



REPORT FROM THE CAPITAL

★ RELIGIOUS LIBERTY ★ BAPTIST PRINCIPLES
★ PUBLIC AFFAIRS

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Daily Newspapers Expose Becker Amendment

A Report on What Newspapers Are Saying

A rising crescendo of editorial opinion in newspapers is warning the nation against tampering with the First Amendment's protection of the people against governmental interference in religion. The public press which in 1962 and in 1963 carried banner headlines to the effect that the Supreme Court banned prayer and Bible reading from public schools is now saying editorially that the Court did no such a thing.

Looking behind the scenes for the forces that are seeking to alter the meaning of the First Amendment, which not only guarantees freedom for religion, but also guarantees freedom of speech and freedom for the press, the nation's newspapers are now beginning to realize that apparently innocent amendments to "permit" of "allow" prayers and Bible readings in public agencies are not quite so innocent.

Akron Beacon Journal

Columnist Gene I. Maeroff of the *Akron Beacon Journal* warns, "Witch hunting is on again—in Congress. This time it's not in Salem, Mass., but in Washington, D.C."

"The witches? Atheists," Maeroff answered. And not only that, he points out, the witch hunters contend that those who oppose a constitutional amendment are probably atheists. At least they give aid and comfort to the atheists, they charge. This in spite of the fact that many of the leading churchmen and major denominational groups have condemned moves to change the First Amendment.

Boston Sunday Herald

The *Boston Sunday Herald* in an editorial on "Our Tender Freedoms" said, "Our freedoms are not as secure as we thought they were . . . For the first time in American history a dilution of the Bill of Rights is being solemnly and soberly undertaken."

The *Sunday Herald* said that evidence points to the conclusion that demands for a prayer amendment (such as the Becker amendment) are being made by a "vocal minority" instead of the "silent majority."

"But even if it is a majority in favor of the amendment, our freedoms are hardly less imperiled. Once we have set out to curtail the Bill of Rights, we are in danger," the *Sunday Herald* continued. "Other freedoms have been under attack—the protection against self-incrimination, the right to be informed by speech and press, the security against unreasonable searches and seizures. If today we diminish the prohibition of an establishment, what may we seek to diminish tomorrow?" the newspaper asks.

New Jersey Law Journal

The *New Jersey Law Journal* in an article, "A Bad Amendment," by C. Willard Heckel, Dean of Rutgers Law School and Professor of Constitutional Law, called for defeat of the Becker Amendment. Heckel pointed out that the Supreme Court did not prohibit the use of the Bible in public schools "when it was approached from a literary as distinguished from a devotional perspective." He said

that "government has no constitutional power to concern itself with religion except to make sure it does not prohibit its free exercise."

"The adoption of the Becker Amendment should be resisted because of the precedent it would create in altering the Bill of Rights which has stood unchanged for almost one hundred and seventy-five years," the law school dean continued. "The whole purpose of the first ten amendments to the Constitution was to insure the protection of the minority, even though a very small group, from the crushing oppression of the majority."

"Human freedom will not last long if an unpopular Supreme Court decision is overturned by a constitutional amendment because the majority of the electorate are displeased," he concluded.

Minneapolis Sunday Tribune

The *Minneapolis Sunday Tribune* editorially appealed for temperance in the prayer debate. "It certainly is time that the more strident supporters of the so-called 'Becker Amendment' stopped being quite so sanctimonious and quit their intemperate denunciations of those who oppose the proposed constitutional amendment to permit prayers in public schools," the *Tribune* said.

The Minneapolis newspaper deplored the impression sought by the amendment advocates that the conflict is "between the godly and the godless." "Men of good faith are on

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both sides of the debate," the *Tribune* asserted.

"So let the debate proceed with reasonableness and, especially among those who see themselves as pre-eminent defenders of the religion, with a bit more Christian charity," the editorial concluded.

Dayton Daily News

The *Dayton Daily News* declared that the prayer amendment "endangers religion." On the practical level the paper pointed out that the plan "simply is unworkable." "The amendment would have a divisive effect on communities, stirring ancient religious animosities as conflicts flare over the form of public school worship," it said.

On the theoretical level, the *Dayton* paper continued, "the prospects if the amendment passes are even more appalling. A precedent would be set for tinkering with the Bill of Rights, for abridging it to assuage heat-of-the-moment opinion."

"Designed to aid religion, the amendment actually could undermine it. It changes substitution of a bland public worship—a formless, spiritless inanity—for the genuine devotion practiced by churches and synagogues. Its effect could be pervasive and, ultimately, destructive to the very institution it seeks to preserve," the *Daily News* concluded.

Virginian-Pilot

Many newspapers have editorialized, "Leave the First Amendment Alone." The *Virginian-Pilot* noted Representative Howard Smith's challenge "that Congress should tell the Supreme Court 'to keep its nose out of religion'."

"Precisely what the Supreme Court sought to do in its ruling nine months ago was to tell all agencies of government to keep their noses out of religion and leave its teaching in the churches and homes of America," the *Virginia* paper pointed out.

"The Court's notice to government to keep hands off religion was exactly in the spirit of the First Amendment in the Bill of Rights guaranteeing the separation of Church and State. Mr. Smith and other Southern conservatives should rejoice in the Court's ruling as a reversal of the centralizing trend they so often deplore," it continued.

Louisville Courier-Journal

In the same vein the *Louisville Courier-Journal* declared that "the First Amendment is adequate to protect religious liberty." It said: "Most if not all of the would-be amenders hold that the changes they propose would not violate that separation of church and state provided by the First Amendment. But if facts and history are not totally against them, it is certainly true that the amendments would alter the meaning of a constitutional guarantee that through the years has been gloriously adequate to its purpose."

Greensboro Daily News

The *Greensboro (N.C.) Daily News* warned against the Becker Amendment. It said that such an amendment would go dangerously far in the direction of government regulation of religion. Other newspapers in the "Bible belt" have sounded the same note of warning.

Defending the First Amendment as it now stands, the *Daily News* continued: "It is symptomatic of the durability of the First Amendment (which forbids Congress to make a law 'respecting an establishment of religion or prohibiting the free exercise thereof') that not until quite recently has the court had to construe it, and in the court's own difficulties finding a consistent doctrine of church-state separation one may discover warnings against too much law-making, or Constitution-amending."

St. Louis Post-Dispatch

The *St. Louis Post-Dispatch* defended the Congressmen who are opposed to the Becker Amendment. It said, that they "deserve great credit for common sense, dedication to liberty and deep respect for religion. It is not they but their opponents who would do a disservice to the American conscience."

The *Post-Dispatch* was amazed that Representative Becker told the House Judiciary Committee that prayers should be permitted in public schools in order to make children of non-religious families aware of the existence of God. "This is an astonishingly bald statement in behalf of official compulsion in religious matters," the paper said. "It was expressly to prevent such government interference with religious beliefs that the Founding Fathers prohibited

an establishment of religious tyranny."

The *St. Louis* paper declared that the Becker proposal "rebukes basic national principles." It said, "No American should want to invite a situation in which agencies of the state must make religious determinations and discriminations."

The proposed amendment would be harmful to religion the *Post-Dispatch* continued: "If Americans are not swayed by the obvious dangers to the Bill of Rights and individual freedom of conscience, then they ought to consider that state-ordered religious observance would be harmful and not helpful to religion itself. For the end result would too often be religion by rote—a kind of denatured religion in which officially-authorized and mechanically-applied repetition of prayer and Scripture would deprive either of real meaning or deep sincerity."

Cleveland Plain Dealer

The *Cleveland Plain Dealer* plainly said that the "prayer amendment should die." "Nothing that has been advocated by the proponents of this emotion-packed issue in any way detracts from the soundness of the United States Supreme Court's decision that such activities (i.e., school-sponsored religion) represent interference by the state in the true practice of religious freedom," it said.

"Today religion is a private matter in our churches and synagogues of our choice and in our homes. But prayer as a practice in public schools, either forced or voluntary, tramples on the right of freedom of conscience."

"An amendment giving public school administrators the right to set up prayers for the children would result in chaos and have traumatic divisive effects; whose prayers, whose sacred books, whose deities would be used?" the *Plain Dealer* asked.

Washington Post

The *Washington Post* in an article, "The Gospel Truth," by James E. Clayton, said that much of the talk about a prayer amendment "misses the point." "One of the great games in American politics is to set up a straw man and destroy it. Many a candidate for office has won by running against something that existed only in his speeches," Clayton observed.

"From listening to two weeks of

arguments in favor of proposals to change the First Amendment to the Constitution, one gets the impression that a large-sized straw man is now being belabored unmercifully," he continued.

Clayton pointed out that Rep. Becker is campaigning on the theme that his amendment would make it constitutional to refer to and rely on God in all matters relating to the nation's existence. He claims that such a constitutional amendment would preserve inviolate the right to sing every stanza of the national anthem.

The implications of Becker's statements are that the Supreme Court has outlawed all references to God in public life and outlawed the singing part of the national anthem.

"Strange as it may seem," Clayton said, "the Supreme Court has done neither. What it has outlawed is the holding of religious exercises in the public schools." He quoted the Court's decision to illustrate the error of Becker's contentions.

Detroit Free Press

The *Detroit Free Press* pointed out the correct view of the Supreme Court ruling on prayer and Bible reading in schools. It said, "All that the Supreme Court has said is succinctly stated by Dr. Wilber A. Katz, of the University of Wisconsin Law School: 'The Court has clearly proscribed devotional exercises, both prayers and devotional readings of the Bible, as a regular part of the school program. It did not exclude teaching about religion in the curriculum, nor the use of the Bible as a reference text in appropriate courses'."

The *Free Press* further pointed out that under the nation's present system of separation of church and state the churches have flourished. It said that "in 1800 some seven per cent of Americans belonged to churches; by 1850 it was 16 per cent; 36 per cent in 1900; 50 per cent in 1926 and estimated 70 per cent today."

"This change has taken place not because of prayers in schools, but because churches made energetic appeals for loyalty and because parents taught religion at home," the paper continued.

The *Free Press* further pointed out that "there is no evidence prayers in schools make for more moral be-

havior. Southern schools have more prayers and Bible reading than those of other regions, but there is no evidence this causes higher moral and spiritual values."

The *Detroit News* followed the same line as the *Free Press*.

Decatur Democrat

In Indiana the *Decatur Democrat* pointed out that much of the discussion of prayer amendments "is quite emotional, rather than reflective." The paper pointed out the pluralism of American society and the divisions of opinions that exist even among the Christian segment of the population. This poses the questions of whose prayers shall be said, whose Bible shall be read, who shall determine the religious practices in the schools?

The Indiana paper appealed for a simple application of the Golden Rule in not imposing one's religious beliefs on other. How would it be if the situation were reversed?

Cincinnati Post and Times-Star

The *Cincinnati Post and Times-Star* charged that "some critics of the Supreme Court's school prayer decisions obviously don't intend to be confused with a lot of facts. Judging from their comments, they haven't bothered to read the decisions."

The Cincinnati paper said that Rep. Frank Becker distorts the meaning of the Court's decisions "outrageously."

For instance, Congressman Becker says that in effect the Supreme Court decreed "that we no longer are in need of God and that our children are deprived of the right to say there is a God."

In reply the *Post and Times-Star* said, "The Supreme Court, of course, has said nothing of the remote kind—has, in fact, said practically the opposite." It then quoted from the words of the Court to the effect that education is not complete without a knowledge of religion. The Court spelled out the conditions under which the Bible could be constitutionally studied "as part of a secular program of education."

Other prominent newspapers that have editorialized against the Becker amendment are: *Boston Sun Globe*, *Dayton Journal Herald*, *The Detroit News*, and *The Tampa Tribune*.

Compromise Suggested In Prayer Amendment

Speculation is rising about what the House Judiciary Committee will do about the Becker Amendment and other proposals to change the meaning of the First Amendment and to overturn rulings of the Supreme Court on religion in schools.

Committee Chairman Emanuel Celler (D., N.Y.) has hinted that the Committee may be seeking a way out of its dilemma. The difficulties and dangers of amending the Bill of Rights are becoming more evident as the hearings drag on.

Will the Committee report favorably or unfavorably on any one of the proposed amendments? Will it draft a completely new amendment? Will it decide against any amendment and face the possibility of Congressman Becker proceeding with his discharge petition?

Celler has sent up a trial balloon. His proposal was for a resolution without force of law declaring the sense of Congress that voluntary non-denominational prayers should be permitted in public schools.

Other speculations about what might happen are: The Judiciary Committee may bog down in disagreement and be unable to report out any recommendation. The Becker discharge petition may succeed and the whole problem could be acted on by the House of Representatives as a whole.

Speculation is that even if a proposed constitutional amendment is passed by the House it will not get through the Senate this year. This would mean that the fight would start all over again next year.

In the meantime, the longer the hearings are continued (June 4 is the new date for termination) and the longer the Committee can debate what it is going to do, the more pressure will mount from the American public to leave the First Amendment as it is. This fact serves to spur the amendment advocates to push for immediate action, but it also encourages the supporters of the First Amendment to drag their feet and stall for time.

Report On Hearings On Becker Amendment

First Week

Prayer Amendment Ideas Aired by Congressmen

Feelings exploded during the first week of hearings on proposals for a "prayer and Bible reading" amendment to the Constitution of the United States. Members of the Judiciary Committee of the House of Representatives shouted at each other. Entangling arguments slowed down the hearings.

A strange mixture of politics, religion, American heritage, fear and prejudice paraded across the scene. The true picture of what is behind the movement to change the First Amendment of the Constitution began to emerge as the week wore on.

The first day of the hearings, the large committee room was packed to capacity. A long line of spectators waited outside for admittance. The press tables were crowded with reporters. Television lights glared outside the room for interviews with Congressmen and for other bits of news.

Tempers flared as Congressmen were severely cross-examined by fellow Congressmen—a pleasure usually reserved for witnesses from the general public. Members of the Judiciary Committee squirmed uncomfortably as they were threatened against inaction. "If this committee doesn't do something, the House of Representatives will take the matter out of your hands and do it themselves," was heard from the chairman of the House Rules Committee and others.

Behind The Demands

What is the cause of such upheaval on Capitol Hill?

Two simple answers can be given, but a peek behind the scenes reveals that there is nothing simple at all about what is going on. First, the United States Supreme Court ruled in 1962 and in 1963 that "official" prayers and "required" devotional exercises of Bible reading and prayers in public schools violate the Constitution of the United States.

Second, a rising demand across the (See, FIRST WEEK, page 5)

Second Week

Witnesses Clash Over Required Religion

A Roman Catholic bishop, a national lottery advocate, and a states rights pro-segregationist lined up together in support of a constitutional "prayer amendment." On the other side, Baptist, Presbyterian and Jewish representatives maintained that the public school should not be the "governmental arm of the church."

In the second week of hearings before the House of Representatives Judiciary Committee witnesses testified both for and against proposed constitutional amendments to overturn the U. S. Supreme Court's rulings against required prayer and Bible reading in the public schools.

Threat To Stampede Committee

The Committee also heard Rep. Frank Becker (R., N.Y.) chief sponsor of an amendment, protest the "lengthy" hearings. He said most of the members already "have an opinion." When he thinks the matter has been in committee "too long," Becker said he will again press the discharge petition to take it directly to the House floor. Attempts to stampede the committee into action have come from members of Congress and from public witnesses.

Bishop Fulton J. Sheen, auxiliary bishop of New York, Rep. Paul A. Fino (R., N.Y.), and Gov. George C. Wallace of Alabama, were among those opposing the Supreme Court decisions and favoring an amendment.

Hits Religious Conformity

Edwin H. Tuller, general secretary of the American Baptist Convention, Eugene Carson Blake, stated clerk of the United Presbyterian Church in the United States of America, Leo Pfeffer, a New York attorney, and others opposed any attempt to amend the Constitution to change the meaning of the First Amendment.

"Baptists have long opposed any compulsion to conformity in religious belief or in the practice of religion," Tuller stated. He said the Baptist (See, SECOND WEEK, page 5)

Third Week

Church Leaders Argue For First Amendment

Clergymen, representatives of citizens groups, and individual witnesses differed markedly on the Supreme Court decisions outlawing required Bible reading and prayer in public school. Some held that the decisions are a safeguard for religion while others charged that they "established agnosticism and atheism."

At hearings on proposed "prayer amendments" held by the House of Representatives Judiciary Committee, witnesses testified both for and against a constitutional amendment to reverse the Court decisions.

William F. Creighton, Episcopal Bishop of Washington, D.C.; J. Brooke Mosley, Protestant Episcopal Bishop of Delaware; Irwin M. Blank, Syangogue Council of America; Fredrik A. Schiotz, president, The American Lutheran Church; and Seymour Graubard, Anti-Defamation League of B'nai B'rith; and others favored the Court decisions and opposed any constitutional amendment.

Robert G. Howes, Massachusetts Citizens for Public Prayer; Charles W. Lowry, president, Foundation for Religious Action in the Social Order; Francis B. Burch, chairman, Constitutional Prayer Foundation; and Carl Thomas McIntire, national chairman, International Christian Youth in the United States of America, were among those favoring a "prayer amendment" to "put God back in the public schools."

Arguments for an amendment were strongly anti-atheist and anti-Supreme Court. They charged that the Court in effect had established "atheism or agnosticism as the national religion."

William J. Kenealy, S.J., professor of law at Boston College Law School, said previous testimony forced him to say he is "neither an atheist nor an agnostic nor a secularist nor a communist" in opposing a constitutional amendment.

While "prayer amendment" sup- (See, THIRD WEEK, page 6)

First Week

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nation for a constitutional amendment to "allow" or "permit" prayer and Bible reading in public schools has forced hearings on 147 resolutions by 111 Congressmen. The issue was forced by Rep. Frank Becker (R., N.Y.) who has succeeded in getting 164 out of a needed 218 signatures of Congressmen to take the matter out of the hands of the Judiciary Committee to be considered directly on the floor of the House of Representatives.

Here in a nutshell is what came out during the first week of hearings.

Attacks on Supreme Court

Much of the drum-beating for a prayer amendment comes from the anti-Supreme Court spirit abroad in the nation. Some Congressmen said that it makes no difference what amendment is approved, just so the wings of the Supreme Court are clipped. They apparently were oblivious to or didn't care about crippling the First Amendment, if they could just get the Supreme Court told off by a constitutional amendment.

Some Congressmen testified that the decisions in the New York Regents' prayer case and in the Bible reading cases were correct. They felt, however, that a constitutional amendment is necessary to head off some future decision that they thought the Court might make.

Over and over again Congressmen insisted that they wanted a return to conditions as they existed before the Supreme Court ruled out "official" prayers and "required" devotions. They said that everything was quiet and peaceable then, and that no problems existed. They quickly were challenged, however, with the question, "How did these cases ever get to the Supreme Court, if all was peaceable?"

They were also reminded that prior to the 1962 and 1963 decisions more than 20 States were having difficulty over similar problems.

State-Sponsored Religion

Some Congressmen frankly stated that they were in favor of some form of State sponsored religion. They charged that atheism is getting so strong that government needs to do something to stop it. They said that so many children never are exposed

to the "God idea" at home or in the churches that government needs to do something about it. They wanted to be sure that America is on God's side in the battle against Communism. In order to do this the Constitution needs to make it clear that this is a godly nation, they claimed.

The Congressmen say that they are convinced that the majority of the American people want some sort of a prayer amendment. Their mail has been so overwhelmingly in favor of some change that they are making sure that everybody knows that they are "for" God, prayer and the Bible.

Guilt by Association

Several Congressmen became so emotional that they made it appear that all who agree with the Supreme Court, who oppose prayer amendments, and who favor the First Amendment as it now is, are either wittingly or unwittingly aiding the cause of atheism and communism. Patriotism and religion were made to appear the same by some.

So hard were these charges that some members of the Judiciary Committee interrupted the testimony to plead for cool headedness and for intelligent consideration of a serious constitutional problem. They plead with their fellow Congressmen not to charge that those who defend religious liberty are atheists or that they are playing into the hands of secularists.

Questions Are Asked

Here are some of the questions raised by those who are trying to get Congress off its emotional binge. If a prayer amendment is approved will it not have the effect of repealing the First Amendment? In the event of approval of such an amendment what branch of the government will have the right to regulate religious exercises in schools—the federal government, state government, or local school boards? Whose Bible shall be used—Protestant, Catholic, Jewish, Buddhist, Moslem, or whose? Whose prayers and what prayer customs shall be adopted?

How can voluntariness be achieved in school religious practices if children are under compulsion to ask for dismissal if the practice violates their conscience? What will be the effect on school board elections if prayers become a political issue in

communities that are divided among two or more religious groups? Would a prayer amendment in the Federal constitution have the effect of repealing those laws in many states that prohibit state sponsored religious exercises?

Blow At First Amendment

One Congressman freely admitted that adoption of a prayer amendment would be a "chipping away" of the First Amendment and that it would open doors to further State aid and tax aid to religion. He said that the First Amendment did not say what it meant.

Three Congressmen opposed prayer amendments. They said the Supreme Court was right in its decisions. They took their stand for the First Amendment as adequate to protect the religious freedom of all Americans.

More Congressmen are yet to be heard. Then will come the general public and religious spokesmen. A different story will shape up as the hearings proceed.

Second Week

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viewpoint influenced the writing of the Bill of Rights and resulted in the First Amendment.

Tuller testified for the National Council of Churches and the American Baptist Convention. He included in his testimony a resolution adopted by the American Baptist Convention in 1963 stating that "religion should not be a matter of compulsion and that prayers and religious practices should not be prescribed by law or by a teacher or public school official."

Meaningless Rituals

Blake held that a state-prescribed form of religion would either be a "ritual that is meaningless" or a form of "indoctrination."

"The kind of indoctrination we fear . . . is a blending of religiosity by the state that in effect becomes a state religion and establishment."

Arguments supporting a "prayer amendment" were emotionally pitched and set on the false charge that the court ruled that a school child cannot pray or read the Bible. They favor "permitting" or "allowing" prayer and the Bible in the public schools. (Continued on page 6)

Second Week

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Pfeffer, a recognized constitutional lawyer, attacked such arguments as being "fiction" or "fallacies." He said that nothing in the decisions could be interpreted as "forbidding" the children to pray or read the Bible in public schools.

Sheen Testifies

Bishop Sheen claimed to speak only for himself as an American citizen. He said the Court decisions were founded upon the "myth of separation of church and state." He said he knew of no Protestant church or Catholic church which wants the "establishment of church and state in the United States."

"Since there is no one in the United States that wants the establishment of church and state," Sheen continued, "it seems as if the decision of the Supreme Court has been attacking a myth and not an established fact."

Sheen struck at the Supreme Court as going "outside its competency" in ruling in the matter of prayer.

Rep. Fino also struck at the Court decisions. He said he would favor any measure that would "make it clear that prayer may be offered in the classroom." He said the purpose is to "assure a more lasting union under God."

Fino has consistently proposed a national lottery for the United States as being a source of additional revenue and means of "satisfying the natural urge" of the people to gamble.

Wallace Wants Prayers

Alabama's Gov. Wallace alleged that the right to "permit" children to pray at the beginning of the school day was "nullified" by the Supreme Court.

"This decision," he said, "is a part of the deliberate design to subordinate the American people, their faith, their customs and their religious traditions to a godless state." Some members of Congress "have rubber-stamped a judicial oligarchy in its most malignant form," the Governor charged.

He accused the Court of "legal and juridical gymnastics" and said many

of its decisions "give aid and comfort to agitators, to anarchists, to atheists."

Bishop Sheen said he did not favor any particular amendment and that one might not be necessary if proper emphasis were given to the First Amendment. He suggested that a satisfactory prayer to all would be, "In God We Trust."

Six Fictions Listed

Pfeffer said there has been "too ready" a tendency to "equate opposition to these amendments with opposition to religion or opposition to the Bible or to prayer."

He cited six points of argument as being "fiction" and not facts in the matter. These "fictions" are:

(1) opposition to public school prayer and Bible reading is a recent occurrence, when in fact it is ancient and widespread;

(2) it makes no difference which version of the Bible or what form of prayer is used, when in fact no controversy in history has caused more persecution, oppression and bloodshed;

(3) because a child is "excused" from participation there can be no valid objection to the practice, when in fact this is "the delusion of voluntariness";

(4) that only "atheists and secularists" oppose an amendment, when many religious groups are opposed;

(5) that the Court has forbidden the "mention of God," or the Bible or religion in public schools, when in fact it said that government may not "promote or establish" religious exercises;

(6) the Court has forbidden children to pray or to read the Bible in public schools, when in fact it said the state may not require it.

"All the Supreme Court said is that the state, through its agencies, cannot promote or establish the reading of the Bible or prayer in the public school," Pfeffer said.

Hitting the argument that the school is the only place some children are exposed to religious ideas or the Bible, Tuller said, "that is the responsibility of the church and the church should not depend on the state to do the church's work."

Third Week

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porters argue that the Supreme Court denied the "free exercise" of religion. Kenealy took the opposite view. "I oppose any constitutional amendment . . . because any such amendment would seriously abridge the constitutional 'free exercise' of religion," he said.

The law professor said the spiritual heritage and religious character of America come from "the American society as such," not the "American constitution, the American government, the American state as such."

He said society is religious, the state is not. The state was "deliberately constituted religiously neutral by a religious society, precisely because religious neutrality is the essential condition of religious freedom in a pluralistic society," he said.

Schiotz, a Lutheran pastor, said that "in many homogeneous communities, school boards made provision for Scripture reading and prayer during school hours." This in principle, he said, is "official religion—taught by the servants of the state."

With churches and religions in this country multiplied, Schiotz stated, "the time was therefore bound to come when someone would challenge the right of school authorities to require worship in a public school under school auspices. The fact that an atheist contributed to challenging the legality of such practice is incidental."

Francis E. Burch said the aim of atheists is a "completely Godless society for America." He told the Judiciary Committee that "by ignoring the amendments before you, it can be said that you are negatively favoring the goals that have been established by the atheists."

Rep. Emanuel Celler (D., N.Y.), chairman of the committee, took sharp issue with this statement. "I am opposed to these amendments and I do not subscribe to any of the tenets" of atheism, Celler stated. He said Burch's charge was a "very bold and untoward statement." As City Solicitor of Baltimore, Burch unsuccessfully argued the case against Mrs. Madalyn Murray in the Supreme Court.

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Bishop Mosley said the religious traditions of the nation "cannot be well preserved and advanced by coercing others—even in the slightest degree—to join in devotional exercises when in their hearts they do not wish to do so."

Referring to the "pressure" a student might feel from fellow students and teachers to participate in such devotional exercises, Mosley said to impose such a burden is "especially offensive when it is done in the name of the Christian religion."

Charles W. Lowry, a former Episcopal minister, called the testimony of the two bishops "radically liberal." Speaking in favor of a constitutional amendment, Lowry said a large number of ministers, "particularly . . . in the great Southern Baptist Convention" are misinformed about the meaning of the Court decisions.

Robert G. Howes, a Roman Catholic priest, speaking for the Massachusetts Citizens for Public Prayer, struck out against the Supreme Court, the Judiciary Committee and anyone who opposed an amendment to overthrow the Court decisions. He charged that clergymen appearing before the committee favoring the action of the Court were "generals without armies."

"Isolated leaders and isolated editorials . . . cannot be interpreted as speaking for the nation nor . . . the organization itself in terms of the people," Howes said. He cited the Baptist Joint Committee on Public Affairs as one example of "generals without armies."

Carl Thomas McIntire, son of a Collingswood, N. J. minister, testified for a constitutional amendment. He said he could not understand how a "clergyman, who has respect for the Bible and believes that it is God speaking to man, can be opposed to Bible reading in our schools." He said that not all who oppose an amendment are "anti-God" and an "enemy of religion," but "obviously, many are."

Opposition to such amendments was also registered by Americans United, Public Education Association of New York City, and an "ad hoc group of religious leaders" from Pennsylvania which includes the executive secretary and director of Christian education of the Pennsylvania Baptist Convention.

Religious Leaders Oppose Prayer Amendment

Many of the nation's responsible religious leaders and denominational agencies are strongly opposed to the so-called "prayer amendments" to the Constitution. It should go without saying that these people are not atheists or secularists. The reasons for their stand are basic principles of religious liberty for all persons.

On April 16, 1964 Rep. William F. Ryan (D., N.Y.) inserted in the Congressional Record a compilation of comments by religious spokesmen upholding the Supreme Court prayer decisions.

There were 24 separate statements in the compilation ranging from individual expressions, to 17 religious leaders in Pennsylvania, to 27 national leaders. Official denominational statements as well as editorial opinion from responsible journals were included.

The document signed by 27 national leaders included educators, lawyers, editors and religious leaders. Although they represented a cross section of the divergent religious bodies of America they agreed: that the Supreme Court decisions are right; that there is no need for a new amendment; and that parents' and religious leaders should not look to government to create religious conviction.

On May 5, 1964 Rep. Carleton R. Sickles (D., Md.) inserted in the Congressional Record statements from 40 religious leaders from Maryland upholding the Supreme Court decisions and opposing "prayer amendments." Earlier these spokesmen, representing a cross section of the religious life of Maryland, called on the Maryland delegation in Congress and appealed for no change in the First Amendment.

The New York Council of Churches concurred with the Court's decisions and said: "We see no reason for proposing amendments to either the Federal or New York State Constitutions to nullify the decisions of the Supreme Court."

The St. Louis Baptist Pastors' Conference in a unanimously passed resolution went on record "as being opposed to the amending of the Constitution of the United States to provide for required ritual in the public schools of our Nation."

The Council for Christian Social Action of the United Church of Christ approved the decision of the Supreme Court in *Engle v. Vitale*. It called "upon the members of our churches to support the Supreme Court decisions."

Reinhold Niebuhr wrote to Rep. Emanuel Celler, chairman of the House Judiciary Committee, and said, "I do not think it would be wise to enshrine a detailed method of preserving rites in the public schools. . . . I should hope that various cities and states would experiment with religious practices which do not violate the Constitution."

The presiding bishop of the Episcopal Church, Arthur C. Lightenberger, approved the Supreme Court decisions and asked for no change in the Constitution. In a separate communication to the House Judiciary Committee four leading Episcopal bishops in the United States took the same stand. They are John E. Hines, Houston, Brooke Mosley, Wilmington, Del., William F. Creighton, Washington, D. C., and Thomas A. Fraser, Raleigh, N. C.

Others that have taken similar stands to the above include: the Synagogue Council of America, the General Board of the National Council of Churches, the Youngstown (Ohio) Council of Churches, the executive boards of the California Southern Baptist Convention, the Louisiana Baptist Convention, the Kentucky Baptist Convention, Minnesota Convention of American Baptist Churches, and the Public Affairs Committee of the Georgia Baptist Convention.

The national study conference on church and state at Columbus, Ohio, composed of religious leaders across America voted "acceptance and support of the Supreme Court decisions in-so-far as they prohibit officially prescribed prayers and required devotional reading of the Bible in public schools."

Other denominational groups taking the same stand include the Board of Social Ministry of the Lutheran Church in America, the United Presbyterian Church in the U. S. A., the American Jewish Congress, the Baptist Joint Committee on Public Affairs, and a wide range of individual religious leaders.

Religion Editors Defend First Amendment

Catholic and Baptist editors have finally found a point of agreement. A wide cross-section of each reveals that they are saying to Congress, "Don't tamper with the First Amendment."

America magazine, published by the Jesuits, last year and again this year editorially opposed any change in the First Amendment. Although *America* did not endorse all the reasoning of the Supreme Court in its 1962 and 1963 decisions on religion in public schools it expressed doubt as to the wisdom of attempting to change the decisions by constitutional amendment.

Such an amendment "would only shake the faith of the American people in the firmness of the constitutional guarantee of our most basic civil liberty, freedom of religion," *America* said.

"We have enough faith in the American constitutional system to be sure that good lawyers can persuade the Supreme Court, in the regular course of litigation, to adopt a healthy interpretation of the First Amendment's religion clauses without the people having to resort to surgery on the Amendment's text," the Catholic magazine concluded.

E. S. James, editor of the Texas *Baptist Standard*, approved the Supreme Court's decisions and wrote a strong editorial on "Let The First Amendment Stand!" The Baptist editor not only agreed with the decisions but also with the line of reasoning employed by the Supreme Court.

The Commonweal, a weekly Roman Catholic review of public affairs, literature and the arts, declared that "the idea of a constitutional amendment to bring prayer back into the school strikes us as a dangerous, a

very dangerous idea." It agreed with the Baptist editor that the Supreme Court decisions were sound ones.

Among the other Catholic publications opposing constitutional prayer amendments are: *Catholic Telegraph*, *The Pilot* of Boston, *Catholic Chronicle*, *St. Louis Review*, and *Catholic Universe Bulletin*.

Typical of the Baptist editorial viewpoints is that of William F. Keucher, in *The Kansas Baptist*. He warned, "Baptists, Don't Be Hoodwinked."

Referring to the Becker amendment and others, Keucher said, "We are against such legislation and feel that it is no more needed than a Bill allowing people to breathe in public places. He deplored the fact that many people are "hoodwinked in an election year into a betrayal of their historic concern for genuine religious freedom for all people, as well as for themselves."

Keucher appealed for clear insights as to the meaning of religious liberty. He declared that what is needed is not government sponsored religions, but rather "experimental religion which leads a man to do justly, to love mercy and to walk humbly before God."

Every Baptist magazine that has taken a stand in the school prayer amendment issue that has come to the attention of the Baptist Joint Committee on Public Affairs has stood by the First Amendment as it now is and opposed crippling amendments.

Among these publications are: *Missions Magazine* and *Crusader* (American Baptist Convention), *Florida Baptist Witness*, *Georgia Christian Index*, *Virginia Religious Herald*, *District of Columbia Capital Baptist*, *Maryland Baptist*, *North Carolina Biblical Recorder*, *Tennessee Baptist and Reflector*, *Alabama Baptist*, *Mississippi Baptist Record*, *Louisiana Baptist Message*, *Arkansas Baptist*, *Missouri Word and Way*, *Kentucky Western Recorder*, *Arizona Baptist Beacon*, *California Southern Baptist*, and many others.

Other religious publications have cried out against changes in the First Amendment. The *Christian Century* says that the Becker amendment and such proposals are means of "com-

mitting religious suicide." The motivations of those who are proposing such amendments, the *Christian Century* editorial said, are misinterpretation of what the Supreme Court did, ignorance and political considerations.

"Frenetic attacks on the Bill of Rights imperil the very soul of the nation and jeopardize every man's right to worship and obey God in freedom. God does not need our defense, but we need to defend ourselves against religious-intoxicated fanatics, sincere but bungling religionists and opportunistic politicians who offer us their kind of religion and their brand of God in exchange for God-given religious freedom," the *Christian Century* concluded.

Publications of other denominational groups have likewise condemned moves to amend the First Amendment. The *Christian Science Monitor* said "the issue is that agencies of government cannot avoid favoring one denomination and hurting another by the practical decisions that have to be made by government authority on what version of the Bible shall be imposed and what prayer. The churches know this and that is why they are against the Becker amendment."

Jewish publications are unanimous in their defense of the First Amendment and in opposition to Becker type amendments.

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