



REPORT FROM THE CAPITAL

★ RELIGIOUS LIBERTY ★ BAPTIST PRINCIPLES
★ PUBLIC AFFAIRS

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CHURCH-STATE LEGISLATIVE SURVEY OF THE 86th CONGRESS

(First month of first session)

By W. Barry Garrett

This does not pretend to be a complete church-state legislative survey of the new Congress for several reasons: (1) Congress had been in session only one month at the time this survey was made and the legislative scene changes rapidly week by week; (2) there were more than 5,000 bills introduced during the first month and the rate continues at approximately 100 per legislative day; (3) the resources at our disposal permit a discovery of only the most obvious church-state problems; (4) there is no way to predict which of the proposals might become law.

However, there is enough grist in the mill to occupy our attention, to indicate certain trends in the thinking of the nation and to note that the bills offered by Congressmen in all probability reflect the thinking of at least a certain segment of their voting constituencies. Some of this proposed legislation is a reintroduction of measures that have been carried over from previous Congresses, some of it has no chance whatever of being passed, some of it is in the form of amendments to previously passed major legislation, while other phases are on live issues that command careful attention.

Confused Issue of Separation

Although all of the legislators would declare their devotion to the principle of separation of church and state, they are not all clear on the meaning of that expression and most of them would deny that their proposals violate this cherished American ideal. Perhaps the questions to be decided are: How much of the church is in the institutions of the churches? And how much coercion in religious participation is involved in governmental aid to the institutions of the churches?

The purpose of this survey is not primarily to pick out clearcut violations of the principle of separation of church and state, but it is to point out problem areas where church-state relations are involved in proposed legislation. What disposal Congress will make of these problem areas

and what will be the attitude of church people to these problems remain a matter of conjecture at this moment.

This survey does not purport to study all proposed legislation in which the churches have an interest, because the churches should be concerned with any legislation that is designed for the comfort, welfare, protection and happiness of people. There is a large area of church-interest legislation that does not necessarily involve problems of church-state separation. Only incidentally do we refer to moral problems such as gambling, alcoholic beverages, obscene material, etc.

I. Education Proposals

By far the most extensive and serious church-state problems are found in the numerous proposals in the area of education. Apparently the National Defense Education Act of 1958 has received such national approval that it appears that everybody wants to get on the band wagon to offer more educational aid to the states, both to public and private education. Not only is much direct aid being proposed but the trend to add many fringe benefits to the educational program continues in the 86th Congress.

1. Amendments to the Education Act of 1958

Last year large new avenues of access to Federal funds for private and religious schools of higher education and certain areas of elementary and secondary education were opened by the Education Act. Even more can be expected in the future. One of the legislative tactics was revealed in the orientation of new Congressmen at the first of the year. They were advised by their more experienced colleagues not to attempt sponsorship of major legislation immediately, but to offer amendments to legislation already in general acceptance by the people. It is easy to see that the provisions for higher education in the Education Act will be coveted by both public, private and parochial interests for elementary and

secondary education. Such amendments can be expected.

At least two serious proposals to amend the Education Act have been put before the 86th Congress. One proposal, supported by educational groups throughout the country, is to strike out the requirement of a loyalty oath from individuals to whom payments or loans are made under the Act. At present the recipient must declare that he does not believe in, and is not a member of and does not support any organization that believes in or teaches, the overthrow of the United States Government by force or violence or by any illegal or unconstitutional methods, and he must take an oath of allegiance to the United States and its Constitution. This requirement was little noticed and slipped through last year in the rush to pass an education bill before Congress adjourned.

The other proposal to amend the Education Act is to provide \$90 million for 20,000 National Defense Scholarships. This provision was struck out of the bill before it was enacted last year. Several attempts are being made to get it back in the Act this year. The scholarships would be available for use in any approved institution of higher education of the student's choice.

Benefits now being received by private and religious higher education institutions under the provisions of the Education Act of 1958 do not come within the scope of this survey, but should be the subject of another survey by the end of the year.

2. Income Tax Aid to Education

Among the many channels being explored to provide additional Federal aid to education the income tax is being seriously considered. One set of bills would provide that the district directors of internal revenue shall return to the States and Territories an amount equal to one per centum of the total of all income taxes collected on corporate and individual incomes within that State or Territory for the purpose of education, the funds to be administered by the State Departments of Education according to the laws of the State.

A number of other bills would more directly benefit the taxpayer himself by allowing an income tax credit up to 30 per cent of the amount of tuition and other school expenses paid by him for a dependent or other person, but not to exceed \$450. Other bills would make similar provisions but would make such tuition and school expenses only an income tax deduction, the total deduction not to exceed \$1,500 per year. Yet other bills would allow additional income tax exemptions not to exceed \$1,200 for students in schools of higher education.

While most of these bills concern tuition and school expenses involved in higher education, at least one would provide that "payments of tuition by the taxpayer for the attendance of his children at a primary or secondary school conducted on a religious basis by an organization organized and operated for religious or educational purposes shall

be treated as a contribution or gift by the taxpayer to such organization."

If the income tax credit, deduction, or exemption bills were to become law and were to be widely approved by the public, it would be a simple matter later to extend the benefit to school expenses involved in elementary and secondary private and parochial education.

3. School Support Act of 1959

By far the largest number of education bills have to do with providing funds for school construction and for supplements to teachers' salaries. There are literally dozens of such bills, which are cited variously as the School Support Act of 1959, School Construction Assistance Act of 1959, Education Assistance Act of 1959 or similar titles. There are large variations of the proposed amounts in these bills for both construction and for teachers' salaries. In the House they have been referred to the Committee on Education and Labor and in the Senate to the Committee on Labor and Public Welfare where they will study the proposals, hold hearings and decide what to make of the various plans.

Many of the bills distinctly make provision for public schools only, while others define public education in such a way as to allow for future inclusion of all education as that for which the public is responsible, and yet others specifically include public, private and parochial schools in their provisions.

As an illustration of the bills providing aid to private schools we cite the one proposed by Rep. Clement J. Zablocki (D., Wis). His bill would require participating states to make plans that would "set forth a program under which projects of private educational agencies will receive a fair proportion of the State's allotment," and which would "set forth principles for determining the priority of projects of private educational agencies in the State for assistance under this title which will assure that the extent of need is given due weight."

Arguments advanced for providing Federal funds for school construction and teachers' salaries are the national shortage of classrooms and of qualified teachers. They also state that, although the primary responsibility for providing education resides in the states and communities, Federal aid must be forthcoming to assist these states and communities to meet their responsibilities. While they assert that the states and communities must be free to control personnel, program of instruction, formulation of policy, and administration of the Nation's elementary and secondary schools, in reality the inequity of financial resources means that "the control of our Nation's schools is not directed by state and local school boards but is directed by the harsh demands of privation" and "without the means to pay for alternatives, school boards have no freedom of choice."

4. College Facilities Act of 1959

A \$500 million Federal aid program to help public and private colleges and universities construct academic buildings to meet expanding enrollment needs has been presented to Congress by Secretary of Health, Education, and Welfare Arthur E. Fleming.

Under its terms the Federal government would guarantee loans made by church-related colleges to finance construction of needed buildings. It also would provide that 25% of the cost for new buildings for both public and private institutions be borne by the Federal government over a 20-year period.

Explaining operation of the program, Secretary Fleming said, "If institution 'X', a private college, borrows \$1 million on a long-term basis to construct a classroom building, the Federal government would guarantee the loan, which would presumably result in a more favorable interest rate on its bond issue." He said further that for either public or private colleges the government would enter into a commitment for debt retirement assistance of 25% of this figure, or \$250,000, payable at the rate of \$12,500 a year over 20 years.

"Academic facilities" for which aid is offered would include classrooms, laboratories, libraries, and related facilities, but stadiums, field houses, administration buildings and others not directly related to academic instruction would be excluded.

5. Fringe Benefits

Bills have been introduced both in the Senate and the House to provide aid in the transportation of both parochial and public school children in the District of Columbia. At present according to the franchise the D. C. Transit Co. must transport school children at a reduced fare, thus, as the Transit Co. claims, incurring a loss that is not reimbursed.

Two plans have been proposed in both Houses of Congress and both have been referred to the Committees on the District of Columbia. One plan would provide for the Board of Commissioners to purchase tickets from the common carriers and resell them to public, parochial and like school children at a rate not to exceed one-half the amount which would have been paid each such carrier if such fares had been paid at the cash fare charged to others. This amount is to be paid to the carrier within 30 days of such certification.

Other proposed fringe benefits to the Nation's educational program include an amendment to the National School Lunch Act to permit junior colleges to participate therein, and a bill to establish permanent authorization of a fully adequate nationwide milk-for-children program. The milk program would include both public and private schools as well as non-profit private summer camps, centers and schools.

6. Collegiate Nursing Act of 1959

The proposed Collegiate Nursing Act of 1959 would provide \$200 million of Federal funds for the cost of construction, cost of instruction and scholarships for the development of both old and new schools of nursing. The bill cites the shortage of nurses with collegiate training and the impossibility of educational institutions furnishing such training without outside financial assistance as the reason for the measure.

The bill would make the grants-in-aid and scholarships available to "any" qualified institution without distinction between public or religious schools as a public health service to the nation.

A maximum of \$500,000 would be available to any school for construction grants with the Federal government furnishing not more than 50 per cent of the costs in establishing schools and not more than 66 2/3 per cent for new schools.

In established schools of nursing, \$25,000 per year would be the maximum grant for cost of instruction, but new schools would secure up to 66 2/3 per cent of their costs of instruction.

Scholarships would be granted on the basis of the ability and need of the student applying. These would be for \$1000 per year and would be payable to the institution. The proposed legislation would be an amendment to the Public Health Service Act and was referred to the House Committee on Interstate and Foreign Commerce.

7. Control of Juvenile Delinquency

From year to year bills pertaining to the control of juvenile delinquency are introduced into Congress. Church institutions are involved in two bills introduced by Sen. Thos. C. Hennings (D., Mo.) this year. One bill would assist states and institutions of higher education in the training of qualified personnel for work in various fields involving the prevention, treatment and control of juvenile delinquency. The bill would authorize necessary funds, but not to exceed \$5 million the first year, for grants to states and to approved nonprofit institutions of higher learning for paying the cost of training personnel in the problems of juvenile delinquency, or for the development of courses for such training, including the establishment and maintenance of fellowships, traineeships together with stipends and allowances for travel and subsistence.

The other bill would make similar provisions to States, public and private nonprofit institutions of higher learning for the costs of special projects carried out directly or through contracts with private voluntary organizations which hold promise of making a substantial contribution to the strengthening or improvement of programs for the diminution, control, or treatment of juvenile delinquency.

II. CHRISTIAN AMENDMENT

Efforts continue to write into the Constitution of the U. S. A. the provision that "this nation devoutly recognizes the authority and law of Jesus Christ, Saviour and Ruler of nations." Rep. Eugene Siler (R., Ky.), as well as several others, has reintroduced the Christian Amendment that would make the "law" of Jesus Christ the law of the land. Siler has sponsored this legislation for the past several years in the House of Representatives. In previous years Sen. Frank Carlson (R., Kans.) has sponsored similar legislation in the Senate.

In making this proposal Siler denies that legal recognition of Almighty God and his Son, Jesus Christ, would be an "encroachment upon the demarcation line of church-state separation that has always characterized our Government, since this amendment would neither recognize nor support with tax revenue any church organization whatsoever."

Siler further observes, "While this amendment would not in anywise establish a church, yet it would in a positive way recognize the authorship and authority of the Supreme Being and his Son, Jesus Christ, as the Saviour of mankind."

On the other hand, the Baptist Joint Committee on Public Affairs has expressed opposition to the Christian Amendment on the ground that it violates the principle of religious liberty and that it would be declaring the nation to be Christian when in reality true religion is by voluntary response of individuals to God rather than by legislative action.

The proposed wording of the Christian Amendment is as follows:

"SECTION 1. This Nation devoutly recognizes the authority and law of Jesus Christ, Saviour and Ruler of nations, through whom are bestowed the blessings of Almighty God.

"SECTION 2. This amendment shall not be interpreted so as to result in the establishment of any particular ecclesiastical organization, or in the abridgement of the rights of religious freedom, or freedom of speech and press, or of peaceful assemblage.

"SECTION 3. Congress shall have power, in such cases as it may deem proper, to provide a suitable oath or affirmation for citizens whose religious scruples prevent them from giving unqualified allegiance to the Constitution as herein amended."

III. SOCIAL SECURITY EXEMPTION FOR AMISH

Two bills have been introduced in the House of Representatives calculated to provide exemption from Federal social security for those "who are opposed to participation in the program on grounds of conscience or religious belief." One is by Rep. Paul B. Dague (R., Pa.) whose district embraces Lancaster County, where many members of the Old Order Amish Mennonites oppose participation in social

security which they regard as a form of "compulsory insurance."

The other is by Rep. Frank T. Bow (R., Ohio) whose bill would give all farmers the option of electing coverage on a voluntary basis. Mr. Bow's area includes Wayne County, Ohio, where some conservative members of the Amish sect have refused to pay the social security tax and have had their buggy horses seized by government tax agents.

IV. WEST POINT CHAPLAINCY

A bill introduced in the Senate would discontinue civilian chaplains for cadets at the U. S. Military Academy, West Point, and would replace them by a military chaplain appointed on a rotating basis from major denominations by the Chief of Army Chaplains.

West Point now has two sets of chaplains: an Army chaplain for the regular Army personnel and a civilian for cadets. Since 1898 the civilian chaplain traditionally has been a Protestant Episcopal minister. The new proposal would revoke a law requiring the Presidential appointment of a civilian chaplain at West Point.

V. CONFIDENTIAL OR PRIVILEGED COMMUNICATIONS

Bills to exempt clergymen from testifying in the District of Columbia courts and in the Federal courts are finding their way into the 86th Congress. Rep. Abraham J. Multer (D., N.Y.) has introduced two bills, one of which provides that "no clergyman or other minister of any religion shall be competent to testify in any civil or criminal proceeding in any court of the District of Columbia with respect to any communication made to him as a minister of religion, without the consent of the person making the communication." His other bill makes similar provisions applicable to a court of the United States including the Tax Court of the United States and courts-martial.

Rep. Kenneth B. Keating (R., N. Y.) has more recently introduced a bill applying to confidential communications made to clergymen and to news reporters and testimony in Federal courts or before committees of Congress. His bill in reference to ministers says, "A clergyman, or other minister of any religion, shall not be allowed in any court of the United States to disclose a confession made to him, in his professional character, in the course of discipline, enjoined by the rules or practice of the religious body to which he belongs."

In the light of a paper prepared for the Baptist Joint Committee on Public Affairs by A. Robert Theibault, entitled, "Are Your Spiritual Communications Privileged?", these proposals made to the Congress are steps in the right direction but are inadequate in their coverage of the problems involved in spiritual privileged communications.

VI. CHURCHES AS HISTORIC SITES, SHRINES

A bill to clear the land between Old St. George's Methodist church and Independence National Historical Park in Philadelphia has been introduced

by Rep. James A. Byrne (D., Pa.). The measure would authorize the Secretary of Interior to acquire "by donation or with donated funds" the land and buildings immediately adjacent to, but not including, the historic church which is regarded as the first house of worship built by a Methodist society in America. The property would be maintained in keeping with, but not as a part of, the nearby Independence National Historical Park.

A bill has been reintroduced to make the church yard of St. Ann's Protestant Episcopal church in New York a national shrine. Many early American patriots are buried in the churchyard, including Gouverneur Morris, who died in 1816. A campaign for national recognition for the churchyard has been spearheaded by the Gouverneur Morris Post 1029 of the American Legion.

VII. LEGISLATION ON PRAYER

April 22 each year would be designated as National Prayer for Peace Day according to action proposed in Congress. Rep. Harold R. Collier (R., Ill.) introduced the joint resolution in the House of Representatives.

The Collier resolution would authorize the President of the United States to proclaim a half-holiday every April 22 in which he would call on the people of the nation to pray for permanent peace, each in accordance with his religious faith. He would also ask the newspapers, radio stations and other mediums of communication to join in observing such a day of prayer.

Vocal prayer daily at the opening of the United Nations is called for by a Concurrent Resolution in the 86th Congress. It was introduced by Rep. Frank J. Becker (R., N. Y.), who has made similar attempts in two previous congresses.

The Becker resolution would request the President of the United States to instruct the United States Mission to the United Nations to take such steps as might be necessary to have each day's session opened with "vocal" prayer.

At present the United Nations both opens and closes its sessions with one minute of silence for prayer or meditation on the part of any delegate who wishes to participate. In addition a simply furnished room for meditation is available for any of the delegates as they desire.

VIII. AMBASSADOR TO THE VATICAN

The issue of an ambassador to the Vatican is again being raised in the 86th Congress. A concurrent resolution calling for "immediate establishment of diplomatic relations with the Vatican through appointment of a United States envoy" has been introduced by Rep. Victor L. Anfuso (D., N. Y.), a Roman Catholic.

The resolution, which was referred to the House Foreign Affairs Committee, would express the "sense of Congress" that diplomatic representation be established with Vatican City so that the U. S.

could be "currently and fully informed on the policies of the Vatican," particularly relating to the world-wide struggle against Communism.

Mr. Anfuso termed "ridiculous" the charge that sending an envoy to the Vatican would constitute special favoritism toward one religion. He stressed that the Vatican today "is the only existing world religious center having diplomatic relations with other nations." He said that if other faiths had a similar world organization, "I would be the first to advocate representation in such body."

Anfuso's reasons for asking for Vatican envoy are to step up the fight against Communism, to secure information that otherwise is not available to the United States and to preserve world peace and understanding.

Almost simultaneously Sen. John F. Kennedy (D., Mass.), another Roman Catholic and a prominent contender for the presidential nomination in 1960, announced that "I am flatly opposed to appointment of an Ambassador to the Vatican. Whatever advantages it might have in Rome -- and I'm not convinced of these -- they would be more than offset by the divisive effect at home."

As a concurrent resolution, Mr. Anfuso's proposal would require only a simple majority of votes in both Houses of Congress and does not need the President's signature. It would be only an advisory to the President on foreign policy and would not have the force of law.

IX. MORAL ISSUES AND MISCELLANEOUS ITEMS

1. Problems of Alcoholism

Alcoholism is a cancer on the spirit of America and makes a living hell for more than 5 million Americans and their families. So declared Sen. Olin D. Johnston (D., S. C.) as he introduced a Joint Resolution in the Senate of the 86th Congress calling for a Federal commission to study alcoholism in the United States.

Purpose of the commission would be to study the problem of alcoholism and to make recommendations for the more adequate provision for the treatment, rehabilitation, cure of alcoholics, and for the prevention of alcoholism.

2. Liquor Advertising

Congress is again being asked to prohibit the advertising of alcoholic beverages through all media controlled by the interstate commerce laws. The measure has been introduced in the House by Rep. Eugene Siler (R., Ky.).

Siler's measure would prohibit all who are engaged in the sale of alcoholic beverages from using the mails, airlines, other means of transportation, radio and television stations for the use of soliciting of orders for alcoholic beverages.

Specifically named in the advertising prohibition bill are newspapers, periodicals, newsreels,

Photographic film, and other records for mechanical reproduction advertising alcoholic beverages or soliciting orders therefor.

This bill represents a renewal of similar efforts that have been made in former Congresses.

3. Alcoholic Beverages on Planes

Prevention of use of alcoholic beverages on aircraft as a national safety measure is the object of bills before the 86th Congress. Rep. John Ball Williams (D., Miss.) has introduced the measure in the House, and Sen. Strom Thurmond (D., S. C.) plans to introduce a similar measure in the immediate future.

The House bill would prohibit an air carrier from selling or otherwise furnishing alcoholic beverages (including beer and wine) to its passengers, while the Senate proposal is more inclusive. Thurmond's bill would prevent the service or consumption of alcoholic beverages aboard any aircraft while in flight in the United States, forbid the transportation of intoxicated persons, forbid alcoholic beverages aboard the planes, and forbid the consumption of alcoholic beverages by airmen while and prior to engaging as airmen.

A similar bill was passed by the House in 1956, but it never reached the Senate. Other bills of like nature were introduced in the 85th Congress but they never reached the floor of either House.

Observers on the "Hill" state that such bills have little chance of passage as prohibition measures, but that as safety standards they might get through. It was suggested that since Congress does not consider this as primarily a religious problem, the churches as such would have little effect in securing such legislation.

It was further pointed out that before alcoholic beverages can be forbidden by law from aircraft there must be strong support and pressure from local communities. Organizations such as civic clubs and safety groups would have great effect for these bills. Letters from citizens to their legislators in Congress also have much weight.

4. Asks National Lottery

A Federal lottery to raise funds for Federal hospitals, the blind, recipients of old-age assistance and disabled veterans has been proposed by Rep. John Lesinski (D., Mich.) for consideration by the 86th Congress.

Lesinski's bill would create a Federal Lottery Commission of five members at a salary of \$15,000 a year each and terms of five years. Lottery tickets would be printed by the Secretary of the Treasury and sold and distributed by the Postmaster General without cost to the lottery fund. Proceeds would be deposited in the U. S. Treasury.

After the prizes and expenses had been paid from the lottery fund the Commission would distri-

bute the money upon such terms and conditions as had been previously worked out. In the distribution of the benefits from the lottery fund the bill provides that no payment shall be made under this section to any person who resides in a state, or in a political subdivision of a state, where the sale of a ticket of participation is illegal, except that such payments may be made to patients in Federal hospitals and to residents in other Federal institutions, without regard to where they may be situated.

Rep. Paul A. Fino (R., N. Y.) has also introduced two bills. One would provide for Federal lotteries to reduce the national debt and the Federal individual income taxes, the other would establish a commission to conduct a national referendum on the question of Federal lotteries.

5. Investigation of Juvenile Delinquency

An investigation of juvenile delinquency in the U.S.A. may be authorized by the Senate. The Senate resolution has been reported by the Committee on the Judiciary and has been referred to the Committee on Rules and Administration.

The proposal calls for a complete study of the problem of juvenile delinquency in the U.S.A., including (a) the extent and character of the problem, (b) the adequacy of existing laws, (c) sentences imposed on or correctional action with respect to youthful offenders, and (d) the extent to which juveniles are violating Federal laws relating to the sale and use of narcotics.

6. Antibombing and Antihate Bills

Antibombing and antihate legislation has been introduced in the 86th Congress by Sen. Jacob Javits (R., N. Y.) and 14 other sponsors in a package of seven bills. A large number of similar bills have been introduced in the House of Representatives by many Congressmen.

The antibombing bill would make interstate transportation of explosives a crime when the intent is to damage or destroy any building for the purpose of interfering with its use or to intimidate any person.

The six antihate bills would forbid travel across state lines to avoid prosecution or imprisonment for crimes involving wilful destruction of any building or structure, protect Federal officials against threats and violence, ban from the mails materials tending to incite specific acts of violence such as murder, arson, assault, rape and wilful destruction of buildings, authorize the Postmaster General to enforce such laws, ban and bar threats whose purpose is to interfere with Federal and State laws or decrees.

Since 1954 nearly 70 bombings and attempted bombings have been reported, including 27 last year. The Post Office Department reports that complaints about hate mail quadrupled in 1958.

Javits asserted that "mass mailings of this

kind of material which tries to exploit bigotry, lawlessness and discrimination have reportedly closely preceded some of the recent bombings."

Following a visit to Jacksonville, Birmingham and Atlanta, Javits said, "I am very proud to state that we found the greatest feeling of resentment and outrage on the part of all citizens" about the bombing of schools, churches and homes.

7. Obscene Material

Increased penalty against "the peddlers of pornography in the District of Columbia" is being asked by Sen. Estes Kefauver (D., Tenn.). Senator John A. Carroll (D., Colo.) and William Lan-ger (R., N. D.) are co-sponsors of the bill.

The measure would allow the police or the U. S. marshal in the District of Columbia to confiscate any vehicle, fixture, equipment, stock, or personality used in the sale, distribution, manufacture, showing, advertising, or staging and exhibition of publications of an obscene or lewd nature.

"This, in effect," asserted Kefauver, would increase the penalty against the violators of the D. C. law relating to indecent material." Present penalties amount to no more than a "license fee," a representative of the Metropolitan police testified.

8. Gambling for Religious Purposes

A bill to exempt bingo and similar games from the lottery prohibitions has been introduced in the House of Representatives by Rep. Stuyvesant Wainwright (R., N. Y.). The restrictions on lotteries in the United States Code would be amended as follows: "The provisions of this chapter shall not apply with respect to bingo, beano, keeno, and similar games conducted by religious, educational, scientific, philanthropic, agricultural, labor, veterans, or fraternal organizations or associations, not organized for profit and none of the net income of which inures to the benefit of any private stockholder or individual, in furtherance of the legitimate purposes and activities of such organizations and associations."

9. Miscellaneous bills

Bills of interest to church groups have been introduced on the following subjects: (1) extension of the Universal Military Training and Service Act until July 1, 1963; (2) provision of withholding of income tax for ministers; (3) admission duty free of 25 chapel bells for use of Abeland Reynolds School Numbered 42; (4) tax deduction, for Federal estate tax purposes, in the case of certain transfers to charities and religious activities which are subjected to foreign death taxes; (5) special postage stamp in honor of the memory of Father Abraham Joseph Ryan, the "Poet-Priest of the Confederacy;" (6) a new student exchange program with Latin American countries.

Other bills involve housing, immigration, col-

lege loans, integration, civil rights and such church-interest legislation.

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SAYS NORTH CAROLINA ACTION FACES RELIGIOUS LIBERTY PROBLEMS REALISTICALLY

(Editor's note: The January issue of the "Report From The Capital" published an article by C. Emanuel Carlson, commenting on the action taken by the North Carolina Baptist Convention relating to separation of church and state. In this issue we present by our request an article by L. H. Hollingsworth, president of the General Board of the North Carolina Baptist State Convention and a member of the Committee of Twenty-Five.)

By L. H. Hollingsworth

The definition of words causes a great deal more difficulty than the average person realizes. It would be interesting indeed to be able to know exactly the differences in the meaning of the word peace, or the word democracy, as these words are used by Mr. Dulles or Mr. Khrushchev.

In a report having to do with church-state relations, adopted by the North Carolina Baptist State Convention in November, 1958, the use of one sentence has apparently created quite a furor. The report declares, "The Committee finds that there is no such thing as absolute separation of church and state." The truth of this finding would seem to be self-evident.

Yet, perhaps because of difficulties arising at the point of precise definitions or words, considerable misunderstanding seems to have arisen as to the position adopted by North Carolina Baptists. The statement quoted above is immediately preceded by another declaration which, if understood, would surely clarify matters greatly. Again I quote, "While Christ's Church must never let itself be of the world it can never afford to forget that its life and mission lie in the world."

Baptists historically have been champions of the doctrine of religious liberty and its necessary companion, the doctrine of separation of church and state. The abstract definition of the term, separation of church and state, is not difficult to make or to find agreement upon. The practical definition, however, is quite another matter.

If we understand the doctrine of separation of church and state to mean that the element of control and exploitation, with all their implications, are to be excluded, then certainly no responsible Baptist would fail to agree that here we must stand. If, on the other hand, the term is defined to mean that each exists in a vacuum it is hard to see how any responsible Baptist could accept such inapplicable rigidity.

When North Carolina Baptists declared their conviction that no such thing as absolute separation is possible they were simply rejecting the impossible declaration that church and state exist in separate

vacuums. Positively, they were trying to declare themselves unmistakably for the responsible position that separation, meaning the absolute elimination of control and exploitation in both directions, is imperative.

We believe that Christian principle never violates reality or reason. Consequently, we feel that both honesty and intelligence dictate this definition of separation. Following from that position are the inevitable, and we are thoroughly convinced, Christian conclusions:

(1) That there are areas of mutual interest and concern in which church and state may cooperate;

(2) That men are citizens of the Kingdom of God and the temporal state at the same time and are Divinely obligated to fulfill their responsibilities to each loyally (God does not require the impossible; which is to say a man can be loyal to each at the same time);

(3) But that, because both the state and the church find their expression in fallible humanity, there are constant dangers that the basic principle of separation may be violated and that these dangers must be as constantly guarded against.

The above, essentially, seems to be the position adopted by North Carolina Baptists. No position, however, is ever valid unless procedures followed are completely consistent with it. Therefore, the North Carolina Convention sought to develop a policy which spelled out procedures that are consistent with this position. We believe we have been honest with ourselves, with God, with our brethren in the denomination, and with our fellow man in general.

We have been accused, at worst, of vacating the historic Baptist principle, and, at best, of so liberalizing it as to be untrue to it. It is our sincere conviction that we have done neither. We believe we have strengthened the principle, stated it in terms that are both intelligent and defensible, and removed, as nearly as human fallibility allows,

any possibility that our agencies and institutions will be tempted to violate it.

Those interested in this whole matter will remember vividly the controversy that arose in our state in 1950 relative to the consideration of acceptance of Hill-Burton Act funds for hospital construction. We believe that the November, 1958, action of our Convention would prevent the possibility of any such controversy arising simply because, on its face, the Hill-Burton Act is inconsistent with our definition of principle and the procedure adopted to implement it.

With reference to the article by Dr. C. Emanuel Carlsson in the January 1959 issue of "Report From The Capital," among other things, he lists "six facets" that he declares have given shape to our Baptist concept in this whole matter. I should like to state here my firm conviction, not only that the members of the Committee of Twenty-Five, who prepared the report on which the North Carolina Convention acted favorably, but Baptists generally in North Carolina would most heartily endorse Dr. Carlsson's six facets. We believe not only that the position adopted by the North Carolina Convention is consistent with these points, but that something approximating this position must inevitably be the issue from them.

I would like to assure our fellow Baptists everywhere that North Carolina Baptists have not deserted this cause but that we stand ready to be counted in our determined commitment to the cause of religious liberty. God helping us, we can do no other.

(Editor's note: In addition to the report of the Committee of Twenty-Five adopted as the official position of the North Carolina Baptist State Convention, the following amendment was also approved: "North Carolina Baptists recognize and reaffirm the principle that tax funds are collected from people of all faiths and should therefore never be used as an outright gift or dole to build or operate any denominational institutions or further any sectarian interest; and North Carolina Baptists further believe that service for which Government payment is received by any church-affiliated institution should always be service to humanity in general and never service that will further denominational or sectarian objectives.")

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