

September, 1948

#### JOINT CONFERENCE FORTHCOMING MEETING

The Joint Conference Committee meeting scheduled for 9:30 a. m., September 28, is one of two held by the Committee within the year. The first of these, regularly set for the Spring, and the second scheduled for the Fall, seem to provide the maximum opportunity at minimum expense. Executive Committee sessions, called upon need, may be held oftener. At the September meeting the budget for 1949 will be adopted for recommendation to the four supporting Conventions. Reports from all sub-committees, such as World Affairs, Domestic Situations, Religious Liberty, Finance, and from the officers will be offered. The meeting will be held in the beautiful assembly room of the new Baptist Building. It is hoped that all members will plan to remain for a full day of deliberations.

#### REPORT ON EIGHTIETH CONGRESS

There were certain matters upon which the Baptists had spoken officially in their annual meetings which were dealt with by the Congress. In our approaches to the National Legislature at all times we tried to exercise ourselves in line with positive mandates from our people, or else in harmony with well-known principles held by our people calling for advocacy.

We report first on the Displaced Persons bill. Our office cooperated with the Citizens Committee in urging a more liberal act, being guided by the resolutions in favor of such by the Baptist Conventions. The provisions as ultimately adopted stipulate that as many as 200,000 displaced persons and refugees designated as eligible for IRO care under the IRO constitution may be admitted, or about half the number we hoped. The requirement in the Act to which chief objection has been raised is the one which states that to be eligible for admission into the United States persons must have entered Germany or Austria on or after September 1, 1939, and on or before December 22, 1945. President Truman has criticised the Act on the charge that it operates in discrimination against Jews and Catholics. The latter, however, through some of their spokesmen, have instead declared that it does not, and that Catholics are satisfied. Is President Truman influenced by political considerations in thus making a bid for the votes of these groups?

The second bill with which we were concerned was that which recommended Universal Military Training. In keeping with pronouncements against this by both Northern and Southern Conventions (1946) and at the request of Dr. Hugh Brimm, the Executive Secretary appeared before the Senate Military Committee to oppose enactment. As is well known, in response to unmistakable protest from farming, labor, scientific, educational and church groups, UMT was dropped. The East-West tension with administration and military pressures induced the Congress to pass an emasculated peace time conscription act which supports a modified draft. Though this act may be termed mild, it yet violates American tradition, imposes a huge expenditure, aggravates international tensions, appears negligible as defense against atomic and bacteriological weapons, will remove

millions of youth from home and school to hurtful exposures in training camps, and will go far toward militarizing the nation. The best that we can hope is that the conscience and reason of the country will eventually ask for its repeal.

A measure for which the Public Relations Office stood was that known as the Capper bill to prohibit the transportation of interstate commerce of advertisements of alcoholic beverages, and for other purposes connected with restraint in the advertisement of liquors. The gallant Senator from Kansas has retired from Congress, but his earnest service in behalf of temperance in the nation will not be forgotten. While his bill never achieved passage, it is not to be abandoned; other friends of the cause will doubtless renew the battle in due course.

The measure which excited the greatest interest among those who believe in separation between church and state was Federal Aid to Education. Our concern in it was to see that any aid voted should be limited to public schools and none allocated, directly or indirectly to parochial or private schools. During the period when S. 472 was up for debate, Senator Forrest C. Donnell of Missouri, made a valiant fight for that contention. While his amendment was voted down, other amendments proffered under Roman Catholic influence such as the one by Senator McMahon of Connecticut which proposed setting aside millions of dollars in aid of church schools was decisively defeated. Senator Taft, who sponsored the bill, insisted that both the Everson and McCollum decisions by the Supreme Court precluded any application of the funds to church schools; and that Congress must avoid any semblance of Federal control of public education by leaving the matter of distribution entirely to local communities in the states. For one time states' rights found acceptance when the Senate passed the bill. The House bill (H. 2953) offered by Mr. McCowan, was never called out of committee. Had it reached the floor, friends of our view in the House would have offered a more strategic amendment than that presented in the Senate by Donnell, and it is believed any loophole for diversion of public money for private interests would have been closed.

But Federal Aid to Education is not dead. Other bills in a new Congress will arise, likely in much the same form as those heretofore offered. While there are powerful educators who argue against adoption, most public school forces, such as the influential National Education Association, will never give up the fight for it. It is to be regretted that the NEA, though plainly wishing that all public funds go to public schools, nevertheless for purposes of success, on the basis of expediency, will not insist that the loopholes be closed. The Catholics who have always opposed Federal Aid consent to it as proposed, because if distribution of funds remains under exclusive control of the states, they will have eighteen states under whose constitutions some of the money will be available for bus fares to parochial schools. The Catholics are extremely anxious to secure this aid, both as a contribution to their own financial need, and as a retention of the church's already conceded place within the government which they desire to extend.

#### RECOMMENDED RESOLUTION TO BE OFFERED

By the Senate of the United States concerning the illegal status of an ambassador from the government of the United States to His Holiness, the Pope, as Head of the Roman Catholic Church

Whereas, the President of the United States, in December 1939, appointed Myron C. Taylor to confer and negotiate with His Holiness, the Pope, as head of the Roman Catholic Church, on matters affecting the interests of the United States, the interests of the Roman Catholic Church, and other matters; and

Whereas, although it was explained by the President that said Myron C. Taylor was his "personal representative", there was also coupled with his appointment an official

commission investing him with the rank and status of ambassador, with instruction to report to "this government"; and

Whereas, said Myron C. Taylor was reappointed by the President in March 1946, this time as "the President's representative" instead of "personal representative to the President", and with no change in his official status as an ambassador; and

Whereas, this appointment and reappointment of an ambassador were made without the advice and consent of the Senate as required by the Constitution in connection with the appointment of ambassadors; and

Whereas, in the conduct of his mission it has become clear that the rank and status accorded Myron C. Taylor as ambassador, are not merely honorific, but functional and substantial, as indicated by the following facts:

(1) The appointee was initially received as an ambassador by His Holiness, the Pope, in a ceremony marked by more than the usual pomp associated with the reception of new ambassadors and entirely unprecedented in the reception of a "personal representative" from the head of a state.

(2) The appointee performed with great punctiliousness all the formalities imposed by official protocol upon a new ambassador, and has acted and continues to act as an ambassador, exercising the functions and authority usually appertaining to the office of ambassador, and established an Embassy at the expense of the American government with an office staff which functions in his absence.

(3) Mr. Taylor was hailed by His Holiness, the Pope, as the "first ambassador of the provisional (American) Embassy."

(4) The status of the appointee is not regarded by the Vatican authorities as merely that of a "personal representative" of the President, or as "the President's representative," but is held to differ in no juridical respect from that of other ambassadors.

(5) The said Myron C. Taylor is officially listed in the Pontifical Directory as an ambassador, with other ambassadors to the Vatican.

(6) The official Vatican newspaper, Oservatore Romano, together with the hierarchy and the Roman Catholic press in the United States, and the Pope himself, with one voice hailed Mr. Taylor's appointment as the "culmination" of years of hope and effort for diplomatic relations between the government of the United States and the Roman Catholic Church.

(7) The appointee, in the Biographical Encyclopedia, describes himself thus: "Taylor, Myron C., ambassador to the Vatican."

And whereas, the facts recited above clearly indicate that Myron C. Taylor claims the status and exercises the functions of an ambassador though appointed without the advice and consent of the Senate, and is received as an ambassador by His Holiness, the Pope, as head of the Roman Catholic Church, and

Whereas, The President of the United States gave assurances on two occasions in the years 1946 and 1947 to a delegation representing the Federal Council of Churches of Christ in America that it was his intention to discontinue this ambassadorship at an early date, and

Whereas, the existence of this ambassadorship constitutes a union of state and church in the area of diplomacy, which union is forbidden by the constitutional principle of separation of church and state as this principle has been reaffirmed by the Supreme Court in the area of education, and

Whereas, the special privilege and prestige accorded the Roman Catholic Church by such a union of its official diplomatic processes with the official diplomatic processes of the government of the United States is regarded with patriotic resentment by Protestant and other American churches on the ground that it gives to the Roman Catholic Church a special position in relation to the American government, a privileged access to the ear of the government, and thereby over the religious and cultural life of the nation, which no other church enjoys or desires, and is therefore a discriminatory curtailment of the full religious liberty of all other churches which the Constitution guarantees, therefore be it

Resolved by the Senate of the United States that the President is hereby requested and urged immediately to discontinue the American Embassy at the Vatican and to recall the appointment of Myron C. Taylor as ambassador to His Holiness, the Pope, as head of the Roman Catholic Church.

#### THE COMMITTEE'S PUBLICATIONS INCREASE

Upon establishing the office of public relations, the initiating Conventions recommended that the Joint Conference Committee prepare suitable literature, including books, pamphlets, and other publications, which would inform our people in the four participating Conventions, comprising a total membership of excess of fourteen million members, on all matters pertaining to public affairs where our principles or interests are involved.

Accordingly we launched REPORT FROM THE CAPITAL for which there has been a steadily increasing demand. Ordinarily we print about 800 copies which go to all Baptist newspapers, executives and heads of institutions, and some others. For the Conventions we issued a large number of extras which have been exhausted. There is no charge for this.

The address on religious liberty by President Walter Pope Binns of William Jewell College, which he delivered at the Southern Baptist Convention, has been printed in an attractive booklet, for which a small charge, if ordered in quantities is made. The Southern Baptist Sunday School Board donated fifty dollars toward the cost.

The book, SEPARATE CHURCH AND STATE NOW, written by the Executive Secretary and published by Richard R. Smith, New York, after long delay, due to a printer's strike and other unforeseen difficulties, is now off the press. It has already met with a most gratifying reception. The price, cloth bound, is \$2.50, and may be ordered through this office, or found in the book stores.

#### DEAN ARCHER ACCEPTS POAU SECRETARYSHIP

(Dr. Newton supplied this introductory to all Southern Baptist newspapers)

Meet Mr. Glenn LeRoy Archer, who has just accepted the post of Executive Secretary of Protestants and Other Americans United for Separation of Church and State. I want our people to know him for his own sake and because of the tremendously important work which he is undertaking on behalf of all who cherish the historic principle of religious liberty in our country.

Mr. Archer is resigning the position of Dean of the Law School, Washburn University, Topeka, Kansas, to accept our invitation to lead the expanding work of POAU. This gifted young man, 42 years old, turns away from a career in the educational field which has already brought him into national prominence. An active and devout member of the Methodist Church, he possesses all the qualities which we have earnestly and prayerfully sought in selecting the man who will spearhead this vital movement.

Asked by Dr. J. M. Dawson, who has served without pay as acting Executive Secretary of POAU since its organization last year, why he was willing to resign his deanship and take this position, Mr. Archer replied:

"As a lawyer, I am interested in the legal aspects of the constitutional question involved. As a churchman, I had long been conscious of certain trends to invade the safeguards of religious liberty and of specific infringements of the First Amendment. When I read the Manifesto, issued by POAU last fall, I felt that this declaration sounded the tocsin for all who believe in our way of life."

Permanent headquarters of Protestants and Other Americans United for Separation of Church and State is now located at 1835 K Street, N. W., in the Harwill Building, Washington, D. C. I have invited him to come to Atlanta at an early date, and will be glad to help arrange engagements for him anywhere in the territory of the Southern Baptist Convention.

#### UNITED NATIONS WEEK

This Committee which has consistently lent whatever strength it could to the support of the United Nations, wishes to commend the observance of United Nations Week, October 17-24, and particularly United Nations Sunday, October 24. This may mean real influence in behalf of the greatest single existing agency in behalf of world peace. We are cooperating with the Department of State and a commanding group of citizens organizations in this observance.

Excerpts From E. Hilton Jackson's Article:

#### SOME BASIC MISCONCEPTIONS ABOUT THE CHAMPAIGN CASE

The decision in the Champaign (McCollum) case, recently decided by the Supreme Court, involving the question of separation of church and state, has evoked a number of basic misconceptions as to its scope and meaning....Much of the criticism of the decision and most of its alleged ambiguities arise from the different terminology used by persons with differing philosophies. A surprising amount of the criticisms of the decision lies in the area of argumentum ad hominem and not argumentum ad legem. After all, this case involves a basic legal question of the first magnitude, arising in this form for the first time under the supreme law of the land, and should be treated as such. The justices emphasized the fact that they were applying the Constitution to a given set of factors, and that they were not to weigh in the constitutional scale every separate detail or various combination of facts that might arise, and that the meaning of a spacious conception like that of separation of church and state is unfolded as appeal is made to the principle from case to case.

The first and most articulate of the misconceptions is that the decision evidences a hostility to religion, a criticism that is utterly untenable. Any such intention was disavowed in unmistakable language. The Court, by Mr. Justice Black, said:

"To hold that a state cannot consistently with the First and Fourteenth Amendments utilize its public school system to aid any or all religious faiths or sects in the dissemination of their doctrines and ideals does not, as counsel urge, manifest a governmental hostility to religion or religious teachings. A manifestation of such hostility would be at war with our national tradition as embodied in the First Amendment's guaranty of the free exercise of religion. For the First Amendment rests upon the premise that both religion and government can best work to achieve their lofty aims if each is left free from the other within its respective sphere"....

The second misconception is that the decision manifested a tendency to invalidate and proscribe local and state practices - which in effect means that complainants on these grounds propose a naive, non-legal method of amending the Constitution, thus compelling the Court to do what the Constitution says it shall not do....

A third misconception finds expression in the frequently repeated argument that State may aid sectarian education provided only that it treats all sectarian groups with equality.... This seems to say that a monogamous marriage between church and state is illegitimate, while a polygamous marriage between them is not only legitimate but, desirable. This type of thinking only serves to confuse the issue. Imagine, if you can, the scramble and confusion that would result if the 256 sectarian organizations in this country had the right to dip into the public school funds in order to maintain their sectarian teaching. How could equitable distribution of such aid possibly be affected?...

A fourth misconception is the belated contention that the First Amendment in the minds of the architects of our Constitution was never intended to do more than forbid the establishment of a single, official State church and left the government free to aid financially or otherwise all churches, provided it treated them with equality.... This narrow and contorted construction has recently been so completely refuted in the Everson (school bus) case that further discussion of this misconception is not warranted. The First Amendment does mean disestablishment, but it means infinitely more than that. It means, in the language of the Court, that "No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion \* \* \* Neither a State nor the Federal Government can, openly or secretly, participate in the affairs of any religious organizations or groups or visa versa. In the words of Jefferson, the clause against establishment of religion by law was intended to erect 'a wall of separation between Church and State'". Thus the Court goes beyond disestablishment and takes religion out of the sphere of public aid and control and makes it exclusively a voluntary activity. It definitely and finally inhibits the use of Federal and State funds in aid or support in any form of sectarian education.

A fifth misconception about the case inheres in the persistent and unwarranted emphasis placed by those inclined to be critical of the decision on the fact that the plaintiff in the case, Mrs. McCollum, is an atheist.... It is significant, and genuinely heartening, that none of the nine justices, in the majority opinion, the concurring opinions, or in the dissenting opinion made any reference whatever to the fact that Mrs. McCollum was an atheist. It is one of the glories of our judicial system that she could have her case fairly and impartially adjudicated without prejudice, or even reference, to her faith or to her lack of faith....

These misconceptions have had the tendency to throw dust in the eyes of honest seekers for the fundamental principles on which the Court acted. They can now be assured with confidence that the decision has substantially restored the wall of separation between church and state to the height and strength and symmetry so clearly designed by its architects, and so vividly revealed by its generating history.