

thinking, they had acted in accordance with the duty of the Soviet soldier—patriot and internationalist....

For displaying bravery in the execution of his international duty Captain Samsonov had received two Orders of the Red Star. It was with a question about the orders that the conversation began. Not just about what they were given for, in what circumstances the officer displayed bravery, but more, perhaps, about the source of that bravery....

The conversation went on for a good while. It was gratifying to see Sergei cheerful and ebullient. But from time to time anxiety would appear in his face, like the shadow of a passing cloud. Is there something worrying you?

He was evasive: "No, nothing."

Our meeting took place on New Year's Eve, and as we were about to leave I asked Samsonov what he hoped the New Year would bring, what his dreams were.

"To remain in the Army and get back to work as soon as possible—that's my dream."

I wished him every happiness and told him I hoped his dream would come true.

## EXCURSUS 2

### Bruce Nichols on CHURCH & STATE ABROAD: SQUARING OFF?

Questions of the relationship between the U.S. Government and U.S. church groups working abroad have long circulated in the back halls of Congress, the State Department, and various religiously based agencies. One such question, that of the freedom of church groups to oppose U.S. policy abroad, may be particularly affected by developments in Washington over recent months. Does the protection of "free exercise of religion"—never an absolute right even at home—extend to active opposition to U.S. policy overseas?

Despite the growing number of Americans serving overseas with religiously based agencies, issues involving political tension between church and state abroad have rarely been aired in public. However, in a rare outburst of frustration, Secretary of State George Shultz used last spring's congressional hearings on Central America to express his dismay over church-based political activism in support of refugees and others affected by regional turmoil.

Legislative trends in government-assisted, religiously based humanitarian work were set in the post-World War II era. The Mutual Defense Assistance Control Act, passed in 1951, explicitly linked U.S. economic assistance abroad with national security. Ever since, Protestant, Catholic, and Jewish leaders have expressed concern for maintaining the independence of their overseas missions from government priorities, particularly in those instances when the government is funding some or all of their relief and development activity.

This issue was addressed in late November by President Reagan's Commission on Security and Economic Assistance (also known as the Carlucci Commission). The commission recommended even closer ties between government-funded humanitarian and developmental assistance and national security concerns. This would be accomplished by merging the government's separate economic and security aid agencies into one governmental unit—the Mutual Development and Security Administration—which would distribute all U.S. foreign aid. The commission argued that this merger was necessary to avoid congressional confusion

over divergent economic and security goals in the president's foreign aid requests.

Some U.S. foreign aid is currently channeled through separately incorporated relief and development arms of religious bodies. While most religious groups active abroad operate with private funding, the line at the State Department's cash and commodities window is growing. Registration with the government, a requirement for such aid, confers a certain legitimacy on private agencies; and with increased funding, the agencies inevitably expand the scope of their operations. Whether they can continue to utilize government assistance and, at the same time, raise effective voices of political dissent under an increased linkage between humanitarian assistance and national security remains to be seen.

The financial independence vs. government funding dilemma goes to the heart of the nature of voluntarism and presents questions that have been stumping analysts since the rise of the modern state welfare system: Does private assistance compete with government assistance? If the two systems are blended, can the "private" aspect survive?

These issues are not new. In 1952 a British committee under the leadership of Lord Nathan published a famous analysis of the problem, noting that there were essentially two lines of response. The first, pragmatic approach would be simply to look at the job to be done and award private agencies particular tasks alongside government. The work of such agencies would *complement* government efforts—essentially the approach recommended by the Carlucci Commission.

The second approach identified by the Nathan Commission viewed the role of voluntary societies as a political *alternative* to government-sponsored action. Said the Nathan Report: "The essence of voluntary action is that it is not directed or controlled by the State...it is the meeting by private enterprise of a public need."

U.S. religiously based agencies that see their role abroad in this light occasionally produce results that government officials consider harmful to the interests of the United States. U.S. embassies are generally happiest with agencies that seek a complementary role in extending American foreign policy concerns, particularly if the government is footing all or part of the bill.

The question remains: How far will the U.S. Government go in tolerating dissent from established foreign policy goals among U.S. citizens working for religious agencies abroad? To answer this, two other recent currents of decision-making bear examination. Both are directed at the nonprofit, tax-exempt status of religious and other private organizations as defined in Section 501(c)(3) of the Internal Revenue Code. As the economist Joseph Schumpeter frequently emphasized, tax law is one of the best vantage points for understanding how a society works. In the field of church/state studies, application of provisions of the tax code has long been taken as a bellwether of who is doing what to whom.

In May, the Supreme Court withdrew the tax-exempt status of Bob Jones University, maintaining that the University's rules forbidding interracial dating and marriage were "contrary to accepted public policy." In so doing, the Court bypassed the question of the First Amendment right of free exercise of religion. Drawing on English common law definitions of charity (the same definitions used in the Nathan Report to outline the "complementarity" of private agencies and government), the Court focused on Bob Jones University's failure to comply with well-defined public policy concerning racial discrimination.

In a separate concurring opinion that found a ready audience among religious organizations, Justice Powell raised

objections to the Court's reasoning. He noted that "[t]he Court asserts that an exempt organization must...not act in a manner 'affirmatively at odds with [the] declared position of the whole government.'" This, he explained, suggests that "the primary function of a tax-exempt organization is to act on behalf of the Government in carrying out governmentally approved policies." Moreover, "such a view of 501(c)(3) ignores the important role played by tax exemptions in encouraging diverse, indeed often sharply conflicting, activities and viewpoints."

To test its right to apply the "accepted public policy" standard in determining tax-exempt status, the IRS chose an isolated case, a Southern fundamentalist school. The same pattern is visible in litigation currently before the Ninth Circuit Court of Los Angeles in the case of High Adventure Ministries, a tax-exempt U.S. Christian radio station operating in southern Lebanon. High Adventure regularly turned over its microphone to the late Major Saad Haddad for political broadcasts, a practice that displeased the Carter State Department. High Adventure fought efforts by the State Department to end the practice and close the station and is currently seeking a declaratory judgment on its tax-exempt status, which the IRS, for procedural and administrative reasons, has declined to give.

Throughout last year, President Reagan's Office of Management and Budget (OMB) has pursued efforts to bar political activity by any private nonprofit agency using government funds. In January, 1983, OMB announced the revision of its Circular A-122, "Cost Principles for Non-Profit Organizations." The revisions disallowed the use of any governmental funds for "political advocacy" or for "attempting to influence governmental decisions" of any type, from the local to the Federal level. The revisions also insisted

that all salaries, equipment, and facilities within an organization involved in such advocacy be kept entirely separate from those for activities receiving government funding. Earlier governmental rulings had applied similar restrictions to commercial and military contractors.

Massive repudiation of these revisions from both profit-making and nonprofit organizations led, in July, to a newly revised version of A-122. This substituted "lobbying and related activities" for "political advocacy," and dropped uniform coverage for business and military contractors (thereby eliminating the most powerful members of the coalition that had united against the revisions). Even as now revised, such guidelines would have a major effect on religiously based agencies that work abroad under government grants and contracts, curtail the various Washington-based activities of these agencies (such as congressional testimony), and bring them under new forms of government intervention and surveillance. The protest against these actions has proved so strong that the debate has extended into the new year, with no final decision yet in hand.

Members of Congress have also stepped onto the nonprofit neutrality bandwagon. Last June, Senator Jeremiah Denton (R-Ala.) introduced legislation known as the Federal Neutrality Act of 1983. The proposed act states that "no government funds may be disbursed to any recipient organization which engages in political advocacy" on the grounds that "[t]he expenditure of government funds for private political advocacy exceeds the jurisdiction of the federal government by preferring those political and ideological views...over the views of others who do not receive government funds."

While the use of government funds for lobbying is a legitimate concern, the passage of such a bill would place

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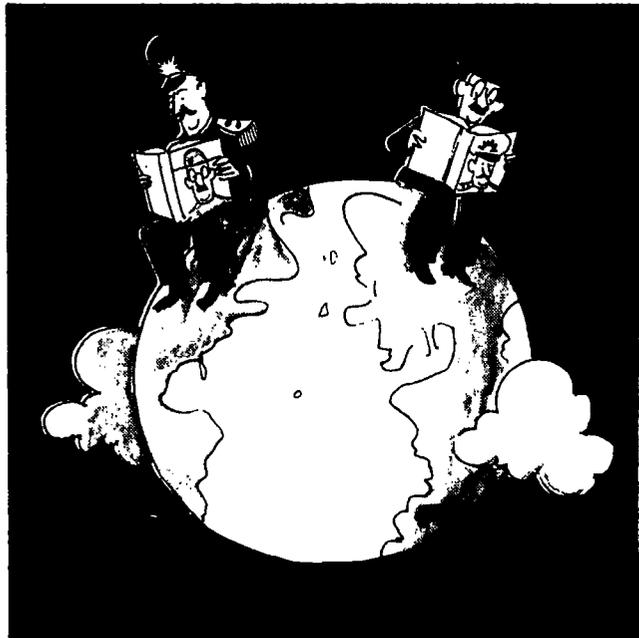
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many organizations in the unpleasant position of giving up either their government grants and contracts or their efforts to engage in advocacy. This dilemma is as real for secular nonprofits as it is for religiously based agencies.

None of these developments of the past year directly addresses the question of religious freedom; the *Bob Jones* decision studiously avoids it. In sum, however, they invite religiously based organizations and others to reexamine their commitments to political advocacy and their willingness to accept a complementary role alongside established government programs. Through these separate policy actions, the various branches of government have introduced new and particularly modern political dilemmas into the realm of church-state interaction abroad.

*Bruce Nichols is the coordinator of CRIA's Project on Church and State Abroad.*

## EXCURSUS 3

### Walter C. Clemens, Jr., on A FIVE-POWER NUCLEAR PACT

Nuclear arms issues have become indivisible. They must be dealt with comprehensively rather than piecemeal. Conditions are ripe for a pact limiting *all* nuclear arms of *all* nuclear weapon states.

The Soviets' SS-20 missiles and Backfire bombers compel us to fuse the separate negotiations on intermediate and strategic weapons, for these weapons are nearly intercontinental in range. From European Russia they threaten Asia; from Siberia they threaten not only China and Japan but parts of the U.S. and Europe. Tokyo complains that NATO pressures may induce Moscow to move more missiles to Asia. But the shift may not matter, for, to rephrase Laura Huxley's book, "We are all targets."

Distinctions between strategic and other arms have always been academic to Moscow. What difference for Russians if exploding warheads come from North Dakota, the Pyrenees, or the Mediterranean? Brezhnev twice signed SALT accords, ignoring British, French, and U.S. forces stationed in or near Europe. The prospect of Pershing II and the MIRVed British and French forces led Andropov last December to propose parity between his SS-20s and the combined London-Paris arsenal.

China is also concerned. Beijing broke precedent on June 21, 1983, by declaring that if the superpowers cut their arsenals by 50 per cent, the PRC would be "willing to undertake corresponding obligations for nuclear disarmament together with all other nuclear states." Even for an opening posture, the PRC demand is not excessive. Many specialists believe that deep cuts of such magnitude need not erode U.S. or Soviet security.

China's promise of cooperation is an important development. The 1972-74 U.S.-Soviet curbs on antiballistic missile defenses helped Beijing acquire an effective deterrent at much lower cost than if it had to consider penetrating a heavy ring of Soviet ABM defenses. But until now China has impeded further progress in arms control by its disdain for negotiated limits and by its gradual buildup of nuclear forces, alarming Russians and others.

Several other factors press for a comprehensive nuclear treaty now:

- There may still be time to head off deployment of ground and sea-launched cruise missiles, which are unnecessary

for the security of either Moscow or the West and, because resistant to any arms control verification, profoundly harmful.

- A treaty would help hold the number of nuclear weapons states to five. Others stand at the threshold but have not passed through.

- A treaty would reverse the spiral of U.S.-Soviet tensions. All these developments make it both urgent and feasible to open five-power talks with the aim of concluding a treaty along the following lines:

First, establish ceilings for all nuclear arms of the five signatories—a high common level for Washington and Moscow, but one requiring them to make substantial reductions; a lower level for Paris and London, but one comparable to their existing arsenals; and a ceiling that permits China to match the combined French-British level.

Britain, France, and China will see themselves to gain because superpower arsenals come down closer to their own. But the Soviets and Americans also gain because the present hierarchy of power is preserved and there is less prospect of change from any quarter. Each country may improve the quality of its weapons but must stay within the agreed quantitative ceilings. Moscow, with a greater number of foes, suffers more from deep cuts than does Washington, but the Kremlin may retain some "heavy" missiles. Each signatory thus maintains an adequate deterrent but at lower cost and with fewer uncertainties than previously.

Second, fix ceilings for particular categories of nuclear weapons—launchers, warheads, or both, as in SALT II—whether battlefield, theater, or strategic and whatever their range. Each party is free to deploy its quota on planes, at sea, or elsewhere. Since ground and sea-launched cruise missiles are difficult to verify, however, they should be banned.

Contrary to Soviet physicist Andrei Sakharov, perfect symmetry in the force structure of each superpower is neither necessary nor negotiable, because each country has its own problems and assets. If Moscow emphasizes land-based missiles, Washington may count more on those that are submarine-launched and not at risk from an ICBM attack.

Since quotas are limited, the parties may also wish to withdraw battlefield nuclears altogether and establish a nuclear-free zone from the French to the Soviet border. Resultant savings could be used to enhance NATO's conventional arms. Many Western experts concur that NATO's tactical nuclears should be reduced—if necessary, unilaterally. To use them would be horrendous; to depend on them illusory.

Several other lines might also be followed profitably in talks, among them: calling a halt to all nuclear tests and deployment of new weapons within twelve months from the date of signing, thence to proceed with pledged U.S. and USSR reductions over five years; turning over dismantled warheads to the International Atomic Energy Agency, their fissionable material made available to Third World reactors; enforcing the nuclear nonproliferation treaty; and working to curb conventional arms buildups worldwide.

Utopian? No, practical and urgent.

*Walter C. Clemens, Jr., Professor of Political Science at Boston University, is the author of National Security and U.S.-Soviet Relations (1981).*

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