REPORT FROM THE CAPITAL

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MAY, 1952

FOURTH CHAPTER IN POAU ACHIEVEMENT

Dedication at Shrine of Liberty

From left to right - F. H. Yost, Chairman of Arrangements; Edwin McNeill Poteat, President; Joseph M. Dawson, Recording Secretary; Glenn L. Archer, Executive Director.

On April 23-24 Protestants and Other Americans United for Separation of Church and State observed its fourth annual session with a series of notable meetings in Washington, D. C. The Board of Trustees, presided over by Louie D. Newton, reported most gratifying progress. The annual address by John A. Mackay, President of Princeton Theological Seminary, delivered in Constitution Hall, was a militant one. In addition to programs in the National City Christian Church and the Luther Place Memorial Church and at luncheons and dinners, there was a pilgrimage to the Jefferson Memorial where Dr. Poteat delivered an address and the Executive Director of the Baptist Joint Committee on Public Affairs on behalf of POAU members placed a wreath at the base of the statue of Thomas Jefferson. A large number of people there joined in reciting a pledge of fidelity to the principles enunciated by the author of the Declaration of Independence and of the Virginia Statute on Religious Liberty.

BAPTIST CONVENTIONS TO HEAR OF COMMITTEE'S WORK

Both the Southern Baptist Convention in Miami and the American Baptist Convention in Chicago have scheduled addresses by the Executive Director of the Baptist Joint Committee on Public Affairs. The annual report of the Committee, which will be submitted in published form before the Conventions, will show its best year's work. The record appeared in the March issue of REPORT FROM THE CAPITAL. Two things stand out in the record: 1. The wide scope of its activities conducted within the directives of its constitution. 2. The significant influence of the Committee exerted in the national life. Perhaps the Committee has not accomplished quite as much as has been ascribed to it by those favoring a Vatican Ambassador or UMT, but it has tried to render the service entrusted to it by the several Baptist Conventions. The growing recognition of the need of this Committee is a hopeful sign. Its summer research project, to be undertaken by Mr. C. E. Bryant, is one evidence of enlarging usefulness.

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LATEST SUPREME COURT DECISION CONCERNING RELEASED TIME

In the Champaign, Illinois case concerning Released Time for religious instruction in the public schools the Baptist Joint Committee on Public Affairs filed an amicus curiae brief with the Supreme Court against the arrangement between the local school board, representing the state, and the local council of churches, representing sectarian religions, because we believed this was a clear violation of the American Constitutional principle of separation of church and state. The Supreme Court by an eight-to-one decision ruled that it could find no separation of church and state in the Champaign arrangement, but it was clearly a commingling of church and state. This plan inaugurated first by Protestants, but afterwards largely taken over by the Roman Catholics, had been accepted by the parents of some two million children out of approximately twenty-eight million children attending the public schools. Intense discussion arose throughout the Nation and still continues, but since the decision prohibited the use of public school buildings for such sectarian indoctrination, most communities have complied with the Supreme Court's order and have discontinued the Champaign plan.

The Champaign decision, however, applied only to that particular arrangement. Several others which attempt religious weekday instruction in connection with the public school await a ruling by the Supreme Court. One of these, somewhat widely in use, is called the New York plan, because it has met with better success in that city than elsewhere. This plan has just been passed upon by the United States Supreme Court on an appeal from the New York Supreme Court. It provides for releasing pupils upon their parents' request one hour a week to attend religious instruction in church buildings with teachers responsible for discipline and record of attendance. The Court decided by a vote of six-to-three that the New York plan is Constitutional.

Because the comments of Dr. Robert E. Van Dusen, representing Lutheran churches in Washington, are appropriate, we quote:

> "The Court said in part: 'We are a religious people whose institutions presuppose a Supreme Being....When the state encourages religious instruction or cooperates with religious authorities by adjusting the schedule of public events to sectarian needs, it follows the best of our traditions....To hold that it may not would be to find in the Constitution a requirement that the government show a callous indifference to religious groups. That would be preferring those who believe in no religion over those who do believe.'
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> "The decision narrowed down the definition of separation of Church and State as based on the FIRST AMENDMENT. This amendment has been construed to mean that there should be no official cooperation between the government and the churches.

The relevant part of the First Amendment reads: 'Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.'

"The majority opinion points out that the First Amendment requires separation of Church and State in two specific areas: the establishment of religion (preferential status) and the free exercise of religion. Within these areas, the separation must be absolute and without exception.

"It goes on to make this significant comment: 'The First Amendment, however, does not say that in every and all respects there shall be a separation of Church and State. Rather, it studiously defines the manner, the specific ways, in which there shall be no concert or union or dependency one on the other. That is the common sense of the matter. Otherwise the state and religion would be aliens to each other--hostile, suspicious, and even unfriendly.'

"Those who differ with the majority decision of the Court will find ammunition in the arguments of the minority. Justices Black, Jackson, and Frankfurter each wrote a dissenting opinion which questioned the assumptions and opposed the conclusion of the six-man majority.

"Justice Black claimed that the Court had abandoned the principles on which the McCollum decision was based. The ruling that the Champaign system was unconstitutional was based not only on the fact that the religious classes were held in the school buildings, but also because pupils were provided for them through the use of the State's compulsory school machinery. This same use of compulsory attendance laws to channel pupils into church-conducted classes, he pointed out, is present in the New York system. He commented: 'This is not separation but combination of Church and State.'

"Justice Jackson deplored the change in interpretation of the First Amendment. In the McCollum decision, this was construed as requiring a 'high and impregnable' wall between Church and State. In the Zoraoh decision, he said, that wall has become 'warped and twisted'. He expressed concern lest the distinction between religion and irreligion might be an opening wedge for a later distinction between a favored religion and one less favored. He said: 'The day that this country ceases to be free for irreligion it will cease to be free for religion -- except for the sect that can win political power....We start down a rough road when we begin to mix compulsory public education with compulsory godliness.'

"Justice Frankfurter said that the inequity in the New York system lies in the fact that those who do not choose to go to religious education classes are kept in school. The controversy would end, he said, if the schools would dismiss all the pupils without keeping a record of those who attended religious instruction and those who did not. He commented: 'The unwillingness of the promoters of this movement to dispense with such use of the public schools betrays a surprising want of confidence in the inherent power of the various faiths to draw children to outside sectarian classes."

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ANOTHER VICTORY FOR THE PUBLIC SCHOOLS OVER ROMAN CATHOLIC USURPATION

From St. Joseph, Missouri comes a news story of unusual interest. We quote from the St. Louis Globe-Democrat.

"Circuit Judge Emmett Crouse ruled in a declaratory judgment that the educational policies of the Catholic church are in direct conflict with those of the

state of Missouri and are 'utterly inconsistent and mutually exclusive.'

"Any school in which the educational policy of the Catholic church is in effect cannot 'in fact be a free public school, within the meaning of the Constitution and laws of the state.' Judge Crouse ruled, and use of any public money for support of such a school is unlawful, he said.

"He declared that nuns of the Order of Poor School Sisters of Notre Dame and of the Order of Sisters of the Adoration of the Most Precious Blood of O'Fallon are, by virtue of their vows of poverty and obedience to church authorities, 'disqualified from employment as teachers in the free public schools of Missouri.'

Judge Crouse, who sat as a special judge in the Franklin County Circuit Court, made the rulings in a formal opinion which he handed down in a suit brought by a group of Franklin County taxpayers in which they charged that use of church-owned buildings and nuns as teachers, together with other practices in Franklin County's Reorganized School District No. 8 violated provisions of the Missouri Constitution and statutes. Findings affected two Gildehaus schools and the Krakow school in the reorganized district, at which nuns taught. The Krakow building and one of the Gildehaus buildings were owned by the Catholic church. It held that another school in the district, the Ziegemeyer school, is operated within the law. That building is owned by the church, but is leased by the district, and nuns have not been used as teachers there.

The decision, which quoted liberally from the state's Constitution and laws and from Catholic church law, was far-reaching and complete, and dealt with many points raised by the plaintiff who sought to halt use of state funds to operate the schools in which the nuns taught.

"Noting the state's policy to maintain public schools separate from all religious, church or sectarian activities and that no public funds be used for any school conducted in a manner to influence or predispose a child toward the acceptance of any particular religion or religious beliefs, Judge Crouse said:

"'It is the policy of the Roman Catholic church to intermingle education and religious teachings in order to secure and strengthen the faith of its adherents and to secure indoctrination of children in its religious principles as an integral part of the education of said children.'

"The court noted that the seat of the government of the church is in the Vatican and its supreme ruler is the Pope. Its code of canon laws, he said, is binding on the church hierarchy and its orders, including those to which the nuns teaching in the Franklin County schools belonged, and all are ultimately responsible to the Pope."

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HOW DISSENTERS FARE IN PORTUGAL

A national daily newspaper publishes the following letter from a young man in Portugal to his mother, Mrs. Charles Adams of Portland, Maine.

"I wish you could see the Christian churches here. My contact with them has given me a clearer picture of what the early church must have been like. The government forbids Protestant churches to build anything which looks like a church. Most of them can't afford their own building anyway.

"The church to which I usually go meets in the upper room of a simple stuccoed stone structure. We sit on wooden benches and face a blank wall on which is written, 'God Is Love.' There is no organ, and yet the congregation sings with a joy and gusto I never heard before."