) "deprogramming" of youthful members of religious sects, and (4) clergy confidentiality.

## A Comparison: The Four Major Proposals

### S 3044, the Senate bill

### HR 7612, the Anderson- Udall bill

#### Public Financing

Full, voluntary public funding for presidential and congressional general elections; matching public funds in primaries after meeting eligibility threshold. Proportional funding for minor-party candidates.

Public funding of presidential general election (existing income tax checkoff); matching public funds in primaries and congressional elections of all private gifts up to \$50.

#### Eligibility

"Threshold" amount to be raised in primary: President: \$250,000 (no gift over \$250). Senate: \$125,000 or 20% of maximum spending limit for primary. House: \$10,000 (no gifts over \$100 for Congress). General election: No threshold for major-party nominees, same as above for others.

"Threshold" amount: President: \$15,000. Senate: \$5,000. House: \$1,000. No gifts over \$50.

#### Candidate Spending Limits

Primaries: President: Twice the Senate limit in each state, but nationwide average of 10 cents x voting age population (VAP). Senate: \$125,000 or 8 cents x VAP, whichever is larger. House: \$90,000 or 8 cents x VAP, whichever is larger. General: President (including vice president): 12 cents x VAP. Senate: \$175,000 or 12 cents x VAP, whichever is larger. House: \$90,000 or 12 cents x VAP, whichever is larger. Unopposed candidates: 10% of above limits.

No over-all limits; continues existing media spending limit (10 cents x VAP or \$50,000, whichever is larger) and includes direct-mail costs in these limits. Public subsidy limited to 10 cents per eligible voter per year.

#### Political Parties

Up to \$15-million a year in public subsidies to national parties, Senate and House campaign committees, matching individual contributions up to \$50.

#### Contribution Limits

Spending limit of 2 cents x VAP. No public financing to parties. Party approval required for all candidate expenditures over \$1,000.

\$2,500 a year to presidential candidate; \$1,000 a year to congressional candidates; \$2,500 to national party or political action committee.

#### Cash

\$3,000 per candidate in primaries, \$3,000 in general election, aggregate limit of \$25,000 a year. Applies to individuals and organizations. Services not limited. Limits on candidate and family: \$50,000 for president; \$35,000 for Senate; \$25,000 for House.

#### Enforcement

Independent Federal Election Commission. Six members. Power to prosecute.

#### Television

Cash contribution limit: \$100 a year. Cash expenditure limit: \$100 per transaction.

Independent Federal Election Commission (FEC). Seven members plus comptroller general (non-voting). Power to prosecute.

Free (publicly subsidized) television time for candidates—5 half-hour blocks in prime time for presidential candidates, 3 for Senate, 2 for House, less for minor candidates. These exempt from equal-time provision.

Repeal of equal time provision.

#### Income Tax Checkoff

Doubled to \$2 per person, \$4 per couple. Made automatic unless taxpayer designates no. Tax credits and deductions doubled (credits to \$25 a year, \$50 joint; deductions to \$100, \$200 joint).

Unchanged (\$1 per person, \$2 per couple). Tax credits quadrupled, to \$50, \$100 joint.

#### Centralized Committees

One central campaign committee per state, list of all depositories.

One central campaign committee to report all campaign financing.

#### Other

Annual financial disclosure statements required of all incumbents, candidates, high federal office holders.

# On Public Financing and Campaign Reform

## House Administration Committee bill

Mandatory public financing for presidential general election, under existing tax checkoff; \$20-million ceiling per candidate, no private contributions allowed unless checkoff funds inadequate. No public financing for primaries or for congressional elections. Proportional formula for minor parties.

Existing requirements for presidential fund (candidate's party must have received over 5% of vote in last general election).

President: \$20-million in primaries, \$20-million in general election. Senate: \$60,000 or 5 cents x VAP in primary, same in general election. House: \$60,000 each for primary, runoff, general election.

\$2-million in public funds to the two major parties to finance their nominating conventions; proportionally smaller amounts to minor parties.

\$2,500 to presidential candidate, \$2,500 to Senate candidate, \$1,000 to House candidate. Aggregate: \$25,000 a year. In-kind contributions not limited.

\$100 cash contribution limit.

No FEC. Would leave enforcement in Justice Department.

Unchanged.

## President Nixon's proposal

No public financing.

No over-all limits; continues existing media spending limit.

Organizations may make contributions to parties, but must list names of all individual donors and candidates for whom gifts are intended.

President: \$15,000 in primaries, \$15,000 in general election. Congress: \$3,000 for each campaign. Money and "in-kind" (manpower or services) contributions by organizations banned; individual in-kind gifts must be reported as money. No loans, stock donations or contributions from foreign sources allowed.

\$50 limit on cash contributions and expenditures.

Favors FEC, but would refer violations to Justice Department as at present.

Repeal of equal time provision.

One central campaign committee, one bank per candidate.

Shorten presidential campaigns by prohibiting primaries before May 1, holding conventions in September. Ban campaign "dirty tricks."

## Public Financing

## Eligibility

## Candidate Spending Limits

## Political Parties

## Contribution Limits

## Cash

## Enforcement

## Television

## Income Tax Checkoff

## Centralized Committees

## Other

# Public Affairs . . . and the Churches

## Freedom of Religion Will Advance Real Democracy

NEW YORK—A Baptist denominational executive and two Baptist convention presidents joined more than 100 religious, business, education and service leaders in the nation to sponsor FORWARD '76, a U.S. Bicentennial initiative.

James E. Wood, Jr., executive director of the Baptist Joint Committee on Public Affairs, Washington, D.C., serves on the Policy Committee of FORWARD '76. He is joined in sponsorship by Peter H. Armacost, president of the American Baptist Churches in the U.S.A., and by Owen Cooper, president of the Southern Baptist Convention.

FORWARD is an acronym for Freedom of Religion Will Advance Real Democracy, launched by the trustees of The Interchurch Center, a building housing many church and ecumenical headquarters here.

A list of more than 100 names was released here. More may be added.

Among the initial sponsors are Evangelist Billy Graham; Mrs. Martin Luther King, Jr.; editor Norman Cousins; Catholic Archbishop William Baum of Washington, D.C.; Rabbi Irwin M. Blank, president of the Synagogue Council of America; the Rev. W. Sterling Cary, president of the National Council of Churches; Vernon Jordan, director of the

National Urban League, and Archbishop Iakovos, primate of the Greek Orthodox Archdiocese of North and South America.

Others include Dr. Eugene Carson Blake, retired general secretary of the World Council of Churches; Clark Kerr, chairman of the Carnegie Council on Higher Education; William Eagles, president of Kiwanis International, and Vine Deloria, Jr., the Sioux Indian author.

FORWARD '76 seeks to stimulate a deep appreciation for the contribution of religion to the nation's heritage of "liberty and justice for all."

R. H. Edwin Espy, retired general secretary of the National Council of Churches, is chairman of the project which will serve as a channel that will enable groups to coordinate bicentennial plans, especially those dealing with religious themes.

"A major source of high human values in most societies is religion," Espy said in announcing the sponsors of FORWARD. "Religious beliefs in the dignity of man and his God-given rights of self-determination and freedom were basic to the thinking of those who forged a new nation in America. (RNS)

## CHURCH-STATE IN SWITZERLAND

RUSCHLIKON — A Baptist leader here has expressed apprehension over the proposed "separation" of church and state in the Confederation of Switzerland.

Claus Meister, general secretary of the Swiss Baptist Union and president of the European Baptist Federation, has written a major article on the church-state movement in Switzerland. He expressed reserve about the initiative being circulated among the Swiss population. If the petition gets 50,000 signatures, a vote on the proposal will be taken soon.

Meister points out that the Swiss government already guarantees religious liberty to the cantons. Under terms of the present project, this choice would be taken from the cantons and moved under the central government's jurisdiction. Further the change would be accomplished

within a time limit of two years, which observers say is a practical impossibility.

"The procedure has come so abruptly that I do not think any of the free churches could support it," Meister says.

The European Baptist Press Service reports that the churches are being encouraged to take up the project. However, it continues, unresolved difficulties—for the individual Swiss citizen as well as for church organizations—which could arise from the present initiative, leave a hesitance to espouse the cause and which make unclear the outcome, at least until later this year. (EBPS)

## CO BILL IN CONGRESS

WASHINGTON—Although the U.S. Supreme Court ruled decisively against educational benefits for conscientious objectors who have served alternate service,

for the first time in history, there is a bill in Congress to grant benefits to conscientious objectors.

HR 13506 is a bill . . . to provide veterans educational and home loan benefits to individuals who fulfill their obligation to perform alternative civilian service under the selective laws." It was introduced in the House of Representatives by Rep. Edward Koch (D., N.Y.) with nine co-sponsors on March 14, 1974.

The bill is short and simple. It would add to the definition of an eligible veteran the sentence, "The term 'eligible veteran' also means any individual who performed civilian work. . ." This provision would apply retroactively to August 4, 1964, the date accepted as the beginning of the Vietnam War.

The bill was introduced in response to the Supreme Court's adverse decision in two CO benefits cases—*Johnson v. Robison* and *Hernandez v. Veterans Administration*. The Court ruled that conscientious objectors were not eligible for veterans educational benefits. (Reporter)

## TEN MORE SPONSOR ABORTION RIGHTS

WASHINGTON, D.C.—Ten new individual sponsors of the Religious Coalition for Abortion Rights were announced here by the organization which opposes moves to overturn the 1973 Supreme Court ruling on abortion.

New sponsors include Rosemary Radford Ruether, associate professor at Howard University here, and Mary Daly, associate professor at Boston College. Both are Roman Catholic lay theologians.

The coalition was formed in late 1973 by Protestant and Jewish leaders. Its expressed purpose is to counter efforts underway to persuade Congress to overturn the Supreme Court decision that permits relative free choice on abortion.

Other new sponsors are Robert Campbell, general secretary, the American Baptist Churches; Rabbi Balfour Brickner, director of interreligious affairs, the Union of American Hebrew Congregations; Bishop Stephen Spottswood, the African Methodist Episcopal Zion Church; Jane Evans, director of the National Federation of Temple Sisterhoods; Nelle Mor-

ton, professor-emeritus, Drew University, Madison, N.J.; Emily Hewitt, Andover Newton Theological School, Newton Centre, Mass.; Barbara McNeel, Colgate Rochester Theological Seminary, Rochester, N.Y.; and Margaret Maxey, a biochemist at the University of Detroit. (RNS)

### INDIAN HEALTH CARE

WASHINGTON—An official of the United States Catholic Conference has called for greater public awareness and concern for the health care of the American Indian.

Sister Virginia Schwager, S. P., director of the USCC Division of Health Affairs, charged, "The American Indian continues to be subject to insufficient primary care, inadequate in-patient and out-patient facilities, and a shortage of health professionals."

Sister Virginia noted that there are only eight practicing Indian dentists in the United States and that while an estimated 3,000 nurses would be required to meet Indian health care needs, the Indian community can only boast of 400 native nurses.

Senator Henry M. Jackson (D., Wash.), chairman of the Committee on Interior and Insular Affairs, conducted hearings on the Indian Health Care Improvement Act (S. 2938). (NC)

### ANTI-ABORTION DISSENSION

CAMDEN, N.J.—According to the Camden Star Herald, three leaders of the National Right to Life Committee (NRLC) in Washington have disclosed that the committee's relations with the U.S. Catholic Church are badly strained and have warned of an impending breakdown in the pro-life movement.

The leaders, according to the March 29 issue of the Camden diocesan weekly, claimed that a split in the national anti-abortion ranks is being caused by what they called the "overbearing and separatist" attitude of the U.S. Catholic Conference.

They claimed that the USCC recently engineered the formation of the National Committee for a Human Life Amendment as an attempt to "trim" the NRLC membership.

Among the three NRLC leaders was Mrs. Judy Fink, a Baptist who serves as secretary of the NRLC, as chairman of the Pennsylvania Citizens for Life, and as a member of the newly-formed Baptists for Life. She warned that the Catholic Church's "separatist attitude can only

## Public Financing Passes Senate; House Outlook Dim

(Continued from page 1)

gious Committee for Integrity in Government.

James E. Wood, Jr., executive director of the Baptist Joint Committee, stated, "The Senate has taken an historic and, I believe, a significant step toward the goal of assuring integrity in government through campaign reform."

Wood commented that in his view, "the first step to be taken toward assuring integrity in government is campaign reform."

The need for public financing, Wood asserted, is due to the growing influence which large corporations and wealthy individuals have exerted in national politics through large contributions. Wood noted recent reports in the public press that some 90 per cent of all contributions in national elections comes from the richest one per cent of the electorate as an "indication of the desperate need for campaign reform."

Wood insisted that the ultimate tragedy of Watergate is the loss of public confidence in government. "Any restoration of public confidence in the nation's political process," he said following the Senate vote, "must include high priority to campaign reform, including some form

of public financing of all federal elections."

The Senate bill provides full government financing to major party candidates for federal office. Each candidate would then have the option of relying entirely on private contributions or on a combination of public and private financing.

Minor party or independent candidates could claim federal monies in proportion to their share of the popular vote in the prior election if they had earned five per cent of the vote, or in the current election if they had not previously run for office.

In primary election campaigns, candidates desiring public financing could take advantage of a program calling for matching funds.

The plan, which would provide funds for presidential, senatorial, and congressional campaigns, would be financed from the \$1 income tax checkoff system established by Congress in 1971 for presidential elections. It would take effect with the 1976 campaigns.

In addition, the Senate measure would limit individual contributions, fix strict limits on campaign spending, require financial disclosures from top officials in all three branches of government, and impose broadcast restrictions during political campaigns. (BPA)

serve the purpose of the abortion groups who want to prove once and for all that abortion is truly a Catholic issue. . ."

Mrs. Fink has worked in the predominantly Catholic anti-abortion movement to express Protestant and ecumenical sentiments. However, she pointed out, with the appearance of the four Catholic cardinals before the U.S. Senate hearings on abortion amendments recently, "all this talk about sincere ecumenism went up in smoke." (RNS)

### PERSECUTION IN VIETNAM

NEW YORK—Fifteen religious figures joined here in accusing the South Vietnam government of religious persecution. Their statement, released by the Fellowship of Reconciliation, protested the jailing of Buddhist monks reportedly held in Chi Hoa Prison on allegations of civil disobedience. The number of monks held was set at 442.

"The unwillingness to free these monks is only the latest example of a denial of the most basic human rights in the Re-

public of Vietnam," the protest of the 15 persons said.

Signers included W. Sterling Cary, president of the National Council of Churches; Fr. Thomas Stransky, president of the Paulist Fathers; William P. Thompson, stated clerk of the United Presbyterian Church; Catholic Bishop Carroll Dozier of Memphis; and United Methodist Bishop James Armstrong of the Dakotas. (RNS)

### MISSOURI REJECTS BUS 'AID'

JEFFERSON CITY, Mo.—Efforts to pass a bus transportation bill that would benefit nonpublic school pupils resulted in a 16-16 tie vote in the Missouri Senate here—a tie that was broken by an opposing vote from Lt. Gov. William Phelps that sent the bill back to committee.

This marked the second time in as many sessions that bus transportation for nonpublic school children has been rejected by the Missouri General Assembly. (RNS)

# Editorial . . . W. Barry Garrett

## Consistency! Who Bothers About That?

Consistency is a quality that few people consistently practice.

Without taking sides on the abortion and capital punishment issues at this point, the inconsistencies of the crusaders are, to say the least, interesting.

For instance, an editorial in the National Catholic Reporter raises the question of "pro-life credibility." The NCR points out that the crusade to restore capital punishment in the United States "appears to be gaining unstoppable momentum."

"We hope the American bishops make a clear and forceful statement against restoration of capital punishment," the NCR editorial stated. "We hope they display the same type of vigor in combating abortion," it continued.

The editorial contends that the "right to life" belongs not only to the fetus, "where there is probable life," but also to the fully developed person, "where there is certain life."

The NCR editorial then concludes: "Americans these days are highly cynical of all public leaders. The bishops will be watched closely. If they are not consistent and courageous on moral issues, their advocacy will be dismissed with contempt by the public."

But the Catholics are not the only ones with an inconsistency about who has a right to life. A lady wrote a letter to the editor of a Baptist state paper in opposition to abortion. First she attacked church members whom she charged with advocating abortion. "Many of these probably voted to outlaw capital punishment," she opined.

To top it off she proclaimed, "Don't we know God will punish a nation or individual who will destroy an innocent life? Capital punishment should be reinstated and enforced."

Now, really, shouldn't we do better than this in relating our moral principles to public policy?

### 'Carnal Knowledge'

(Continued from page one)

commanded the Court's attention in its last two terms. Last June 21, in *Miller v. California*, the Court declared that each community may impose its own set of obscenity standards if certain conditions are met.

That decision has produced numerous protests not only from the motion picture industry, but also from a variety of groups concerned with the implications of the *Miller* decision on First Amendment rights.

Nizer argued that the key question be-

fore the Court was whether a serious work such as *Carnal Knowledge* would be placed in the same category as hard-core pornography. "To confuse *Carnal Knowledge* with pornographic imbecility is cultural illiteracy," he insisted.

Nizer further urged the High Court to reconsider its "community standards" rationale and choose instead the option of making statewide standards the minimum geographical division in describing a locality. Such a decision is needed, he maintained, because the existence of 78,200 political subdivisions in the nation imposes an "intolerable burden" on the movie industry in distribut-

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Executive Director: James E. Wood, Jr.

Editor of Report From The Capital, and Associate Director in Charge of Information Services: W. Barry Garrett.

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NASHVILLE, TN 37204  
DR. LYNN E. MAY, JR.  
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ing films. Statewide standards of obscenity would "at least diminish the chilling effects" of local tests, Nizer contended.

Nizer also maintained that his client had been denied due process of law in that the jury allegedly brought back a guilty verdict on general grounds rather than on the specific charges of the case.

Attorney Hight insisted in oral argument that the Supreme Court of Georgia used identical language in affirming Jenkins' conviction to that used by the U.S. Supreme Court in the 1973 *Miller* decision.

Hight argued further that the question of statewide versus local standards of obscenity had not been argued by Jenkins' attorneys either at his jury trial or before the Georgia Supreme Court. The lower courts simply held, he maintained, that the local standards test prescribed in the *Miller* decision had been properly met.

Associate Director in Charge of Research Services: John W. Baker.

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