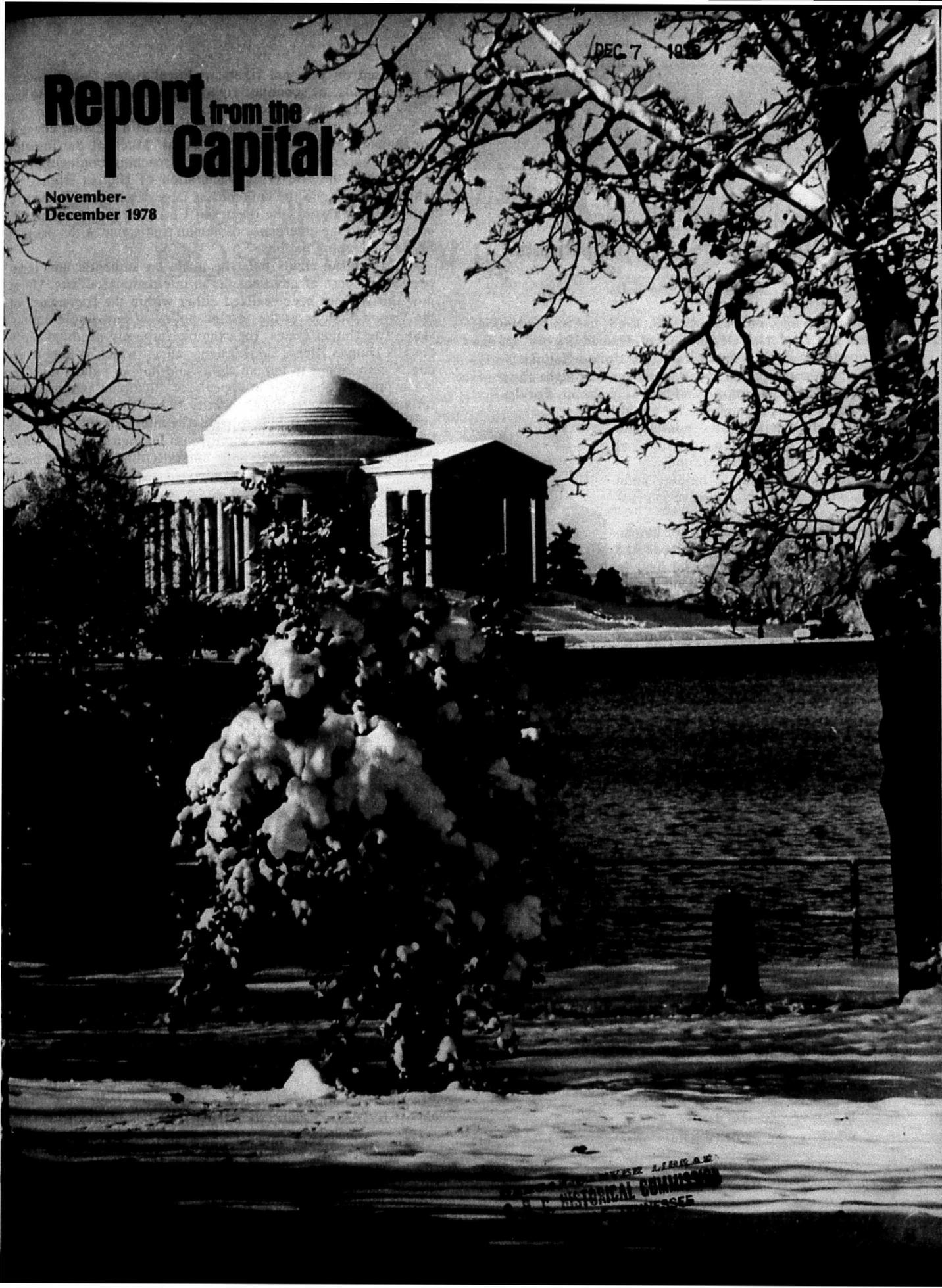


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# Report from the Capital

November-  
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THE NATIONAL ARCHIVES  
AND RECORDS ADMINISTRATION  
NATIONAL HISTORICAL COMMISSION  
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## From the Desk of the Executive Director

### Thirtieth Anniversary of UN Declaration of Human Rights

By James E. Wood, Jr.

Thirty years ago, on December 10, 1948, the United Nations adopted the Universal Declaration of Human Rights. Of the fifty-eight nations then members of the United Nations, forty-eight voted their approval, none voted against, eight abstained (including the Soviet Union), and two were absent. For the first time, nation-states throughout the world, without a dissenting vote, committed themselves by means of a constitutional document of the world community to human rights provisions as binding upon nations with the force of positive international law.

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.

The thirtieth anniversary of the UN Declaration of Human Rights is an appropriate time to reassess the role of human rights in international affairs, and for the churches to reaffirm that they have a solemn obligation to defend human rights in the context of today's world. In doing so, certain basic realities and principles must be acknowledged.

First, the churches must recognize that although human rights are almost universally espoused in principle by most of the nations of the world, in actual practice 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 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



Wood

it is based on personal rights, political rights, social rights, cultural rights, or economic rights—it is directly related to the rising expectations of people all over the world.

Second, there is, nonetheless, evidence of a growing concern for human rights throughout the world. Much of the impetus for this concern has resulted from far-reaching implications to be found in the Universal Declaration of Human Rights, to which Baptists and the churches at large made a major contribution. Even earlier, the impact of Christian missions contributed much to the emergence of human rights among the peoples of the developing nations.

Third, human rights must be made an authentic and independent concern of governments in international affairs. Up to now this has not been realized either within the framework of the United Nations or the foreign policy of any single nation-state. The United States, for example, urgently needs to ratify the UN Human Rights Conventions, an act which is long overdue. Commitment to human rights and human values must be made prior to chauvinistic appeals of "national interests" in foreign policy or "national security." Not to do so is to deny any authentic role of human rights in international affairs. In the words of a House Subcommittee on Foreign Affairs, human rights in foreign affairs are both "morally imperative and practically necessary."

Fourth, human rights must come to be understood as embodying both individual and corporate rights. To be sure, a fundamental character of human rights relates to the right of each person to certain civil and political liberties: freedom of religion, freedom of thought, freedom of assembly, freedom of speech, freedom of the press, freedom of movement from within and outside one's own country, and freedom to take part in government. Along with these positive personal freedoms, however, human rights must also include freedom from governmental violations of the integrity of the person, such as freedom from torture, freedom from degrading treatment or punishment, and freedom from arbitrary arrest or imprisonment. Any denial of a fair and public trial is a denial of one's basic human rights.

Human rights necessarily include, also, economic, social, and cultural rights, as well as civil and political rights. To ignore the social context of a person is to deny the wholeness of that person. Therefore, human rights must inevitably include economic and social rights—such as the right to employment, the right to food, the right to shelter, the right to education, the right to health care, and the right of voluntary association. Without these economic and social rights, civil and political rights of a personal nature are virtually empty of any meaning and are without any means of fulfillment.

Finally, the churches must come to comprehend human rights as indivisible and to see clearly the interdependency of all types of human rights violations. Religious liberty, for example, must be seen as a part of a larger whole. Consequently, the churches cannot focus their attention on religious liberty and ignore other civil and political rights, or social rights relating to economic and social justice. Nor can the churches deplore only human rights violations against Christians, while ignoring violations of human rights of others.

To be genuine, concern for human rights must be for the whole person and for all persons. This principle was explicitly articulated in the mandate given the Baptist Joint Committee almost forty years ago, "Believing religious liberty to be not

(See DECLARATION, p. 11)

# washington observations



**PRESIDENT CARTER'S** decision to appoint former New York City mayor Robert Wagner as his new personal representative to the Vatican has been criticized by BJCFA executive director James E. Wood, Jr., who expressed "profound disappointment" in Carter's decision. Wood had asked the President in September not to name a replacement to David M. Walters, who left the Vatican post shortly after the death of Pope Paul VI.

**EIGHTY-FIVE THEOLOGIANS**, including Dr. Wood, issued a statement in Philadelphia on the anniversary of the beginning of the Jewish Holocaust calling on society to rid itself of all remaining vestiges of antisemitism. The International Theological Symposium on the Holocaust statement declared that "On this solemn Anniversary, we remember with shame the days when we abandoned the Jews in the face of the Enemy" and called on Christians to "build a new and positive relationship with the Jewish people."

**PAUL C. WARNKE**, former chief SALT negotiator and director of the U. S. Arms Control and Disarmament Agency, told nearly 200 religious leaders that the U. S. and U. S. S. R. are "very close" to agreement in SALT II negotiations. He also expressed the hope that once the new treaty is completed, "we can count on (your) support."

**REGARDING MIDDLE EAST PEACE**, the Baptist Joint Committee has written President Carter, Israel's prime minister Menachem Begin, and Egyptian president Anwar Sadat commending them for their ongoing efforts to achieve a settlement. "We will continue to pray that vigilance and care will be exhibited in the handling of these extremely complex matters," the letter stated.

**PETER VINS**, 22, who is currently serving a one-year term in a Soviet labor camp, may face seven years' imprisonment and five years of internal exile, according to a report from the Centre for the Study of Religion and Communism at Keston College, England.

**FIVE BAPTIST SCHOOLS** have recently been named as recipients of federal grants through the Department of Health, Education, and Welfare. The law school of Mercer University, Macon, Ga. will receive \$25,000 in funds designed to expand student internship programs and to hire faculty members or attorneys to supervise students in practical legal experience.

**FOUR OTHER GRANTS**, totaling \$117,735, were awarded to Oklahoma Baptist University (\$37,535), Mississippi College (\$35,814), Belmont College (\$22,300), and Meredith College (\$22,086) under another HEW program which arranges for the hiring of students during their college careers, thereby allowing them to alternate periods of academic study with periods of employment in their major fields.

# W. Barry Garrett: 'A Man For All Seasons'

By R. G. Puckett

When God made W. Barry Garrett he used more originality than when he made most other men. There is only one "Barry" and his life has held tremendous influence on Baptists in America for more than a quarter of a century.

In his words, November 1, 1978 was the day he was "free at last, free at last." But his retirement from the staff of the Baptist Joint Committee on Public Affairs after nearly 21 years of distinguished service does not mean he will no longer be involved nor influential in Baptist life. After six months of "no schedule," the Garretts will be eager and ready to renew their contribution to the cause of Christ through the Baptist tradition.

Barry's life began in the conservative Midwest. The Oklahoma native became aware of politics and national events early in life through the influence of his father and other family members. After college at Baylor University, his theological training came at Southern Baptist Theological Seminary. Oklahoma Baptist University later gave Barry an honorary doctorate and Southern Seminary awarded him the Alumnus of the Year recognition in 1976.

After a stint in the pastorate, Garrett became editor of the *Baptist Beacon*, Arizona Southern Baptists' state paper. Here his writing and research ministry began which resulted in an invitation to join the staff of the Baptist Joint Committee in Washington. That new assignment began in 1958 and has been marked by exemplary service, insight and commitment to the best interests of Baptists to be informed, involved and concerned about matters in government which have a distinct relevance to our constituency.

History was made when Barry moved to Washington. The first regional bureau for Baptist Press, the national news service for Southern Baptists, was born. With central offices in Nashville, Albert McClellan, then director of (BP) felt the direct contact and news source out of the nation's capital was essential. McClellan's successor, Wilmer C. Fields, continued and expanded the concept of regional bureaus—there are now six—but Barry's was the first. Somehow it seems

*Dr. Puckett is Editor of The Maryland Baptist and a long-time friend of Barry Garrett.*

appropriate that the first bureau should have been in the national seat of government.

In addition to his function as bureau chief for Baptist Press and the information officer for the Baptist Joint Committee, Barry has served also in the past twenty years as managing editor for *Report from the Capital*, the monthly publication for the Joint Committee which represents nine different Baptist bodies in America.

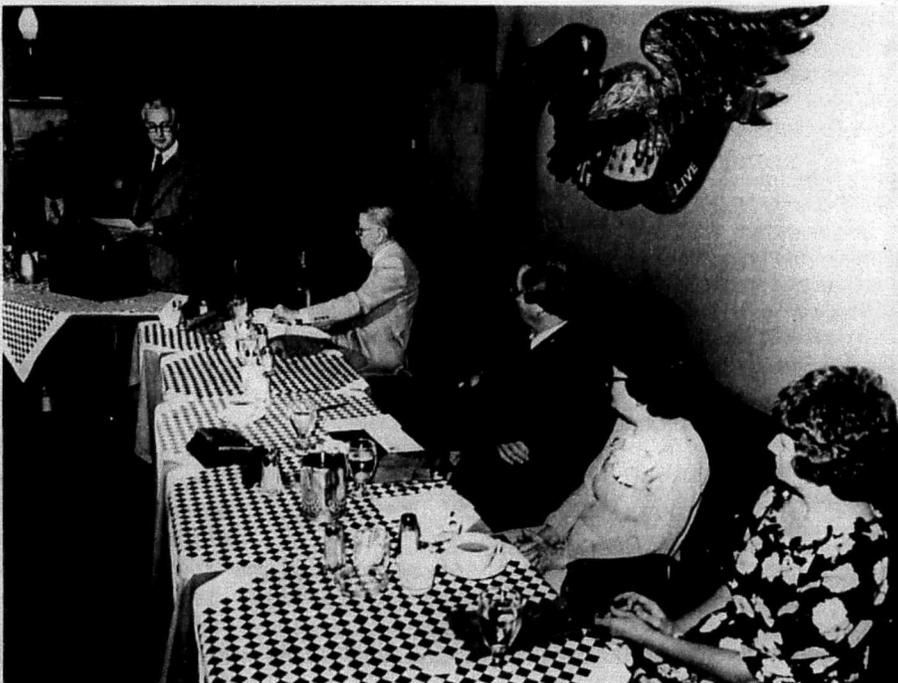
Barry is a skilled reporter. His "beat" was "The Hill" and the White House. He holds the coveted and much-sought press credentials for the galleries in Congress and the Press Room at the Presidential Mansion. Stories filed by Garrett with Baptist Press were always accurate, detailed and comprehensive. If Baptists did not know of legislation and actions in Washington which vitally affected them, it was simply because they had not read Garrett's stories. The man from Oklahoma by way of Arizona is an incisive analyst. Few men can match Barry's grasp of political processes, the implications of subtle lines in bills before Congress and

the impact of some government decisions upon the cherished Baptist principle of separation of church and state.

Living in suburban Washington on the Maryland side and maintaining a retreat home in Northern Virginia, Barry has enjoyed wide exposure and involvement with persons from all walks of life. The response from all who came to know him is the same: He is a man of warmth, humor, integrity and authenticity. To know him is to like him; to like him is to trust him.

Garrett wears well with all Baptists—Southern, American, black, German, Swedish, etc. Here is a man with a national and world view, flexible in methods and approaches yet deep in his convictions of what constitutes genuine Christianity. Here is a man comfortable at the White House in a presidential press conference and also comfortable sitting beside the quiet lake in Indian Acres, talking with a fellow camper who may have no faith at all. He is truly "A man for all seasons."

Garrett's achievements have been ac-  
(See GARRETT, p. 9)



**GARRETT HONORED**—Barry Garrett, his wife LaVerne, and daughter Kathy (far right), listen as R. G. Puckett, editor of *The Maryland Baptist*, reads a citation honoring Garrett at his retirement luncheon. Also pictured are former Congressman Brooks Hays (to Garrett's right), BJCPA executive director James E. Wood, Jr., and outgoing chairman Charles G. Adams. Garrett took early retirement effective Nov. 1.

## 95th Congress Marked by Church-State, Human Rights Battles

By Carol B. Franklin

WASHINGTON—Of the 23,942 bills and resolutions introduced in the recently concluded 95th Congress, a relative few, including tuition tax credits and lobby disclosure, became the object of intense pressure from groups concerned with the separation of church and state. A number of other issues, while receiving less attention, nevertheless made an impact on churches and church agencies because of their moral and ethical relevance.



Franklin

### Tuition Tax Credits Fail

Tuition tax credits became the major fight of religious liberty groups in the recently concluded Congress. Education and labor groups joined the ranks also and helped turn the tide against what had earlier seemed almost certain victory for the parochial school forces.

The mounting financial pressures facing the middle class led to a renewed assault on Congress to pass some form of tuition tax credits for private school tuition. Opposition to such an approach for funding private education focused on its potentially destructive effect on the public school system in the nation, the possibility of reversing desegregation efforts, and the questionable constitutionality of the credits.

Both houses of Congress passed tuition tax credit measures. The differences in the bills, however, were substantial and could not be resolved. The House of Representatives, which had passed such a measure for the first time, was adamant that elementary and secondary schools be retained in the provisions of the bill. The Senate, which had passed measures six times in the past allowing credits for higher education, stuck to that limited aid. As a result, the whole package died.

### Lobby Disclosure Stalled

Another successful struggle by church-state separation forces was waged in the

Senate Governmental Affairs Committee. The issue was disclosure of lobbying efforts by practically everyone who attempts to influence legislation in Congress.

The House passed lobby disclosure legislation which would have included churches had it passed the Senate as well. The bill was aimed at big lobby groups but would have placed a "substantial burden" on churches to account to the government for their lobbying activities, according to James E. Wood, Jr., executive director of the Baptist Joint Committee on Public Affairs.

Church objections to being included in such legislation, which came from virtually the entire religious community, were strong. The churches felt that reporting on attempts to influence public policy constituted interference with the mission of the church.

When lobby disclosure legislation was first introduced, most predictions were that it would pass with relative ease. It had the support of the Carter Administration as well as Common Cause, a citizens lobby group. The chairman of the Governmental Affairs Committee, Sen. Abraham Ribicoff (D-Conn.), had introduced one version of such a measure. However, opposition to the various bills being considered came from oddly matched, but potent, allies. Church groups found themselves on the same side of the issue as the industrial and corporate giants—for somewhat different reasons. Members of the committee heard the objections of the church groups and helped to bury all the bills in committee.

### Measures Approved

Congress did pass some bills with significance for churches. Extension of aid to schools under the Elementary and Secondary Education Act was accompanied by some changes. New assistance would go primarily to cities with large numbers of federally subsidized public housing units. Direct grants to private and parochial schools totaling \$2.5 billion were struck from the bill on the Senate floor. The House bill did not include such grants.

(See CONGRESS, p. 9)

## Congress Defeats Tuition Tax Credits

By Stan L. Haste

WASHINGTON—In an action hailed by a Baptist spokesman here, Congress killed the tuition tax credit bill before adjourning for the year.

Final defeat for the controversial proposal came on the last day of the 95th Congress as two conference committees refused to vote out tuition tax credits in the final versions of two separate bills.

James E. Wood, Jr., executive director of the Baptist Joint Committee on Public Affairs, praised the actions, noting that they came "in spite of mounting pressures for tax cuts, especially for 'middle class' Americans."

Rather than achieve significant tax relief for those who need it, Wood went on, tuition tax credit legislation "would have provided multi-billion dollar subsidies for private and parochial elementary, secondary, and post secondary schools without restriction."

Earlier this year, both houses of Congress passed different versions of the tuition tax credit measure. On June 1, the House of Representatives gave its approval to a bill providing for tax credits both for college tuition and tuition paid to nonpublic elementary and secondary schools. The Senate adopted a measure August 15 approving college credits but rejecting the benefit for parents of elementary and secondary pupils attending parochial schools.

The action marked a reversal in Congress' past performance with similar proposals in that six times previously the Senate had approved tuition tax credits, while the House in each instance rejected the proposals across the board.

This year's defeat of tuition tax credit proposals actually came in two installments as proponents of the measure pulled out all legislative stops in the waning moments of the 95th Congress seeking to achieve final passage.

The main vehicle for the bill, H. R. 12050, sent to a conference committee after the Senate's August 15 approval, never made it back to the floor of either house before Congress adjourned October 15 following a marathon 34-hour session.

Meanwhile, the Senate had approved a move by Sen. Bob Packwood (R-Ore.)

(See TUITION, p. 6)

## High Court Hears Arguments in Key Church-State Case

By Stan L. Haste

WASHINGTON—An agency of the federal government should not be allowed to order unionization elections in parochial schools, an attorney for two Catholic school systems argued before the U. S. Supreme Court.

This is especially true, attorney Don H. Reuben argued, because several high court decisions in recent years have held that in most instances such schools are not eligible for public funds. To rule now that parochial schools are required to comply with federal fair labor regulations would offend "fundamental fairness," he declared.

In 1977 the National Labor Relations Board (NLRB) ordered Catholic schools in Chicago and Fort Wayne and South Bend, Ind. to initiate collective bargaining with lay teachers. The NLRB also ordered the Fort Wayne-South Bend diocese to reinstate two teachers who had been fired for engaging in pro-union activities.

The case is seen by church-state observers as a key test of what is becoming an increasingly serious matter for church agencies, namely, the right of the federal government to mandate that churches comply with regulations.

A separate suit involving Southwestern Baptist Theological Seminary's refusal to file anti-discrimination information with the Equal Employment Opportunity Commission is presently pending in a federal district court. Constitutional issues in the two cases are similar.

In oral arguments before the Supreme Court, Wade H. McCree, solicitor general of the United States, argued that the NLRB has legal jurisdiction over all schools. He argued that although the National Labor Relations Act has for some time empowered the federal agency to enforce bargaining between church officials and teachers' unions in religious schools, it has voluntarily refrained from exercising that authority.

Pressed by Chief Justice Warren E. Burger, who asked McCree if such jurisdiction extends to seminaries, the nation's chief lawyer said that the NLRB has simply not chosen to test its authority with such schools.

McCree was constantly interrupted by several of the justices who appeared unhappy with his line of reasoning. At one point during McCree's half-hour presen-

tation, three of the justices sought to question him at once.

McCree argued that because states are legally empowered to make numerous requirements of parochial schools, including mandatory attendance and minimum health and safety standards, the federal government has a legitimate interest in the labor practices of such schools.

He also cited two papal encyclicals supporting the rights of workers to organize into unions. The NLRB order to bargain "does not contravene any religious belief," McCree added.

Asked by Justice John Paul Stevens if it would constitute an unfair labor practice for a Catholic bishop to prefer members of religious orders as teachers as over against lay teachers, McCree replied that the NLRB would not pursue such a matter unless it were clearly done for anti-union reasons.

Justice Harry A. Blackmun asked McCree what kind of problems would arise if a bishop dismissed a teacher for heresy, and McCree again expressed the view that the NLRB would not intervene.

On the other side, Reuben, a Chicago attorney arguing for the two Catholic dioceses, said the case involves violation of both the no establishment and free exercise clauses of the First Amendment.

He called the NLRB bargaining order an "excursion" into the affairs of the church and said it put the federal agency on a course of "absolute collision with the First Amendment."

The NLRB action, if upheld, would have a "chilling" effect on Catholic bishops' heretofore unchallenged prerogative to run the church's schools, Reuben said. He explained that in Catholic life, bishops have "complete and absolute authority" over what is taught in parochial schools.

In a number of Supreme Court cases in recent years challenging state legislatures' plans to channel public money into parochial schools, Reuben went on, the justices have determined that even lay teachers are subject to the bishops' authority, thereby making most such plans unconstitutional.

Reuben also pointed out that "political strife" would result if the NLRB order is upheld by the high court. He predicted "constant litigation" in the field and said

Congress would undoubtedly move to undo through legislation what the NLRB had done through its order.

Throughout his 30-minute argument, however, Reuben came again and again to his basic argument, that the federal agency's order would unconstitutionally entangle the government in the affairs of the church.

Last July, the Baptist Joint Committee on Public Affairs joined the case as a friend-of-the-court on behalf of the Catholic bishops. Attorney Reuben's summary argument that church schools may not be subjected to government control while at the same time being denied public funds coincided with one of the Baptist agency's principal arguments. (BPA)

### Tuition

(Continued from p. 5)

attaching the college tuition tax credit to the much larger tax cut bill. Once again, that portion of the tax cut bill never came back to the floor out of another Senate-House conference committee.

According to information obtained from the House Committee on Ways and Means, the key congressional figure in killing the tuition tax credit was Sen. Russell B. Long (D-La.), who reportedly warned conferees hammering out differences in both bills that President Carter would stand by his threat to veto both the tuition tax credit measure and the tax cut bill if Congress insisted on including the credit in the larger bill.

Both Carter and Health, Education, and Welfare Secretary Joseph A. Califano had warned repeatedly that the President would veto tuition tax credits for both constitutional and fiscal reasons.

As one of the leaders of a broadly-based coalition organized earlier in the year to oppose tuition tax credits, Wood praised Congress for defeating both measures. "Not to have done so would have seriously threatened American public policy as it applies to use of public funds for church schools," he said.

Wood warned, however, that "renewed efforts will be made again to enact tuition tax credit legislation." Such efforts have in fact been promised by proponents, who

## High Court to Review Capitol Hill Sex Bias

WASHINGTON—Can Congress exempt itself from meeting its own sex discrimination standards? That question will be decided by the Supreme Court.

In a case which looms as a classic test of the doctrine of separation of powers between two of the three branches of the federal government, the high court announced without comment that it will decide if members of Congress are obligated to meet anti-discrimination laws they have passed for the rest of the country.

Amendments to the Civil Rights Act adopted in 1972 make it a crime for the federal, state, and local governments or private employers to discriminate on the basis of sex. Congress exempted itself from coverage under the law.

Four years ago, Congressman Otto E. Passman (D-La.) fired Shirley Davis, telling her he needed a man in her position. She was serving as Passman's deputy administrative assistant.

Davis sued Passman and won a judgment in a federal district court. On appeal, however, a circuit court reversed the lower ruling, holding that the Constitution makes no provision for lawsuits in such cases against members of Congress.

Passman is presently awaiting trial on charges stemming from the Korean influence-buying scandal. He was defeated in 1976 after 30 years on Capitol Hill.

In another case, the high court agreed to decide if workers may take age discrimination suits directly into federal courts or must first appeal to state agencies. At issue is a provision of the Age Discrimination in Employment Act which declares that a person complaining of age bias must wait 60 days after filing charges with a state agency before going to court.

The Eighth Circuit Court of Appeals ruled earlier that the requirement deprives the worker of due process of law and should therefore be struck down. (BPA)

pledge to renew the struggle when Congress reconvenes in January. Wood expressed his view that all such legislation "should be resisted as financially inequitable, bad public policy, and incompatible with the guarantees for a free and democratic society." (BPA)

## Court Rejects Appeal of Methodist Unit

By Stan L. Hasteley

WASHINGTON—The U.S. Supreme Court will not hear arguments that an agency of the United Methodist Church should not be included in a California suit against a group of Methodist-related homes for the aged.

Church-state experts believe the case has potentially far-reaching implications for all denominations. The high court's refusal to hear the case has the effect of leaving in place the decision of a California state court that an agency of a denomination must stand trial for the actions of an institution bearing its name but over which it has no control.

The General Council on Finance and Administration of the United Methodist Church, based in Evanston, Ill., faces at least three lawsuits totaling more than \$400 million, all related to the bankruptcy of Pacific Homes, a California corporation which operates 14 homes for the aged. The General Council, one of 13 denominational agencies of the United Methodist Church, distributes Methodist missions funds to all other national denominational agencies.

The church-state controversy arose when some 150 residents of Pacific Homes filed suit against the corporation, the General Council, and the United Methodist Church when the homes declared bankruptcy early last year. Both the General Council and the church sought release from the suit, arguing in a California state court that the denomination has no financial liability for corporations such as Pacific Homes. The California court dropped the denomination as a whole but not the General Council.

In legal papers filed with the Supreme Court, the General Council pointed to Methodists' "connectional" form of church polity as argument that neither the denomination nor any of its agencies is liable for organizations not under their control.

The General Council pointed out in its brief to the high court that it has no property, office, or employees in California and has never had any involvement with Pacific Homes. Those considerations should have exempted the General Council from any liability incurred by the homes, the argument continued.

The brief also pointed to wider ranging potential dangers in holding a denominational agency liable for damages in such

instances. "It is reasonable to expect," the brief declared, "that our international religious systems and their major boards and agencies will emerge increasingly as targets of litigation in distant forums, where, as here, the alleged acts or omissions had their inception in a peculiarly local setting, like a parish church, a home, college, hospital or other institution bearing a denominational name."

Such a situation, the brief continued, poses a potential "chilling effect on the free conduct of religious activities."

The "judicial errors" of the California court, the argument declared, "alter the policy and inter-relationships among agencies within the United Methodist connection, and implicate serious constitutional questions of religious freedom" for United Methodists and other denominations.

The superior court of San Diego County argued in its legal brief submitted to the justices, that because the General Council is the central treasury and fiscal agency of the church and does business in California, "the polity of the United Methodist Church is irrelevant" to the case.

By denying the General Council's petition, the justices did not necessarily indicate agreement with the lower ruling that the agency stands liable for damages against Pacific Homes. But its unanimous holding not to hear the case indicates at the very least that it is not presently prepared to deal with the issues raised. If convicted, the General Council could begin a new appeals process. (BPA)

## Challenge to Virginia Obscenity Laws Fails

WASHINGTON—A challenge to Virginia's obscenity laws died when the Supreme Court declined to hear a case brought by a Richmond bookstore owner challenging them as vague and too broad.

The owner also challenged the Virginia laws because they allegedly allow state colleges and universities to use materials deemed obscene for use by private citizens.

Last April, the Virginia Supreme Court upheld a local Richmond court's ruling against the bookstore owner. The nation's high court refused to hear the case without comment. (BPA)

## IRS School Ruling Gains Public Hearing

By Stan L. Haste

WASHINGTON—Responding to pressure brought by the religious community, the Internal Revenue Service (IRS) announced it will hold a public hearing on a controversial proposed rule requiring certain religious schools to prove they do not engage in racial discrimination in their admissions policies or face the loss of tax exemption.

The announcement of the December 5 hearing was made by IRS Commissioner Jerome Kurtz two months after original notice of the proposed revenue ruling was issued in the *Federal Register*. The IRS decision came in the wake of pressure by a number of religious groups, including the Baptist Joint Committee on Public Affairs.

In a written statement to IRS, James E. Wood, Jr., executive director of the Washington-based Baptist agency declared that although his organization would "normally . . . commend well-intentioned efforts by government to eliminate racial segregation in education," application of the proposed rules "would be a direct affront to the religion clauses of the First Amendment."

The proposed rules apply primarily to nonpublic elementary and secondary schools, although IRS stated that in "appropriate cases" they may be applied to private colleges and universities as well.

The proposed rules would apply to schools which have been held by a court or government agency to be racially discriminatory and to those which have "an insignificant number of minority students and were formed or substantially expanded at or about the time of desegregation of the public schools in the community."

In announcing the proposed new procedure, Kurtz wrote that "generally, the Service will consider these schools to be racially discriminatory unless the schools can show that they now have a significant minority enrollment or that they are in good faith operated on a nondiscriminatory basis." If the schools failed to prove their nondiscrimination, their tax exemption would be revoked or denied.

Wood's statement to IRS also objected to the federal agency's failure to distinguish between churches of hierarchical and congregational forms of church polity as "legally untenable." The proposed rules,

"by applying the identical criterion" to both types of churches and their agencies "provide for a preferential treatment of hierarchical church organization as opposed to congregational church organization," Wood said. He concluded that "each religious institution must be treated individually rather than grouped as a class."

According to John W. Baker of the Baptist Joint Committee staff, one of the most objectionable features of the proposed rules is the requirement that such schools prove to IRS that they are not discriminatory.

Baker said that in a court of law or in hearings such as those announced by IRS "it is almost impossible to prove a negative." Any private school required to prove that it does not discriminate on the basis of race as provided by the proposed rules "would be hard pressed to do so," Baker said.

Kurtz, whose original notice in the *Federal Register* announcing the proposed new rules indicated that they were not sufficiently important to require a public hearing, announced on October 18 that IRS had reversed itself and will conduct the hearing on December 5.

Each speaker will be limited to a ten-minute formal presentation and must also be prepared to answer questions from IRS officials. (BPA)

## Federal Agency Announces Religious Accommodations

WASHINGTON—The U.S. Civil Service Commission announced in Washington new guidelines permitting federal employees to make up time taken off because of religious requirements.

The federal agency's new procedure was announced just days after Congress passed a bill mandating federal agencies to make such accommodations for their workers.

Sensitivity to the particular religious needs of individual employees has grown in the past few years, partly as the result of a 1977 Supreme Court decision which ruled that private companies may not be required to make special accommodations if they can prove that to do so would result in "undue hardship."

While the new law and guidelines affect only federal workers, they are seen by many observers as the first step toward wide-sweeping public policy to make it easier for persons to adjust work schedules for religious purposes.

Persons affected by the new law and guidelines include Jews, Seventh Day Adventists, Seventh Day Baptists, and members of the Worldwide Church of God, among others.

The Civil Service Commission's guidelines state that "an employee whose personal religious beliefs require the abstention from work during certain periods of time may elect to engage in overtime work for time lost for meeting those religious requirements." (BPA)

## Carter Signs New Government Ethics Law

WASHINGTON—President Carter, declaring that he was fulfilling one of the major promises of his campaign, signed into law an ethics in government act.

The measure, passed by Congress shortly before its recent adjournment, requires personal financial disclosure for high officials in the executive branch, for members of Congress, and for many federal judges, including Supreme Court justices.

In addition, the new law seeks to shut down the traditional "revolving door" practice through which officials have often gone from their government positions into high-paying positions with companies doing business with the government in their areas of expertise.

The law also establishes a Special Office of Government Ethics within the new civil service structure.

At the White House signing ceremony, the President also called attention to a portion of the law which calls for the appointment of a special prosecutor in the event of allegations of crimes committed by high public officials.

Alluding to Watergate-related crimes, Carter said he was "hopeful" that a special prosecutor "will rarely be needed." At the same time, he said, "I believe it is necessary in response to the lessons that we have learned to the embarrassment of our country in the past." (BPA)

## Garrett

(Continued from p. 4)

knowledge and recognized by his peers, his acquaintances and non-Baptists who sense he is a "regular guy." Evidence of these approvals include honorary degrees, awards and resolutions such as the one passed by the State Mission Board of the Baptist Convention of Maryland on October 2. In addition to all his other assignments, Barry has been a faithful churchman in Maryland, serving the needs of the state convention in starting new churches, chairing The Christian Life Commission and Resolutions Committee.

From Barry's point of view, one of the most satisfying roles he has enjoyed is "Chaplain of Indian Acres," the retreat center where he parks his 31-foot Airstream. Each Sunday services are held on the grounds, led by Barry, when he and Mrs. Garrett are spending the weekend there.

The Southern Baptist Press Association, composed of state Baptist papers and SBC publications, has benefited from Garrett's wisdom and warmth. While editor in Arizona, Barry served in several offices, including the presidency of the group, and since moving to Washington he has maintained active participation in the group's decisions, research and fellowship.

In the opinion of John E. Roberts, editor in South Carolina and current president of SBPA, "no man has contributed more to our cause and fellowship than W. Barry Garrett."

Two things are essential in Baptist journalism—intelligence and integrity. The writer must have sense enough to see things as they are and courage enough to tell it like it is.

Dr. Garrett has both qualities. His credibility is impeccable with his peers. His craftsmanship as a writer is admired. His insights and opinions are respected and weighed heavily. His fellowship is enriching to any group where he is present.

It was this writer's privilege to represent the Southern Baptist Press Association as a former president of the group in the absence of the current president at the luncheon in Washington honoring Dr. Garrett upon his retirement.

Knowing the feelings of our fellowship, we tried to sum up the gratitude with an admittedly impoverished line:

"Thank you, Barry, not just for what you have done, but more importantly, for what you are!"

## Congress

(Continued from p. 5)

The religious rights of federal workers will be protected under a new law which permits overtime for those who must miss work for religious observances. Many denominational agencies will be affected by a law which mandates that no employee may be retired before age 70 if there are more than 20 employees in that agency.

Indian religious freedom will be reviewed in light of a resolution passed by Congress. It calls on federal agencies which deal with native Americans to review policies relating to access to sacred sites on federal lands, the use and possession of such objects as eagle feathers and peyote, and the privacy of traditional ceremonies.

Congress reaffirmed its position on abortion taken last year after months of wrangling. Stringent conditions were placed on federally subsidized abortions in the appropriations bills for the Departments of Defense, Labor, and Health, Education, and Welfare.

Abortion also figured in a measure passed by Congress to protect pregnant workers from discrimination in employment. The bill, designed to counter the effects of a widely criticized Supreme Court decision, requires employers to include pregnancy, childbirth, and related medical conditions in their health insurance and temporary disability plans. Companies will not be forced to provide coverage for abortions, however, except when the mother's life or health is threatened.

On another women's issue, Congress extended the deadline for ratification of the Equal Rights Amendment 39 months, allowing time for the necessary three additional states to ratify. An effort to allow states which have already passed ERA to rescind their action failed.

Congress also cleared legislation which aims to protect children from sexual exploitation in the production of obscene materials. It also voted to allow off-track betting on horse races under certain conditions.

To demonstrate its concern with morality in government, or perhaps to satisfy the public's demand for a new code of ethics, Congress passed the Ethics in Government Act of 1978. It requires personal financial disclosure for high officials in all branches of the federal government.

Among health measures which survived the last-minute scramble before adjourn-

ment were programs to provide for comprehensive health centers for migrant workers; health services aimed at treating venereal disease, genetic diseases, and hypertension; protection of human research subjects; and family planning programs, including attempts to curb teenage pregnancy.

The long-sought full employment bill which finally passed bore little resemblance to the measure introduced by the late Senator Hubert Humphrey (D-Minn.) and Rep. Augustus Hawkins (D-Calif.). The final version calls for an unemployment rate of four percent by 1983. It also calls for reduction of the inflation rate to three percent by 1983 and zero by 1988. This latter provision was not welcomed by supporters of a stronger federal push to reduce unemployment.

In what was viewed as a major victory for the predominantly black population of the District of Columbia, Congress voted to amend the Constitution to give District residents representation as a state. There presently is no voting representation for D.C. residents in Congress.

### International Issues Approved

On the international scene Congress approved the Panama Canal treaties turning over control of the Canal to the Panamanians and guaranteeing the United States' right to protect the Canal after the year 2000. The fight for approval was bitter and used up a lot of the President's bargaining chips with Congress.

Congress also voted to impose a complete embargo on U.S. trade with Uganda, the African nation whose ruler, Idi Amin, has been accused of genocide of his own people. Also sent to the President was a measure to exclude from the United States any alien who persecuted anyone on the basis of race, religion, national origin, or political opinion under the Nazi government of Germany.

### Bills Rejected

Among proposals which failed in this Congress were comprehensive welfare reform, hospital cost containment legislation and national health insurance, federal aid for battered women, and alcoholism research.

An attempt by Sen. Jesse Helms (R-N.C.) to circumvent the Supreme Court's rulings on prayer in the public schools also failed. Helms had planned to try to prevent any federal court from dealing with the issue by amending a general bill on jurisdiction of federal courts.

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### On the Cover

Featured on this issue's cover is the Jefferson Memorial in a wintry scene across the Tidal Basin. Inside the memorial are numerous panels containing some of Jefferson's most notable sayings. Among them is the following:

"Almighty God hath created the mind free. All attempts to influence it by temporal punishments or burthens . . . are a departure from the plan of the holy author of our religion . . . No man shall be compelled to frequent or support any religious worship or ministry or shall otherwise suffer on account of his religious opinions or belief, but all men shall be free to profess and by argument to maintain, their opinions in matters of religion. I know but one code of morality for men whether acting singly or collectively."

*Photo courtesy of National Park Service*

### Congress (Continued from p. 9)

Bipartisan opposition and intense lobbying by church groups prevented him from offering his amendment.

Youth camp safety legislation, an issue falsely labeled by some church camp operators as an intrusion on religious freedom, has yet to emerge from committee on either side despite the reversal of the Administration in a decision to support such a measure.

Hearings will continue in the 96th Congress on the revision of the law governing broadcasting and the problem of white collar crime. The broadcast law changes have stirred up church groups because the proposed revision introduced in this Congress made no reference to the "public interest," a concept some observers consider essential to responsible programming in radio and television. (BPA)

### Declaration

(Continued from p. 2)

only an inalienable human right, but indispensable to human welfare, a Baptist must exercise himself to the utmost in the maintenance of absolute religious liberty for his Jewish neighbor, his Catholic neighbor, his Protestant neighbor, and for everybody else." Concern for human rights must be expressed for all who are oppressed, based on God's concern for all humanity. Hopefully, Human Rights Day, December 10, will come to be increasingly observed by all the churches as a symbol of their genuine commitment to human rights everywhere.

## Hastey Named to Succeed Garrett As BJCPA Information Director

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Stan L. Hastey has been named to succeed W. Barry Garrett as director of information services for the Baptist Joint Committee on Public Affairs. The appointment was approved by the agency's executive committee during the October meeting of the full committee.

Hastey, 34, is a native of Oklahoma but was reared in Mexico as the son of Southern Baptist missionaries. He is a graduate of Oklahoma Baptist University, where he majored in government, and of The Southern Baptist Theological Seminary, where he earned M.Div. and Ph.D. degrees. On the doctoral level he majored in American church history and church-state affairs. His dissertation was a history of the first 35 years of the Baptist Joint Committee.

After graduation he came to the BJCPA in January 1974, serving for the next two years as Garrett's assistant in information services. From 1975 to 1978, he worked in the agency's program of denominational services, first as coordinator, later as director. The new appointment as director of information services became effective November 1.

During his five years with the BJCPA, Hastey has covered the U.S. Supreme Court. He will continue that assignment and will assume coverage of the White House as well.

The position of BJCPA director of in-

formation services carries with it the designation of bureau chief of the Washington bureau of Baptist Press, the daily news service of the Southern Baptist Convention. Hastey's appointment as BP bureau chief was made jointly by BJCPA executive director James E. Wood, Jr. and BP director Wilmer C. Fields, of Nashville, Tenn.

Besides providing coverage of the White House and Supreme Court, the program of information services also covers Capitol Hill, an assignment of Carol B. Franklin, Hastey's assistant. Both cover numerous other beats in Washington, including several of the federal agencies often involved in church-state affairs.

The BJCPA information services program was initiated in 1958, when the late executive director C. Emanuel Carlson invited Garrett to move to the nation's capital from his post as editor of the *Baptist Beacon*, newspaper of the Arizona Southern Baptist Convention. Garrett directed the pioneering program for the following 21 years until announcing his early retirement this summer. He and his wife LaVerne will maintain their Washington home for the present.

Hastey is married to the former Elizabeth Ann Baldwin of Salem, Ill. The Hasteyes have two children, Lisa, 13, and Stephen, 7.

DR. LYNN R. HAY, JR.  
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## Report from the Capital

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**CHANGING OF THE GUARD**—Barry Garrett (left) and Stan Hastey exchange greetings following the luncheon honoring Garrett during the October meeting of the BJCPA. Hastey succeeds Garrett as the agency's director of information services.