

House Passes Lobby Bill Opposed by Churches

By Carol B. Franklin

WASHINGTON—Lobby disclosure legislation which includes churches passed the U.S. House of Representatives by a vote of 259-140. The vote came after five hours of debate and numerous attempts to amend the bill. The measure also survived an effort to send it back to the Judiciary Committee.

As reported by the Judiciary Committee, the bill would require any organization which engages in lobbying of the U.S. Congress and meets certain requirements of time and money expended, to report such activities to the Comptroller General.

Reports would have to include total expenditures for lobbying activities, identity of lobbyists, and a description of the issues on which the organization lobbied.

Churches and their agencies are included in the reporting requirements of the bill if they seek to influence legislation and pass the threshold of expenditures set out in the bill.

Amendments added in the final day of debate generally softened the requirements except for a stipulation that reporting organizations would have to report actual lobbying activities performed on the floor or in adjoining rooms of the House or Senate.

Changes made in the bill during earlier debate strengthened the reporting requirements by requiring disclosure of grass-roots lobbying and contributions of over \$3,000 by any organization or individual during a year.

The bill had been opposed by an informal coalition of religious and civil liberties groups. The Baptist Joint Committee on Public Affairs, the U.S. Catholic Conference, the United Methodist Church, and the American Civil Liberties Union, among others, had worked against passage of the measure.

The Senate Governmental Affairs Committee is considering S. 2971, introduced by Sen. Abraham Ribicoff (D-Conn.), chairman of the committee. Final mark-up of the measure has been postponed. Sen Charles McC. Mathias (R-Md.) is expected to offer amendments which would exempt churches and synagogues from the provisions of the bill as well as raising the threshold at which an organization must register as a lobbyist. (BP)

Report from the Capital

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Court Strikes Down Tennessee Ban on Clergy in Public Office

By Stan L. Haste

WASHINGTON—In its major church-state decision of the current term, the U.S. Supreme Court ruled that the states may not forbid ministers from running for public office.

The court held that ministers cannot be barred from seeking public office because of the First Amendment's guarantee of "free exercise" of religion.

The legal suit which resulted in the high court's decision was originally brought in a Tennessee state court against Paul A. McDaniel, pastor of the Second Missionary Baptist Church in Chattanooga, Tenn. He sought and won a seat in the state constitutional convention last year.

McDaniel's opponent, Selma Cash Paty, initiated the suit, citing a provision in the state constitution dating to 1796 stating that "no minister of the gospel or priest of any denomination whatever shall be eligible to a seat in either house of the legislature." The Tennessee legislature, in calling last year's constitutional convention, invoked the state constitution's eligibility requirements as applicable to candidates for the constitutional convention.

The Hamilton County Chancery Court then ruled in McDaniel's favor, but on appeal, the Tennessee Supreme Court reversed that decision, thereby setting the stage for an appeal to the U.S. Supreme Court.

McDaniel was allowed to take his seat in the limited constitutional convention when U.S. Supreme Court Justice Potter Stewart stayed the Tennessee high court decision while the nation's highest tribunal considered the case.

In the high court's 8-0 judgment, Chief Justice Warren E. Burger declared that the Tennessee prohibition against ministers ran afoul of the First Amendment in that it conditioned McDaniel's right to the free exercise of religion on the surrender of his right to seek public office.

Quoting James Madison, Burger said that Tennessee was guilty of "punishing a religious profession with the privation of a civil right."

The court's decision strikes down the last of 13 state bans on ministers' seeking office. During the 18th and 19th centuries, several states adopted such provisions in their laws in part because of a desire to keep church and state as separate as possible. Burger's opinion also cited "a widespread awareness during that period of undue and often dominant clerical influence in public and political affairs," particularly in England and the rest of Europe.

Burger also noted that such a view was held by prominent and respectable public figures during the formative days of the Republic, including Thomas Jefferson and John Locke. But he also cited Madison's response to Jefferson's position that "the exclusion of Ministers of the Gospel as such violate(s) a fundamental principle of liberty by punishing a religious profession with the privation of a civil right."

As that view gained acceptance, 11 of the 13 states forbidding clergy from running for office abandoned their bans. Only Maryland and Tennessee carried such prohibitions into the 20th century. Maryland's law was struck down as unconstitutional.

(See TENNESSEE, p. 7)

From the Desk of the Executive Director

Toward A Theology of Human Rights

By James E. Wood, Jr.

During the past year concern for human rights has been given an unprecedented place in U.S. foreign policy and has, in fact, become the most significant single development in international affairs. Through the historic Helsinki Final Act of 1975, signed by thirty-five states of Europe and North America, for the first time human rights were made an integral part of international agreement and basic to the "principles guiding relations between participating states." In an altogether unparalleled manner, the issue of human rights has become a major factor in international relations and a mounting civil and political issue in national and international affairs. Indeed, it is one of the key problems facing mankind today.

Ironically, the very century which has experienced the emergence of the Universal Declaration of Human Rights has, at the same time, witnessed repeated and ruthless acts of suppression of human rights by a wide range of governments, both on the left and on the right. The Holocaust of Nazi Germany against the Jews is a perennial reminder of the terrifying depths to which a modern nation may go in the denial of human rights, even of life itself, to millions of its own citizens. One aspect of the tragedy of the denials of human rights in recent history is that they were frequently not even disavowed by the churches themselves.

We have frequently seen in this century, even during the past three decades, both overt and covert denials of human rights on a wholesale scale by almost all forms of government as a result of the rise of political totalitarianism to a degree unequaled in any other period of history. The denial of human rights has become the rule for the vast majority of the world, two-thirds of whom, it is estimated, are today denied basic human rights. A recent major study on human rights reported, "The violation of basic human rights has never been as widespread and severe as it is today, with no country on the face of the earth being able to claim immunity from it."

So widespread are the denials of human rights and so polarized are the interpretations given to human rights that it has been aptly suggested that "the only universal thing about human rights, today, is their universal violation." With the accelerated growth of nationalism and totalitarian governments, the worldwide struggle for human rights has been greatly intensified. Whatever the focus or nature of this struggle—whether it is based on personal rights, political rights, or economic rights—it is directly related to the rising expectations of people all over the world.

Christian commitment to human rights necessarily presumes that there is a theological basis to this commitment. In the absence of a religious or theological basis, concern for human rights rests largely on historical and political exigen-



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cies of the moment and thereby human rights lack any transcendent character of their own. Witness how today Marxists maintain that Marxism is the basic human right, even if this means the denial of personal and political rights, while dictatorships of the right persistently resist any criticisms of human rights violations as a ploy used by enemies of the state to try to destroy the government or party in power. Helmut Thielicke has rightly warned "that human rights as abstract qualities, cut off from the soil of faith in which they had their origin, are in danger of withering away."

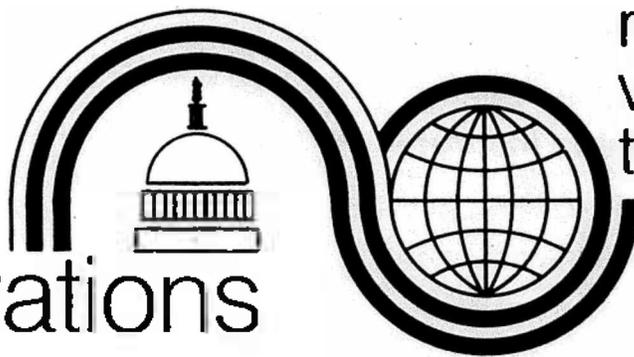
There is an urgent need today for a theological foundation of human rights which may be identified with the essence of Christian faith. There must also be a theological basis on which the church's support of human rights can be seen as essential to the church's mission. While relatively few people would argue today against human rights or against efforts to implement them throughout the world, there are those in positions of leadership within the Christian world community who maintain that the struggle for human rights is not really related to the mission of the church.

As in centuries past, the task of theology in each generation is to speak, from within the community of faith, to the theological implications of the present situation, i.e., to show what the gospel means in today's struggle for human rights in God's own world. Wherein is the struggle for human rights rooted in Christian faith? As an explicitly revealed truth, some might argue that the notion of human rights is not at all biblical. For nowhere in the Scriptures are there references to the "rights" of persons, which they, in turn, can demand of society or government. There are, however, numerous references in a variety of forms to the judge who will give "the afflicted their right" (Job 36:6), which is a fundamental message of the prophets and a basic dynamic in the life and teachings of Jesus.

The Bible is dominated by divine rights, not human rights per se. Justice and mercy are repeatedly used to describe the ways of God to man, but they are also rights to govern human relations as well. Justice and mercy, in turn, are required by God of all mankind. "What does the Lord require of you," Micah wrote, "but to do justice, and to love kindness, and to walk humbly with your God?" (Micah 6:8). Biblically speaking, human rights are but the application of divine rights. Meanwhile, biblical faith is permeated with the themes that one's love of one's neighbor is second only to one's love of God; the denial of one's love for one's fellowman is a denial of love for God; and social morality is always requisite to faith and worship. The prophets repeatedly cried out on behalf of the poor, the oppressed, and the afflicted. "Am I my brother's keeper?" and "Who is my neighbor?" have profound implications throughout the Bible. The inclusiveness of God's love is for all mankind—male and female and all races and nations—all of whom are created equally in the divine image and are equally inviolable as persons.

In a profound sense, respect for human rights is deeply rooted in biblical faith and is an essential part of the gospel. As Helmut Frenz has expressed it, "Our commitment to human rights is an unabandonable part of the mission Christianity received from Jesus Christ." Jesus identified himself particularly with the powerless, those denied rights and social status. Concerning his mission, Jesus, quoting from the prophecy of Isaiah, declared, "The Spirit of the Lord is upon (See HUMAN RIGHTS, p. 7)

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observations



TUITION TAX CREDITS received a boost in Congress on May 4 when the House of Representatives approved a budget resolution which included a projected decrease of \$635 million in federal revenues in order to accommodate the projected loss due to a tax credit.

THE SENATE EARLIER had passed a budget resolution projecting a \$500 million decrease in revenue for tax credits. A conference committee is presently seeking to compromise the two figures.

THE HOUSE VOTE was discouraging to opponents of tax credits because of the margin of approval, 227-136. That margin may be inflated, however, in that some who voted to approve the budget resolution mechanism will undoubtedly change their posture and vote against final passage of a tax credit bill. Such a flip-flop would supposedly enable congressmen to appeal to constituents on both sides of the argument.

THE HOUSE RULES COMMITTEE meanwhile granted a "modified" rule for H.R. 12050, the principal tax credit bill in the House. A "modified" rule indicates that Rules Committee members agreed to send the measure to the floor subject to specific amendments to be proposed during full debate. One of the amendments will seek to extend tax credits to parents of elementary and secondary school pupils, a provision previously eliminated by the Ways and Means Committee.

NOW IS THE TIME for Report from the Capital readers to pressure members of Congress on this critical church-state matter. Telephone calls are the most effective means of communicating with a congressman, followed in order by telegrams, mailgrams, and letters.

ON ANOTHER CHURCH-STATE ISSUE, a number of congressmen have recently introduced legislation to amend the Internal Revenue Code to allow the charitable deduction to taxpayers who choose to file form 1040A rather than itemize their deductions. The move comes in the wake of IRS's concentrated effort recently to convince more taxpayers to use the short form.

Bill in Congress Seeks Human Rights Institute

By Carol B. Franklin

WASHINGTON—Too much emphasis on the diplomacy of human rights is damaging because it tends to become a series of trade-offs, a witness told the Committee on International Relations of the House of Representatives.

Speaking in favor of a bill which would establish an Institute for Human Rights and Freedom, Frank Newman, justice of the Supreme Court of California and board member of two similar human rights organizations, stressed that efforts to aid human rights around the world have often gotten bogged down in negotiating rather than concentrating on specific problems.

"This subject has been conferenced and seminar-ed to the point of exhaustion," Newman told the Committee. He emphasized the need to move on to actually helping people.

The bill would establish the Institute which would provide loans and grants to support victims of political persecution and their families. Money would also be used for legal defense of human rights, publication and display of creative works which had been suppressed for political reasons, and studies on human rights and fundamental freedoms in foreign countries.

Domestic human rights violations should be acknowledged in the measure also, according to Alan U. Schwartz, counsel for the International Freedom to Publish Committee and Stephen I. Schlossberg, director of Government and Public Affairs, United Auto Workers. "The credibility of the Institute overseas will be increased if domestic situations are recognized in the bill," Schlossberg asserted. "It might even be helpful to give the Institute some responsibility in that area."

Schwartz recommended that standards for making grants by the Institute be established. "A small amount of money can go a long way," he told the Committee. "What you need is travel money for people to get to a place where they can have some freedom, maybe some support money until they are settled."

Jan Nowak, former director of Polish broadcasting for Radio Free Europe, now

living in this country, noted the symbolic value of the bill. "You are sending a message to the world that this issue will not be forgotten when [the] Administration changes. This is the will of the American people and of Congress," Nowak said.

Rep. Dante Fascell (D-Fla.) introduced the measure to establish the Institute in the House. Identical legislation has been introduced in the Senate by Sen. Claiborne Pell (D.-R.I.) (BPA)

Administration Sponsors Youth Camp Safety Bill

WASHINGTON—Administration opposition to a youth camp safety law has been reversed with the introduction of such a measure in the Senate at the request of Joseph A. Califano, secretary of the Department of Health, Education, and Welfare.

At a hearing in March by the Subcommittee on Child and Human Development of the Senate Committee on Human Resources, an Administration spokesperson presented the proposal. Joyce C. Lashof, deputy assistant secretary for Health Programs, HEW, explained that the Administration supported a federal youth camp safety measure which encouraged efforts by the states rather than federal enforcement.

Introduced by Sen. Alan Cranston (D-Calif.), the Administration proposal would provide for the development of safety and health standards by HEW and the provision of grants and technical assistance to the states from the federal government. Responsibility for implementation and enforcement of such regulations would remain with the states, according to Califano.

Youth camp safety legislation has been proposed in every Congress except one since 1967. In 1975 the House of Representatives passed such a measure but the Senate did not act on it.

Several church groups have opposed youth camp safety legislation on the grounds that it would bring church camping under governmental control. Other opposition has centered on the increasing role of the federal government in areas traditionally reserved to state governments.

Previous legislation in the House and Senate has included a statement of noninterference which guaranteed freedom for a camp in its program and admissions policy. Standards for camp personnel related

only to competence in safety matters, not religious affiliation. The Administration proposal does not contain such a guarantee of noninterference by the government in religious questions.

John W. Baker, director of research services of the Baptist Joint Committee on Public Affairs, has noted that the sole purpose of youth camp safety legislation has to do with the health and physical safety of campers. Any implementation of such a law therefore must be related to its purpose, he said.

The Baptist Joint Committee on Public Affairs has neither supported nor opposed such legislation in the past. It has testified before congressional committees on the church-state aspects of such measures.

According to a staffer on the Subcommittee on Child and Human Development no plans have been made for hearings on the new proposal. Copies of the bill have been sent to persons who have testified on youth camp safety in the past with requests for their comments. (BPA)



REGISTER CITIZEN OPINION 1978

2ND SESSION OF THE 95TH CONGRESS

Register Citizen Opinion 1978 has been released and is available at our cost to readers. This citizen's guide to official Washington contains tips on writing congressmen and other public officials, correct forms of address, religious affiliation of members of Congress, and other invaluable aids. Prices are as follows: One copy—30¢; ten copies—\$2.50; 100 copies—\$20.00; 1000 copies—\$150.00. Postage and shipping charges are extra.

Tax Credit Fight May Help Public Schools

WASHINGTON—The fight over tuition tax credits currently raging in Congress may indirectly aid public schools, an Administration spokesperson told opponents to such a measure here.

Mary Berry, assistant secretary for education, Department of Health, Education, and Welfare, gave the keynote address at the annual meeting of the National Coalition for Public Education and Religious Liberty (PEARL). PEARL grew out of the congressional fight in 1973 against tuition tax credits and made them the major topic at this year's meeting.

According to Berry, the current prominence of the tuition tax credit issue has generated wide discussion of the value of public education and brought together diverse education groups that have not always agreed on policy and strategy.

Tuition tax credits have gained support in Congress in recent months as a response to growing middle class pressure for relief of financial burdens of families sending children to college as well as those frustrated with the alleged deterioration of public schools at the elementary and secondary level.

Berry made clear that HEW opposes tuition tax credits on the grounds that they would benefit those needing aid the least and would damage the public school system of the nation.

Bishop James K. Mathews, secretary of the Council of Bishops of the United Methodist Church, was elected president of PEARL. James E. Wood, Jr., executive director of the Baptist Joint Committee on Public Affairs, was re-elected to the executive council of PEARL.

PEARL is a coalition of 30 religious, civil liberties, and educational groups committed to maintaining religious liberty through separation of church and state and public education.

In addition to the Baptist Joint Committee on Public Affairs, members of National PEARL include the American Association of School Administrators, American Civil Liberties Union, American Jewish Congress, Americans United for Separation of Church and State, Anti-Defamation League of B'nai B'rith, Board of Church and Society of the United Methodist Church, National Education Association, and Unitarian Universalist Association, among others. (BPA)

House Recognizes Zuni Claim to Sacred Site

WASHINGTON—Zuni Indian land claims and religious rights received a boost from Congress when the House of Representatives passed a measure which directs the Secretary of the Interior to acquire the Zuni Salt Lake, a sacred site for the tribe, for its use.

The lake, a shrine important to the culture and religion of the Zunis, is on land owned by the state of New Mexico. The tribe failed to file a claim to the land under a 1946 law which required such action by 1951. According to testimony before the Indian Claims Commission, charged with administering the 1946 law, the Zuni tribe was given bad advice by the Bureau of Indian Affairs which was running the tribal government to a large extent at that time.

Zuni legends and tradition call the lake the Salt Mother. It apparently was formerly on the Zuni reservation but Salt Mother became offended at the lack of at-

tention from the tribe and moved several miles away, according to tradition. Pilgrimages each year to the Salt Lake to propitiate Salt Mother and for sacred ritual still take place.

The salt from the lake was formerly used for trade and in Zuni homes as well as for sacred purposes. The tribe still mines salt from the lake with the permission of the state of New Mexico.

Similar legislation was passed by the Senate a year ago. No conference has been scheduled as yet to work out the differences between the measures passed by the two bodies. The Carter Administration opposed the legislation on the grounds that it wanted time to work out a comprehensive approach to such claims rather than dealing with them piecemeal.

The approximately 600 acres involved are valued at about \$30,000. Salt is the only known mineral in the area. (BP)

Churches Must Comply With New Retirement Law

WASHINGTON—Churches, conventions and associations of churches, and church agencies and institutions which employ 20 or more persons are not exempted from a recently signed federal law extending the age for mandatory retirement from 65 to 70.

The only exceptions to application of the law signed by President Carter on April 6 involve tenured professors at colleges and universities and a relative handful of certain executives and policymakers within organizations.

Colleges may continue to retire tenured professors at age 65 until July 1, 1982, at which time they too come under the protective coverage of the new law.

“Bona fide” executives and policymakers who may continue to be retired at 65 include only those whose annuity income from the company or organization retiring them exceeds \$27,000 yearly. This figure does not include Social Security benefits or retirement benefits earned during previous periods of employment. The new law sets no date for bringing this provision to an end.

According to congressional staff members in both the House and Senate, churches and church groups are not exempted from the provisions of the

law, just as they were not exempted from the previous ban against forced retirement before age 65.

Nevertheless, no organization which employs fewer than 20 persons is subject to coverage.

What this means in Baptist life is that the vast majority of local congregations may continue to set their own retirement policies. Those congregations with large staffs of more than 20, however, will be required to comply.

Similarly, state conventions and denominational agencies and institutions will be required to extend their mandatory retirement policies to age 70 if they employ more than 20 persons.

The new law takes effect January 1, 1979 for non-federal employees. Federal employees will be covered as of September 30, 1978.

In an interview with Baptist Press, a staff member of the Senate Subcommittee on Labor who worked on the legislation said that in any questionable cases of application of the law, he expects the courts to rule that virtually everyone is covered.

Asked about the self-employed status of local pastors, he predicted that in churches whose staffs exceed 20, pastors will be protected from forced retirement before age 70. (BP)

NBC Must Stand Trial For Violent TV Program

By Stan L. Haste

WASHINGTON—The Supreme Court announced here that the National Broadcasting Company must stand trial on charges it was "negligent" and "reckless" in televising a film which included a violent rape scene.

Four days after NBC ran the television drama "Born Innocent" in 1974, 8-year-old Olivia Niemi was raped by four other girls using a soft drink bottle to simulate intercourse in a California home for juveniles. Legal guardians for the girl sued NBC for \$1 million in compensatory and \$10 million in punitive damages.

The California Court of Appeal ruled last October that NBC may be tried on the charges of negligence and recklessness in spite of the First Amendment's guarantee of freedom of speech and press. The network argued unsuccessfully in written briefs to both the California Supreme Court and the U.S. Supreme Court that it should not be forced to stand trial.

In its appeal to the nation's high court, NBC argued that the networks cannot be held legally responsible for crimes committed by persons who have seen violent crimes enacted on television. "Such a theory," network attorneys argued, "would not simply chill free expression; it would . . . freeze the creative arts."

Attorneys for the girl and her legal guardians argued that NBC ought to be held liable for broadcasting the program during the early evening hours. Their legal brief pointed out that television's "family hour" concept came as a direct result of concern by the Federal Communications Commission and other groups over the showing of "Born Innocent."

The brief also noted that fifteen potential commercial sponsors refused to advertise during the telecast after seeing a preview. NBC was also guilty of irresponsible advertising of the program itself, the brief went on, by seeking to build up the youth audience by featuring Linda Blair, the 15-year-old star of "The Exorcist," a particularly violent motion picture.

In addition, NBC advertised the telecast of "Born Innocent" in the same TV Guide layout with the film "Born Free," a children's program shown the night before dealing with the lives of lion cubs.

This left the impression that the two films were related or even one and the same, the argument continued.

Attorneys for the girl accused NBC officials of "a breach of their legal duty to the public in using the public airwaves" and said the network was guilty of "willfulness and negligence." They also maintained that films and television "are not entitled to the same constitutional protections afforded newspapers or other written publications."

Because of the sweeping implications eventual disposition of the case may have, it has drawn the interest of numerous groups related to the television industry. Organizations filing friend-of-the-court briefs on behalf of the NBC appeal were the Writers Guild of America, West; the Directors Guild of America; the Motion Picture Association of America; and the American Library Association. Filing on behalf of the girl was the California Medical Association.

Because of the high court's refusal to hear arguments in the case, it will now go to trial in San Francisco, although no date has yet been set. (BP)

High Court Declines Obscenity Appeals

WASHINGTON—Over the vigorous dissents of three justices, the U.S. Supreme Court declined to review the convictions of three Atlanta, Ga. men for violating portions of the state obscenity law.

William M. Sewell, Warren Teal, and Ernest H. Robinson were convicted in separate cases for selling obscene magazines and various sexual devices in adult book stores in Atlanta. Each was sentenced to 12 months in jail and levied fines ranging from \$1,000 to \$5,000.

Six of the Supreme Court justices announced without comment that the high court would not schedule the cases for oral argument, leaving three, justices William J. Brennan, Jr., Thurgood Marshall, and Potter Stewart who voted to hear the appeals. Four justices must agree, however, before an appeal is accepted.

Brennan, speaking for himself and Marshall, said the Georgia law under which the men were convicted is overly broad. "In a society where the rule of law is paramount," he wrote, "it simply will not do to allow persons, however ignoble their trade—or perhaps because their trade is ignoble . . . to be convicted of crimes solely because policemen and juries, encouraged by the State, can conjure up

scenes of sexual stimulation in which (sexual) devices play a major role."

In another obscenity case, the high court declined a request by the state of Maryland to review the constitutionality of a portion of its obscenity law earlier struck down by a state court.

The specific provision protects from prosecution operators of motion picture equipment used in commercial theaters to show obscene films when the operators neither own nor hold financial interest in the business. The law does not provide such protection, however, for clerks in bookstores arrested for selling obscene printed matter. Lower courts ruled earlier that the absence of such a provision in the law was unequal and discriminatory. (BP)

Explosives Forbidden to Frighten Spirits

WASHINGTON—Do Chinese-Americans have a constitutional right to use powerful firecrackers in religious observances? Or can the federal government outlaw such explosives for safety reasons?

Those are questions the U.S. Supreme Court will not answer, according to a brief announcement by the justices.

The appeal to the high court was brought by the state of Hawaii on behalf of Buddhist Chinese-Americans who use firecrackers to drive away evil spirits and to attract benign or ancestral spirits. They are also used in connection with the Chinese New Year observance and for other celebrations, including weddings, birthdays, funerals, openings of businesses, and dedications of new houses.

Hawaii's target was the Consumer Product Safety Commission, a federal regulatory agency which two years ago banned all firecrackers with more than a 50-milligram explosive. The ban followed two years of extensive hearings.

During the hearings, the federal agency heard the complaint of Chinese-Americans and softened what had originally been proposed as a ban against all firecrackers to allow for the small, so-called "lady-finger" devices.

In a written brief to the high court, Hawaii accused the Consumer Product Safety Commission with displaying a "cavalier disregard for important Chinese religious rights" and of making a "mockery of the First Amendment Freedom of Religion."

"This is clearly a situation in which unconscionable error has been perpetrated

Court Hits Sex Discrimination in Pensions

By Stan L. Haste

WASHINGTON—In an important sex discrimination decision, the U.S. Supreme Court ruled that companies may not require women employees to make larger contributions to pension plans than do men despite the acknowledged fact that women outlive men.

The 6-2 ruling strikes down the practice of some companies based upon statistical longevity tables which show that women significantly outlive men and therefore receive more annuity benefits.

Justice John Paul Stevens, writing for the majority, declared that "practices which classify employees in terms of religion, race, or sex tend to preserve traditional assumptions about groups rather than thoughtful scrutiny of individuals."

In formulating the court's decision, Stevens pointed to Title VII of the Civil Rights Act, which makes it unlawful "to discriminate against any *individual* with respect to his compensation, terms, conditions, or privileges of employment, because of such *individual's* race, color, religion, sex, or national origin."

The Los Angeles Department of Water and Power, which required larger contributions to its pension fund by its 2,000 women employees, had argued that its policy was based not on sex, but on longevity.

But the Supreme Court, upholding the previous decisions of two lower federal courts, ruled that for the 2,000 women to pay nearly 15% more to the pension fund than did 10,000 male employees failed to consider them as individuals in compliance with Title VII.

upon the Chinese of Hawaii," the argument continued.

The Consumer Product Safety Commission countered by saying that while the use of firecrackers in Chinese religious observances is "sincere and necessary," an exemption for religious purposes was rejected in that any exemption "could lead to serious abuse and could create serious enforcement problems."

Addressing the freedom of religion argument, the federal agency argued that Hawaii "has no stake" in the resolution

Stevens summarized the court's view by noting that the differential between men and women in the plan was discriminatory in its "treatment of a person in a manner which but for the person's sex would be different."

Stevens, the high court's junior member, went on to say that the court's decision does not contradict or weaken a ruling one and one-half years ago that companies may exclude pregnancy from disability benefit plans because such plans were not "based on gender as such," but upon a "special physical disability."

Although the ruling upholds the lower courts' finding that the company plan violated Title VII requirements, the high court at the same time overturned the lower courts' ruling that women whose take home pay had suffered as a result of making the higher contributions are now entitled to backpay.

Stevens said that backpay awards to employees of the many companies which have used "valid actuarial tables" through the years in requiring female employees to make larger payments to pension plans would have severe implications on the fiscal soundness of such programs. He also said that Title VII does not specifically require backpay even when sex discrimination is proved.

Chief Justice Warren E. Burger, joined by Justice William H. Rehnquist, dissented from the main finding of the court, declaring that "it seems to me irrational to assume Congress intended to outlaw use of the fact that . . . women as a class outlive men." (BP)

of a religious question. "Hawaii does not itself practice any religion, and it may not attempt to foster religion," the government said.

"The Free Exercise Clause of the First Amendment . . . protects people, not states," the argument continued.

Earlier, the federal circuit court of appeals in Washington upheld the consumer agency ban 2-1. The Supreme Court's refusal to hear arguments in the case leaves that decision in force. (BPA)

Tennessee

(Continued from p. 1)

constitutional four years ago by a federal district court.

Not until now, however, had the Supreme Court ever ruled on the question.

Burger's opinion for the court was joined by three other justices, while four others agreed with the decision but for different reasons. Justice Harry A. Blackmun, who was hospitalized at the time the case was argued last fall, did not participate in the decision.

At least two Baptist groups had called on the court to make the decision it reached. Last October the Baptist Joint Committee on Public Affairs joined nine other national groups in a friend-of-the-court brief asking the court to strike down the Tennessee ban.

In December the executive board of the Tennessee Baptist Convention also called for the removal of the prohibition in the state constitution against ministers' seeking office. (BPA)

Missouri Baptists Cited

ST. LOUIS—Missouri Baptists are being credited with a major role in defeating tuition tax credits in that state's legislature this spring.

The lower house of Missouri's General Assembly voted 80-74 earlier this month to defeat a tuition tax credit proposal which called for credits up to \$500 for parents of students in nonpublic elementary and secondary schools.

Peggy Keilholz, executive director of the Missouri Catholic Conference, cited lobbying efforts by the Missouri Baptist Convention, the Masons, and the PTA Federation as contributing heavily to the defeat. Keilholz' group favored the tax credit proposal.

Missouri Baptists were informed throughout the debate principally through the *Word and Way*, their weekly newspaper. Editor Bob Terry gave full coverage to the struggle and wrote editorials opposing tax credits.

Human Rights

(Continued from p. 2)

me, because he hath anointed me to preach the gospel to the poor; he hath sent me to heal the brokenhearted, to preach deliverance to the captives, and recovering of sight to the

blind, to set at liberty them that are bruised" (Luke 4:18). Liberation theology has rightly reminded us that "if God is not the God of the oppressed, he is not the God of the New Testament."

Wood Supports Israel at Anniversary Rally

WASHINGTON—Israel's right to exist without harassment or terrorist attacks was upheld at a rally celebrating the thirtieth anniversary of the founding of that nation by a Baptist spokesman.

James E. Wood, Jr., executive director of the Baptist Joint Committee on Public Affairs, told a crowd of about 500, "We must view with grave alarm any continued terrorist attacks on Israel and any efforts to harass the government of Israel or to deny Israel's right to defensible borders so essential to its nationhood and national survival."

Wood also attacked proposals to create a Palestinian state within the present borders of Israel.

Rep. Robert F. Drinan (D-Mass.), who also addressed the group which was made up predominantly of rabbis, pledged his opposition in Congress to arms to Saudi Arabia. The Carter Administration has proposed to Congress the sale of fighter-bombers to Israel, Egypt and Saudi Arabia as a package for the Middle East.

A representative of the National Conference of Catholic Bishops joined speakers from several Jewish organizations to affirm continued American support of Israel. The rally, held at the foot of the Lincoln Memorial here, was sponsored by the Synagogue Council of America, the coordinating organization for the Conservative, Orthodox and Reform branches of American Judaism.

Participants in the rally later attended a reception at the White House to meet Prime Minister Menachem Begin of Israel who is on a speaking tour of the United States in connection with Israel's thirtieth anniversary.

The text of Dr. Wood's remarks follows:

"As an American and as a Christian, I am here to reaffirm my support of the land and people of Israel. In doing so I express my commitment, shared by millions of my fellow Americans, to the freedom and independence of the State of Israel, and, thereby, to its inalienable right to peace and security in the Middle East.

"While we may rightly rejoice today over the 30th Anniversary of the State of Israel, we must view with grave alarm any continued terrorist attacks on Israel and any efforts to harass the government of Israel or to deny Israel's right to defensible borders so essential to its nationhood and national survival. I, and multitudes of fellow-Christians, believe in the integrity of the sovereign State of Israel.

"Meanwhile, we in the Christian community, 'pray for the peace of Jerusalem'—the peace of Israel—and call upon all persons of good will to work for that justice and peace which will guarantee a final resolution of the Middle East crisis. In so doing, we call upon the government of the United States to reaffirm its support of UN Resolutions 242 and 338 and our commitment as a nation to the survival and security of Israel without its dismemberment through the creation of another sovereign state or political entity within its borders. The time for decision is now, not only because of the urgency of the present crisis and the future security of Israel, but also because it is just and right and consistent with the basic ideals of this nation's heritage and national purpose."

DR. LYNN E. MAY, JR.,
HISTORICAL COMMISSION
127 9th AVE., N.
NASHVILLE, TN 37234

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Editor: James E. Wood, Jr.
Managing Editor: Stan L. Hasty
Contributing Editors: John W. Baker
W. Barry Garrett
Circulation Assistant: Helen M. Dunnam

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200 Maryland Ave., N.E.
Washington, D.C. 20002
(202) 544-4226