



REPORT FROM THE CAPITAL

★ RELIGIOUS LIBERTY ★ BAPTIST PRINCIPLES

★ PUBLIC AFFAIRS

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MISSOURI BAPTIST HOSPITAL REJECTS ULTIMATUM TO CHANGE ITS COURSE

Missouri Baptist Hospital has refused to bow to the demands of the executive board of the Missouri Baptist Convention, according to announcement by Joyce S. Pillsbury, president of the hospital.

The convention's board voted to recommend the severance of all connections with the hospital unless three conditions were met: (1) the hospital must reject a grant of \$662,351 from Hill-Burton government funds; (2) must return the pledge of a contribution from the Anheuser-Busch Foundation; and (3) must agree to become a member of the Missouri Baptist Convention family of institutions.

Following the convention's action the hospital prepared a statement that was sent to the members of the Missouri Baptist Hospital Association. Here is the complete text of the statement by the president of the Board of Managers:

Statement by Joyce S. Pillsbury

"Our hospital is a Baptist institution administered by members of Baptist churches and dedicated to Baptist principles and the ministry of healing. It will remain so.

"At the same time we are a community institution. For 77 years we have served St. Louisans of all faiths. As a community institution, we receive support from the United Fund, and we do not feel that we have any right to question the ideals or purposes of those who give to the United Fund.

"As a community institution, we received support from many St. Louis companies and from people in many walks of life in our campaign to build a new hospital. Civic leaders of varied faiths participated in our campaign organization. We sincerely appreciate their support and the support of all corporations and foundations who contributed. We do not deprecate support nor do we feel it makes us any less a Christian or Baptist institution.

"One of these foundations has proposed to build a wing of our new hospital, and has been granted governmental funds for that purpose. Missouri Baptist Hospital is proud and grateful for its generous gift.

"The Missouri Baptist Convention is a voluntary association of completely independent Baptist churches. The Missouri Baptist Hospital is likewise voluntarily associated with the Missouri Baptist Convention. Under our charter and by-laws it would be impossible for us to turn over control of the hospital to the Missouri Baptist Convention.

"At all times we shall never cease our dedication to the Baptist church nor our dedication to the ministry of healing for all in need."

According to the Word and Way, Missouri Baptist state paper, the hospital is related to the convention in the following manner:

"The hospital was founded seventy-seven years ago by a prominent Baptist physician. Through the years it has been officially designated as the Missouri Baptist Hospital, although, contrary to the opinion of many, it has never been owned by the Missouri Baptist General Association (now the Missouri Baptist Convention). Furthermore, the convention has never had an authoritative voice in the operation of the hospital nor in the formulation of its policies.

"The convention's relationship to the hospital has consisted in making gifts of varying amounts through the years. It has received reports from the hospital from time to time, and a condensed report from the hospital's auditors has been printed each year in the annual of the Missouri Baptist Convention.

"Throughout its history the hospital has been owned and operated by a Board of Managers elected by a larger body, the Missouri Baptist Hospital Association. The operation of the hospital and the business obligations involved and the determination of its policies have been confined to the Board of Managers. The membership of the association and board has been restricted to members of Baptist churches."

The Word and Way reported that about two years ago a committee of nine was appointed by the convention to confer with the administration of the hospital. After several meetings "it became evident that the institution wished to continue as an independent Baptist hospital of the community type...As a result of these consultations, it was agreed that if and when the hospital should desire a closer connection with the convention, the initiative would be taken by the hospital."

LEGISLATION ON FEDERAL AID TO EDUCATION
FACES COMPLEXITY OF OPPOSING FORCES

What have the campaign and the election done to the prospects of a new program of Federal aid to education? This question will be answered progressively in the shaping and the voting of proposals on the Hill, but a study of the horizons and a sorting out of the values involved should begin at once.

It is not probable that any major shifts of position have occurred in the interest groups that have been active in the matter. However, some significant changes may have taken place in the general or public mind, and political changes may also affect the likelihood of political actions.

1. The national mood for more and better schools for all has not abated. The complete agreement of the national presidential candidates on this subject must have impressed even the most conservative that this is something which the country wants.

2. Whether the Federal role should be broad enough to assist the schools on both operating costs (e.g., salaries) and construction, or whether it should be limited to construction only will certainly continue to be a matter of controversy. Those who are concerned about the long range burden on the national income tax will undoubtedly continue to team up with those who are concerned about the autonomy of state or local control of the schools. The fact that full responsibility now rests on the Democratic Party for both administrative influence and legislative enactment may serve to soften the emphasis on "states' rights," and to gain some cooperation which was not available in the 86th Congress. The adequacy of the local real estate tax, even when supplemented by some state funds, may be less convincing than it has been in previous Congresses.

3. Neither is it probable that the election will have substantially changed the church-state controversy in the field. President Kennedy's forthright campaigning on the issue has no doubt strengthened the commitment of some voters and some legislators to public institutions. The initial report by the President's special task force looked toward Federal support for public schools. But the report was promptly challenged by Cardinal Spellman. A new spirit of aggressive activism on the subject has appeared in the Roman Catholic press. Certainly some legislators, Democrats and Republicans, will be in sensitive positions under the pressure. The traditional American policy will also be harder to hold in the face of the unfolding programs of the National Defense Education Act of 1958.

4. If the combination of the above forces continues as an effective road block, indirect approaches may be attempted by a by-pass. Here the most probable one is an "aid-to-the-person" or "aid-to-the-family" approach. The "social welfare" concept of education which this incorporates may be less offensive to the new administration than it was to the old. Large "scholarship" programs or other devices for distributing educational money will undoubtedly get parochialist support. It would normally be objectionable to the conservative wings of both parties, but some objections may fade in the flexibility

which such programs could have in the "integration" struggle.

5. A still more indirect approach is already suggested by scores of legislators who favor income tax relief for those who carry educational burdens. This can range from a "credit" on the income tax for some part of the family's educational expenses to the inclusion of school tuition as a "deduction" comparable to a donation. Perhaps the strongest objections to these ideas will come from the Treasury and administration in the interest of a balanced budget.

Certainly our nation can afford to give the next generation the world's best educational opportunity. Will the conflicting institutional interests prevent the accomplishment? It should be obvious to special interests in education that public funds are collected for the advancement of public policy, not for special interests. For churches or other private groups to attempt an interposition between the public power and the public policy is to endanger both the common good and the freedom of private agencies.

WHITE HOUSE CONFERENCE ON AGING
RAISED DIFFICULT CHURCH-STATE PROBLEMS

Church-state problems are interwoven throughout the nation's ministry to the aging.

Both the resources of government, the churches and other private agencies are being fused in meeting the needs of the aging population, according to comments by C. Emanuel Carlson, executive director of the Baptist Joint Committee on Public Affairs. "This obviously creates church-state problems that are difficult to solve."

Carlson's views were expressed following the White House Conference on Aging which was called by President Eisenhower at the request of the Congress. The Conference was composed of representatives of private organizations, all levels of government and many individuals who are concerned with the problems of older people. It was preceded by many local and state conferences.

The more than 2,500 delegates were divided into 10 groups, 20 sections and 133 workgroups. Eight concurrent special meetings were held in addition to several plenary sessions.

Specifically the purposes of the Conference were "to spell out virtually all the needs and problems of the 50 million Americans who are 45 and older, especially in the fields of health, income, employment, housing, family life, and free-time activities; and to formulate general policies and recommend specific actions to meet those needs."

The complexity of the church-state problems involved in serving the needs of the aging was brought into focus by the Conference, Carlson pointed out. For instance there is the problem of financing programs for the aging. To what extent shall churches look to the government for help with facilities, supplies, medical care, and even financing?

Another aspect of the church-state problem arose in the Conference when the matter of taxation of

nursing homes was discussed. There were some who advocated an across-the-board tax exemption for those agencies who were rendering services for the aging, but there were others who objected to giving such privileges to profit-making enterprises. Just where shall the line be drawn?

Carlson continued that "the Conference was helpful in church-state relations in that it succeeded in clarifying many of the issues involved, even though it did not spell out the answers to these problems.

One of the major questions on church-state relations that was made clear in this Conference was: "How can the nation maintain separation of church and state in a socialized economy where the welfare needs of the individual are thought of as one of the primary objectives of government? What is the role of the church under this concept of government?"

The manner in which the churches and the government solve this problem, not only in welfare but also in education and other areas, will spell out the future for church-state relations in America, Carlson concluded. (BP)

CONNECTICUT PAROCHIAL BUS QUESTION IS APPEALED TO U.S. SUPREME COURT

The United States Supreme Court has been asked to review a Connecticut state law which permits transportation of students to Catholic parochial schools at taxpayers' expense.

The appeal has been filed by Francis H. Snyder and a group of citizens of Newtown, Conn., who contend that they are being taxed for an unconstitutional purpose.

The Connecticut State Supreme Court ruled against them 4 to 1, when it heard the case, asserting that the bus transportation is primarily a welfare benefit for the children, to protect them from the hazards of traffic and illness due to inclement weather.

The case arose in 1958 when the voters of the township of Newtown voted to provide bus transportation for 217 pupils of newly-established St. Rose's elementary school as well as 1,481 students attending public schools.

The plaintiffs contend that since indoctrination of the Roman Catholic religion is the principal aim of the parochial school, they are being taxed for the support of religion.

They also contend that it used public tax money to further the plans of the Catholic hierarchy to divide the community along religious lines by giving segregated education to its children in which they are taught that their faith is superior to all others.

They asked the Supreme Court to review its 1942 decision in the case of *Everson v. Board of Education*, in which it upheld parochial bus transportation in New Jersey, in light of its famous decision in *McCullum v. Board of Education* (of Champaign, Ill.) in which it later forbade released-time religious instruction in the public schools.

Justice Felix Frankfurter declared in the *McCullum* case that "children in non-participating sects would have inculcated in them a feeling of separation where the school should be the training ground for habits of community."

"As a result," said Justice Frankfurter, "the school system of Champaign actively furthers inculcation in the religious tenets of some faiths, and in the process sharpens the consciousness of religious differences (among other) children committed to its welfare..."

He added in that decision that "these are precisely the consequences against which the Constitution was directed when it prohibited a government common to all from becoming embroiled, however innocently, in the destructive religious conflicts of which the history of even this country records some dark pages."

Precisely so, say the citizens of Newtown in their brief, and will the Court now apply this reasoning to the matter of school bus transportation? If so, they contend it will find that a group of children whose religion prohibits them from attending public schools with other religious faiths are intermingled on buses with students of those faiths which are scorned.

"Are 'habits of community' likely to be fostered in the confines of a school bus in which one segment may, more or less vociferously, announce its reasons for segregating itself from the other, especially when those reasons are fortified by the religious faith in which they are indoctrinated," the brief asks.

"The state should not be a party to a method of fostering such disharmony," they declare.

The plaintiffs lost on these arguments, however, in their recent hearing before the Connecticut Supreme Court. Chief Justice (and former U.S. Senator) Raymond E. Baldwin held that the bus transportation did not prefer one religion over another or "force or influence a person to go or remain away from a church against his will."

"It merely aids the parents in sending their children to a school of their choice, as is their right," he ruled, adding that it protects them from traffic, the dangers of illness in bad weather, and fosters the modern-day concept of gathering students in large, modern well-equipped school buildings.

"It primarily serves the public health, safety and welfare, and fosters education," he said, in an opinion in which Justices Murphy, Shea, and King of the state court concurred.

However, another judge, Justice Mellitz, dissented from the Connecticut court, asserting that "The majority opinion does not question that where transportation is required to enable a child to attend school, it is an integral part of the operation of the school, and the payment of the expense of transportation is an expenditure in support of the school."

The appellants asked the U.S. Supreme Court to adopt Justice Mellitz' views against those of the majority of the Connecticut court.

An interesting side light to the case is the fact that Chief Justice Baldwin, in upholding the Connecticut law, cited as a strong precedent a decision of the Mississippi State Supreme Court in the case of *Chance v. Mississippi Textbook Rating and Purchasing Board* (190 Miss. 453) in which distribution of free textbooks to students in all elementary schools in that state was upheld.

Said the Mississippi court: "The religion to which a child of school age adheres is not subject to control by the state...The state is under duty to ignore the child's creed, but not its need. The state which allows a pupil to subscribe to any religious creed should not, because of his exercise of this right, proscribe him from benefits common to all."

The U.S. Supreme Court has taken the Connecticut appeal under advisement and is expected to rule before the end of its present term as to whether it will hear it. If it decides to do so, however, the hearing may not come until next fall because of the Court's crowded docket. (BP)

ADVOCATES OF TAX AID TO CHURCH SCHOOLS
SHOULD CONSIDER FUTURE STATE CONTROL

Serious church-state problems are beginning to emerge for church-related institutions of higher education that have accepted aid from the government, according to a report of the Civil Rights Commission.

The Commission has urged the Federal Government to curtail the disbursement of Federal funds to public institutions as a weapon for force compliance with segregation decrees. The Commission split 3-3 on recommending that such pressure also be exerted on private schools.

In its report the Commission said, "Insofar as the Federal Government, whether by allotment, grant, or contract, disburses funds to publicly controlled colleges and universities practicing racial exclusion, whether of Negro students or white, it is supporting operations in violation of the Constitution."

Commenting on the report C. Emanuel Carlson, executive director of the Baptist Joint Committee on Public Affairs, said that "we must expect" that in due time "public policy" must prevail in institutions

that use "public funds." Integration happens to be the focal point at the present time, but in due course other policies will develop and will be enforced in institutions using public funds.

"This principle," Carlson points out, "follows from responsible administration of public funds. To spend public funds in support of projects other than in support of public policy is irresponsible administration."

Likewise the rights of the taxpayer are involved in the use of public funds. "To tax citizens for projects not under the administration of public policy," Carlson continued, "involves a violation of democratic rights."

"If funds are accepted in 1961," he warned, "public policy will certainly control the institutions before 1971. The churches cannot both eat their cake and still have it. The freedom of the churches has always had a price tag -- pay the cost. While integration is in harmony with positions taken by our Baptist Conventions, we cannot assume that public policy always will reflect church insights."

An illustration of the power of state control over church-related schools that receive state aid was recently cited in an article written by Jean White for *The Washington Post* concerning the New Orleans integration crisis. She pointed out that although the Roman Catholic Church is a powerful voice in New Orleans it could not implement its teachings on integration because of the danger of losing state aid for its parochial schools.

Archbishop Joseph Francis Rummel wrote in a pastoral letter several years ago that segregation is morally wrong, but Msgr. Henry C. Bezou, Catholic archdiocesan superintendent of schools in New Orleans has said that Catholic schools will start to desegregate "only when public school integration has been effectively carried out."

White pointed out in her article that "if the Church raises the ire of the segregationist-controlled state legislature, it could lose tax exemptions on its considerable property holdings and free lunches, books, and school transportation supplied by the state."

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