



The Phyllis Schlafly Report



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How E.R.A. Will Affect Churches And Private Schools

Everyone knows that schools, colleges, and other institutions that receive Federal aid are subject to Federal control and regulations. The long hand of Federal control, however, has now been extended by administrative ruling and by U.S. Supreme Court decision into the vast area of private schools, colleges and institutions that hold tax-exempt status, even though they do *not* receive any Federal aid whatsoever. If their ability to seek and obtain tax-deductible contributions is taken away, most private schools, colleges, and institutions will be forced to close their doors.

Federal statutes authorize tax exemption for institutions and organizations operated exclusively for religious, educational, or charitable purposes. The Federal statute on tax exemption does not mention "discrimination."

In 1971, however, the Internal Revenue Service issued the following ruling: "A private school that does not have a racially nondiscriminatory policy as to students does not qualify for exemptions." (Rev. Rul. 71-447, 1971-2 CB 230.)

Bob Jones University in South Carolina is a private, religious college that does not receive any Federal aid whatsoever. In 1972 the Internal Revenue Service withdrew its tax-exempt status on the ground that the University discriminates in its admissions policy on the basis of race. Bob Jones University challenged this ruling in the Federal courts.

U.S. Supreme Court Decision

On May 15, 1974, the U.S. Supreme Court handed down a decision in the case of *Bob Jones University v. William E. Simon, Secretary of the Treasury*. This decision said that Bob Jones University could *not* enjoin the Internal Revenue Service from carrying out its "newly announced policy of denying tax-exempt status for private schools with racially discriminatory admissions policies" and from revoking "a ruling letter declaring that petitioner [Bob Jones University] qualified for tax-

exempt status."

Anyone involved in religious, educational or charitable work knows the importance of tax-exempt status under Section 501(c)(3) of the Internal Revenue Code, and of being able to solicit tax-deductible contributions under Section 170(c)(2). When an institution or organization receives tax-exempt status from the Internal Revenue Service, it receives a "ruling letter" and is listed on the "Cumulative List." The U.S. Supreme Court opinion in the *Bob Jones University* case recognized the importance of this status, saying:

"Appearance on the Cumulative List is a prerequisite to successful fund-raising for most charitable organizations. Many contributors simply will not make donations to an organization that does not appear on the Cumulative List."

Strict Rule Against Sex Discrimination

While most Americans (including the writer of this article) do not agree with the policies of Bob Jones University, it is important for all Americans to understand clearly what changes would take place in our society if the Internal Revenue Service and the U.S. Supreme Court are constitutionally compelled to apply the same strict rule against sex discrimination that they now apply to race discrimination.

The Equal Rights Amendment is a proposed constitutional amendment which would impose a strict bar on discrimination on the basis of sex, and impose the obligation on the Federal Government to make sure that sex discrimination is eliminated from every facet of our life touched by the government. ERA reads clearly, positively, and absolutely:

"Section 1: Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

"Section 2: The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article."

The Equal Rights Amendment will require the same absolute ban on sex discrimination that is now required against race discrimination. If the Internal Revenue Service and the U.S. Supreme Court apply the same ruling on sex that they did in the *Bob Jones University* case, the implications for our private schools, colleges and churches are tremendously far-reaching.

Single-Sex Schools and Colleges

Ratification of ERA would then mean that every single-sex private and religious-based school and college would be confronted with the choice of (1) abandoning its single-sex status or (2) losing its tax-exempt status. A single-sex school or college, by definition, discriminates on the basis of sex; that is, girls are barred from admission to boys' schools, and boys are barred from admission to girls' schools.

At the Missouri Senate Committee hearing on ERA on January 28, 1975, a Senator asked the lawyer for the ERA proponents if ERA would deprive single-sex private and religious schools and colleges of their tax-exemption. She readily agreed that ERA would require this, and added that the proponents *want* this because they object to tax-exemption for any school or college that discriminates on the basis of sex in its admissions policy.

The Senator then carried this one step further and questioned her about the tax-exempt status of churches that discriminate on the basis of sex. She would not confirm or deny whether ERA would empower the Internal Revenue Service to withdraw tax exemption from churches that discriminate on the basis of sex.

However, the logic of assuming that the Internal Revenue Service and the U.S. Supreme Court would, indeed, do this, is compelling.

Churches Ordaining Women

This question opens up a whole new area of undesirable and unwanted effects of ERA. Some churches today are ordaining women as ministers, and that is their right to do so. Other churches and synagogues do not ordain women as ministers, priests, rabbis, or bishops, and it should be their right *not* to do so without losing their tax-exemption. It is part of their religious faith that God has assigned a different role in this life to men and to women, and that these different roles are basic both to the ministerial mission and to the family unit.

The women's lib movement calls this "discrimination" and "stereotyping," and is making a determined drive against churches that allegedly discriminate on the basis of sex. The National Organization for Women,

in its official booklet called *Revolution: Tomorrow is NOW*, makes the following demands: (1) that churches and seminaries immediately stop their "sexist" doctrines that assign a different role to men and women, (2) that seminaries recruit, enroll, financially aid, employ, and promote women theologians and theological students on an equal basis with men, (3) that Federal statutes be amended and enforced to deprive churches of their right to discriminate on the basis of sex, and (4) that tax-exemption be withdrawn from any church actively opposed to abortion.

E.R.A. or Freedom of Religion

It is unrealistic to assume that the constitutional guarantees of freedom of religion and separation of church and state will prevent the courts from interfering to abolish sex discrimination. While the courts have been reluctant to take jurisdiction over the internal affairs of a church or religious organization, they will step in when civil rights are involved. The courts have stepped in to protect the civil rights of children when Jehovah's Witnesses denied blood transfusions to their children for religious reasons. The courts have stepped in to order compulsory school attendance even though this violated the religious convictions of the Mennonites.

Bob Jones University tried to assert its First Amendment right to freedom of religion and argue that it is a religious college, and that the tenets of its religious faith require a difference in admissions policies between the races. The Internal Revenue Service and the U.S. Supreme Court rejected this argument (because Federal tax-exemption was involved) and forced freedom of religion to give way to Federal rules against race discrimination.

There is every reason to assume that, if ERA becomes the most recent constitutional amendment, the Internal Revenue Service and the U.S. Supreme Court will rule likewise on sex and allow our constitutional right to freedom of religion to be limited by the new rule *requiring* the Federal Government to use its power to abolish all difference of treatment between the sexes in every aspect of our lives touched by Federal and state laws -- including tax-exemption under the Internal Revenue Code, Section 501(c)(3) and Section 170(c)(2).

The women's liberationists have access to an impressive roster of high-priced legal talent to fight their causes through the courts. The Equal Rights Amendment -- with its total bar on sex discrimination -- will give them the constitutional basis to achieve their objectives in forcing churches and synagogues to ordain women, and to admit them to total equality and sameness of treatment in churches, seminaries, and religious schools and organizations, or forfeit their tax-exempt status.

NBC Portrays The E.R.A. Society

We are indebted to NBC for providing viewers with a three-hour prime-time television network presentation of the type of society that the Equal Rights Amendment will bring to America. On January 9, 1975, NBC telecast an elaborate production called "Of Women and Men" with Barbara Walters and Tom Snyder as co-anchorpersons. It was expensively advertised with full-page ads in major cities across the country. If you missed it, or turned it off from boredom or disgust, that is a pity because it was a thorough TV portrayal of the lifestyle, the morals, the religion, and the male-female relationships so stridently promoted by the advocates of ERA, women's lib, and sex liberation.

"Of Women and Men" can best be summed up as a total assault on marriage. The production was anti-marriage, anti-monogamy, anti-morality, and anti-Bible. Sex without marriage was presented as the accepted way of life at all ages, from the high school students whose weekend dates are in closed vans outfitted with wall-to-wall carpeting and overhead mirrors, to the man and woman in their seventies who frankly described sharing an apartment and enjoying sex without benefit of marriage. In between was 25-year old Erica who enthusiastically discussed how she enjoys sex with a variety of single and married men, especially group sex, and is considering homosexuality.

"Of Women and Men" included a blasphemous rewrite of the story of Adam and Eve. According to the NBC fable, God created Adam, Eve and Lilith, a militant woman's libber who intimidated even God Himself. The bond between Adam and Eve is replaced by the sisterhood of Eve and Lilith. How the human race survived is not made clear.

In all the three hours, there was *not* a single voice for monogamous, lifetime marriage as a satisfactory male-female relationship, *for* the family as the basic unit of our society, *for* motherhood as a fulfilling role for women, or *for* the Ten Commandments as a rule of

conduct that binds our society together. The 100 interviews did not include a single example of a happy or stable marriage. The message given loud and clear by co-anchorpersons Walters and Snyder was that a world of sex-without-marriage and "serial" marriages is coming fast and should be cheerfully welcomed. Snyder solemnly stated that marriage will no longer be for a lifetime but short-term or "serial", that is, "a series of relationships." Walters assured us that women will not be "drones" any more, thus mouthing the basic women's lib doctrine that the role of wife and mother is menial and degrading, and that the home is a prison from which women must be liberated.

"Of Women and Men" was a thorough and professional presentation of women's lib dogma, attitudes, lifestyles, values, and demands, given with unabashed approval by Walters and Snyder. It portrayed the women's lib demands on schools, school textbooks, family relationships, religious literature, television programming, sexual mores, the Constitution, government programs, politics, and athletics. (The program showed a pitiful little girl boxing with a boy in a regular boxing ring, and a woman "liberated" to break her nose playing ice hockey with men.) The show even featured an interview with the godmother of women's lib, Betty Friedan, boasting that "it's revolution and it's marvelous." Not one critic of any of the women's lib proposals was given a moment on the show.

The windup pitch for the Equal Rights Amendment was given by Barbara Walters, along with the "bandwagon" propaganda that ERA chances were much improved by the 1974 elections.

The average reader will probably be inclined to think that the above comments are exaggerated. In order that you may have the necessary documentation, here are direct quotations from the script of the NBC program called "Of Women and Men."

The Equal Rights Amendment

WALTERS: In politics, as in the rest of society, female powerlessness has been clearly evident. Women make up more than half the population but only three percent of the country's elected officials are women. But there is something in the air. And that is an awareness by growing numbers of women that their position in life is connected to manmade laws. And that's precisely what I mean: man made laws.

In the past year or so, in many state legislatures, laws tied to women's issues were introduced -- from abortion to financial credit for wives. This is part of what's in the air.

This momentum is not likely to change. The November elections made that clear. The total number of seats held by women in the state legislatures increased by 27 percent.

For one thing, that's likely to improve chances for the backers of the Equal Rights Amendment, the constitutional amendment guaranteeing women equality under the law.

ERA needs the support of at least five more states before it is ratified. It's been bogged down because of stiffening resistance. However, in November, a number of pro-ERA women and men were elected to legislatures in states that haven't yet voted to ratify. . . .

NBC's Message for the Future

WALTERS: I think also there will be a difference in the openness between two people and that there will be an easier sexuality, a franker relationship, again, men and women as people. We see this especially with the young people. They don't have the fears. They don't have the hangups. And there is the honesty in all aspects of their relationship.

SNYDER: And there's going to be some change in the way men and women live together. Do you not think that we aren't simply going to have, for better or for worse, till death do us part, from this day forward, that sort of thing, where a marriage was for a lifetime and you are my one-and-only and it's going to continue for a long time? We've all heard about these contract marriages, serial marriages; is that not the term? Where there's a series of relationships, of a man and a woman for a time and then going on to something else? But I think there'll still be marriage, and I think that men and women will grow old together, and I think that they will have children and watch their children have other children, and it's going to be a little bit different and, hopefully, everybody will be ready for it. . . .

WALTERS: Well, it may be that women are playing the

parts of husbands. They may be earning more of the income. They may be on the executive level. And it won't just be the man up there on the executive level with the female drone beneath him. Isaac Asimov, the science writer wrote, and I'm quoting here: "For the first time in history, we will be tapping the brain power of the other half of the human race. We will double our mental capacity without doubling our numbers."

It seems that there's going to be some fear on the part of the men. It will mean that there will be further competition in the economic market, but on the other hand, we will be tapping people we never have used before.

SNYDER: And, when he says, without doubling our numbers, there aren't going to be as many children born. We've achieved Zero Population Growth in this country. The birth rate, we can expect, will continue going down. So the outlook is going to be for fewer children for couples, or possibly, no children at all.

WALTERS: We took an NBC poll to find out how you felt out there. And we asked whether you believe that a woman can be fulfilled without having children. You know what the answer was? The answer was: Overwhelmingly yes. From both men and women. Women don't have to be mothers to be fulfilled. And the younger the person answering, the greater the number who believed that.

SNYDER: And, if you think this is just Walters and Snyder quoting all this stuff, the people who know about the future, at least know about it in terms of their own research of the past, support all that has been said on this program.

Adam and Eve Rewritten

In the beginning, God created Adam and Lilith from the dust and breathed into their nostrils the breath of life. Created from the same source, they were equal in all ways. Adam, being a man, didn't like this situation and tried many ways to change it. But Lilith, not one to take any nonsense, picked herself up and flew away.

"Well, now, Lord," complained Adam, "that uppity woman you sent me has gone and deserted me." The Lord, inclined to be sympathetic, punished the unrepentant Lilith and, after more careful consideration this time, created for Adam a second companion: Eve. Adam was happy now. And Eve, too, was satisfied with the role of wife and helper.

But Lilith, herself, all alone, attempted from time to time to rejoin the human community in the garden. Adam told Eve stories about demons -- Lilith. Then, one day, Lilith stormed the garden's main gate and a great battle ensued between her and Adam. Lilith was defeated. But before she left, Eve had a glimpse of her. Another woman! Like herself! Not a demon. Another woman! Beautiful, strong, brave.

Slowly, slowly, Eve began to think about her own life inside the garden. One day, Eve left the garden and soon found Lilith walking. "Who are you?" they asked each other. "What is your story?" They sat and spoke together of the past and then of the future. They talked for many hours, not once, but many times. They taught each other. They told each other stories and cried together. And the bond of sisterhood grew between them.

Meanwhile, back in the garden, Adam was disturbed by Eve's comings and goings and by her new attitude toward him. He talked to God about it. But God was confused, too. Something had failed to go according to plan. Then, God thought: "I am who I am. But I must become who I will become." And God and man were expectant and afraid of the day Eve and Lilith returned to the garden, bursting with possibilities, ready to rebuild it together.

Erica: The Tramp?

SNYDER: Erica. She's 25 years old. She has a Master's degree. She is single, but she is hardly alone.

ERICA: I enjoy sex. As a matter of fact, I love it. And I don't like -- there is a difference for me between casual sex and love. And I guess I'm into a type of sporting sex with a variety of people whom I like. I'm not into one-nighters. But I'm into a lot of what's known as casual, short-term relationships. And not necessarily with just one guy.

SNYDER: As Erica says, she's into a lot of things. Yoga is another of her hobbies. In one breath, she talks about how much she likes being at home, cooking and sewing. And then about riding with a motorcycle gang and going off to Alaska. Erica is most eloquent about her lifestyle.

ERICA: The people I do sleep with are more than just casual pick-ups. I like them. They like me. We're attracted to one another. And sex happens to be part of our relationship. I've also been very curious and engaged in a lot of different varieties of sexual experimentation, one of which is group sex, something I've always been curious about. And I started talking to a few of my friends about what it might be like. And now I engage in group sex and I love it and I enjoy it. It's a change of pace.

INTERVIEWER: Is there anything you haven't tried that you would like to?

ERICA: I have a lot of curiosities about different types of sexual encounters, one of which is homosexuality. It seems to have been a topic in the news and in film and in theater lately, and I know a lot of homosexual people and bisexual people -- some of my friends are -- and it's something I'm curious about at this point. As to whether I'd ever engage in it, I can't answer at this time. I'm curious like I was curious about group sex a few years ago.

INTERVIEWER: And what involvements do you have right at the present time?

ERICA: Most of the guys I'm sleeping with are single, but not all of them. There's been the married man angle, the divorced man, the separated man; I guess, almost any classification of man. I tried it and enjoyed it. I don't believe in being a home wrecker. I believe in working out your problems. But if these people have chosen a certain path for themselves, and I like them, met them in whatever role they're playing, at home, in the office, wherever it is, and we hit it off, and we're friends, and a sexual relationship developed from that, that's fine with me. No one's hurt by it because sexual relationship does not mean demands on people and there are no demands we make on each other except a kind word. We like each other, we're friends. . . .

ERICA: Well, I meet the men that I'm involved with in a variety of ways. I've met them walking on the street. I do go to some of the singles places and I do meet a variety of people there. . . .

INTERVIEWER: What would you say is the difference between you and what used to be called a tramp?

ERICA: Maybe nothing. I've got to think about it. The difference between what I do and what was probably called a tramp -- probably society's attitude. What I'm doing is really not so bad, not so horrible; the relationships are a lot deeper than one nighters. There's a lot more communication than just sexual, a lot of it, a lot more is involved. To me a tramp is someone who sleeps around indiscriminately and I don't think I fit that category at all.

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