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Nit-Picking?

Do you think it's important for Jewish basketball players to be allowed to wear yarmulkas? Do you think it's important that a Jewish woman must choose between making the U.S. karate team or observing Rosh Hashanah?

Those aren't fictional questions. The Illinois High School Athletic Association prohibited the use of headwear during interscholastic basketball games. The American Jewish Congress recently contested their rule in the courts, on behalf of two Jewish high schools in Chicago.

And the U.S. Amateur Karate Team scheduled its try-outs for last Rosh Hashanah. The American Jewish Congress challenged that schedule in the courts on behalf of a top woman karate athlete, an observant Jew.

These may not be the most burning questions on the Jewish agenda. But there's a principle involved: Jews (and other minority religious groups) should not be disadvantaged because of their religious beliefs. The principle is tested, weakened or strengthened, in little cases which arise every week, but which few of us hear much about.

In Nebraska, for example, the state legislature has had one chaplain, a Presbyterian minister, for 18 years, and he alone has opened every day's legislative session with a prayer. The American Jewish Congress claimed in

the courts that it is unconstitutional for a state legislature to employ a salaried chaplain of one particular faith for an extended period of time, since such a policy suggests that the chaplain's particular church is the official religion of the state.

There are those who would say that there should be no prayers of any kind openeing up lesiglative sessions. But absolutism in such matters often breaks down because of conflicting constitutional principles which need some balancing.

The notorious Bob Jones University case is an example in point. That school established some racially discriminatory practices on religious grounds. Although tax exemption is otherwise prohibited to schools which racially discriminate, Bob Jones University says that the government cannot interfere with its religious beliefs by witholding tax exemption.

On the other hand, the American Jewish Congress has supported a court action in Michigan which gave precedence to the religious beliefs of a Seventh Day Adventist who refused on religious grounds to pay contractual union dues. The principle here was formally established in the Civil Rights Act of 1964, which employers and unions must accomodate the religious practices of employees if they can do so without "undue hardship."

There are some close judgement calls in these matters. And there is a tendency to think of some of these cases as legal nit-picking. But out of

such nit-picking is built or lost a strong structure of first-class citizenship for American Jews. It is comforting to know that in this specialized arena our national Jewish agencies are constantly watching our flanks.