

Private Copyright Law Ruled Unconstitutional

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In 1971, Congress passed a copyright law that applied to only one work: *Science and Health with Key to the Scriptures* by Mary Baker Eddy, founder of the Christian Science Church. Private Law 92-60 extended the copyright to a 1906 edition of *Science and Health*, set to expire on December 31, 1971, by 75 years. It also restored the copyright to 16 earlier editions that had fallen into the public domain, setting their term at 75 years from the legislation's effective date and designating the trustees of Eddy's estate as the copyright owners of all editions.

Private laws affect individuals, families, or small groups. They are typically enacted to help people who have been injured by government programs or who are appealing an executive agency ruling, such as deportation. Before Private Law 92-60, only nine other private copyright laws had been enacted, and the most recent dated from 1898.

In October 1971 testimony before the House subcommittee with jurisdiction over copyright, witnesses described why they thought *Science and Health* needed special protection. The Christian Science Church has no clergy, they stated, and Eddy jointly ordained *Science and Health* and the King James version of the Bible pastor of the church. First published in 1875, *Science and Health* explains the spiritual laws that make up Christian Science. To ensure authenticity, each book is paginated identically, and each line is numbered the same. Christian Scientists around the world read the same passages weekly.

"Without copyright protection," stated C. Ross Cunningham, manager of the Christian Science Committee on Publication, "piracy, plagiarism, and adulteration would be commonplace," seriously impairing "Christian Science church services" and resulting in a "definite limitation on the freedom of adherents of this denomination to practice their religion."

Abe Goldman, the Copyright Office's general counsel, told the subcommittee that the Office and the Library of Congress "neither favor nor oppose enactment of this bill."

Before the bill's final approval in the Senate, Sen. Jacob Javits of New York placed a hold on it at the urging of the New York City Bar, which argued that the bill violated the constitutional principle of separation of church and state. After heavy lobbying from the bill's supporters, reportedly including Nixon administration officials John Ehrlichman and H. R. Haldeman, both Christian Scientists, Javits released the hold, the bill passed, and President Nixon signed it into law.

Sixteen years later, however, the U.S. Court of Appeals for the District of Columbia validated the position of the New York City Bar following a challenge to Private Law 92-60 by a dissident group of Christian Scientists. "We conclude that [the law] offends fundamental principles of separation of church and state," the court ruled, upholding an earlier ruling in federal district court. ©

