

Report from the In Capital

JANUARY 1968

HOW FREE IS THE CHURCH IN AMERICA?

BY

William F. Keucher

OUR BAPTIST POSITION emerged from a primary premise: God, alone, is free, having an unconditioned essence and existence. Early Baptists understood that God's freedom demanded a free church, a free Bible, and a free man. They insisted that the Bible be unchained from the pulpit where it was accessible only to the official priest or minister, and that the Book be put in the popular tongue and placed in the hands of all believers. God must be allowed to speak directly to man's conscience.

Only a free church provided a propitious climate where the spontaneity and diversity of God's Spirit could freely encounter and claim men in their response of faith. Like the wind, which no man is able to control or manipulate, the living Spirit must be free to choose the manner and the method, the place and the person, the symbol and the sacrament, the sermon and the scripture, and the season and the song where he makes his presence known. In early America, the Baptist struggle for religious liberty and freedom of conscience was pursued as a corollary and response to the primary premise of our Baptist genius and spirit: God alone is free.

In more recent days, the historic freedom of the church in America appears to be in serious trouble and jeopardy. From the practical vantage point of a state secretary in close touch with our contemporary church life, let me identify several areas where our heritage of freedom appears in peril.

I.

Freedom of the Pulpit Threatened

Freedom of the pulpit faces the threat of intimidation from many quarters outside the church. But the pressure of internal intimidation is particularly pressing and disturbing. Samuel Miller, Harvard Divinity Dean, charges that it requires only about eighteen months for a congregation to corrupt a new seminary graduate. The pressures of unpaid pledges and of withheld loyalties and support are mingled with more subtle ways to seduce the preacher either into silence, or, into the adoption of prudent standards which turn the preacher into a parrot or a puppet.

Surveys, such as those made after racial crises in school integration, indicated that the bigger the church budget and the larger the building boom, the less those pulpits had to say. Unlike the pulpit in *Moby Dick*, where its shape in the form of a ship's prow, symbolized its prophetic leadership out in front, the pressures inside the church succeeded in making the voice of the pulpit nothing more than the echo of the pew.

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News Analysis

by W. Barry Garrett

Senate Pushes House For Judicial Review Action

The United States Senate almost unanimously and without opposition for the fourth time in four years has attempted again to push a "judicial review" bill through Congress.

This time the effort took the form of an amendment to the Elementary and Secondary Education Amendments Act of 1967 earlier passed by the House of Representatives.

Sponsored by Sen. Sam J. Ervin, Jr. (D., N.C.) and five other senators, the amendment is identical to the judicial review bill sent to the House by the Senate on April 11.

The bottleneck to the judicial review legislation has been in the House of Representatives. Sen. Ervin pointed out to the Senate that the House has consistently blocked such a bill and that no hearings have been held there even in a subcommittee.

Sen. Wayne Morse (D., Ore.), floor manager for the 1967 education act, in order to impress on the House Conference Committee that the Senate means business this time, demanded a roll call vote on the amendment.

It passed by a vote of 71-0. Twenty-three other senators announced that if they had been present they would have voted for the amendment, making a total of 94 senators for judicial review with none expressing opposition.

The purpose of a judicial review bill is to provide a way to test the constitutionality of certain acts of Congress by the religion clauses of the First Amendment. These are known as the "no establishment" and the "free exercise" clauses. They read:

"Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof."

The problem of testing the constitutionality of federal expenditures under the first amendment arises from a 1923 Supreme Court decision in the case of *Frothingham v. Mellon*.

In that case it was decided that an individual taxpayer does not have sufficient money

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The sudden action of the U. S. Senate on "judicial review" (reported elsewhere in this issue of *Report From the Capital*) is a dramatic picture of power-play on Capitol Hill. It raises many questions, some of which may never be answered.

Such developments cannot be interpreted solely in the light of a simple desire to clear the air on the constitutionality of certain programs of the government. Too many forces are at work to come up with elementary black and white answers. Naïveté in this arena is irresponsible.

Here are some of the facets of this complicated picture:

Is a power-play between the Supreme Court and the Congress in the making? One of the bottlenecks in getting judicial review of federal expenditures on First Amendment grounds has been the 1923 decision in *Frothingham v. Mellon*. In that case a citizen's "standing to sue" was denied because his financial interests in federal spending is so small that he cannot be considered to have been damaged.

Now, however, the Supreme Court has agreed to review a New York case (*Flast v. Gardner*) in which certain provisions of the Elementary and Secondary Education Act of 1965 are challenged. The sole point of view is "standing to sue" by citizens who challenge federal expenditures on the ground that they violate the religion clauses of the First Amendment. A decision by the Supreme Court is expected sometime next spring.

If the Court grants "standing to sue" in such cases, it means that a plethora of cases challenging all manner of government programs may spring up all over the country. It also means that the Supreme Court could take upon itself powers not now exercised regarding the expenditure of federal funds. This the Senate does not wish to grant to the Court.

This in part could explain the practically unanimous rally of the senators around the

Ervin judicial review bill as a rider to the Elementary and Secondary Education Amendments Act of 1967.

Another aspect of the power-play may be seen in the House of Representatives. Emanuel Celler (D., N. Y.) is chairman of the House Judiciary Committee which has kept the judicial review bill under cover. It is well known that the House leadership (another way of saying Speaker John McCormack) has been opposed to judicial review of programs that may aid private schools.

Even though Celler has kept the lid on judicial review in order not to engender the wrath of the House leadership, it could well be that he is at heart in favor of such a bill.

On the other hand, the Senate may have other things in mind. It may be taking this drastic action for trading purposes. The senators may know that they cannot force the House to accept judicial review, but by their unanimity on the subject this could be a powerful lever for a "deal" on something else. Just what this might be is not at all clear at this point, but this is normal procedure in the give and take of the legislative process.

Another aspect that argues for the possibility of passage of the judicial review rider in the House is that the civil rights groups are in favor of it. Private schools discriminate more than public schools. Federal aids which may benefit students in such schools could be struck down by court action if judicial review is enacted. Thus, judicial review could be another step toward the elimination of racial discrimination in education.

(NOTE: Since the above analysis and the accompanying news story were written, the Senate-House conference committee rejected the judicial review rider to the education bill. Hence, the status of judicial review remains the same as before the recent Senate action.)

REPORT FROM THE CAPITAL—a bulletin published 10 months during the year by the Baptist Joint Committee on Public Affairs, 200 Maryland Ave., N.E., Washington, D.C. 20002. A purpose of the bulletin is to set forth information and interpretation about public affairs that are relevant to Baptist principles.

The Baptist Joint Committee on Public Affairs is a denominational agency maintained by the American Baptist Convention, Baptist Federation of Canada, Baptist General Conference, National Baptist Convention, National Baptist Convention, Inc., North American Baptist General Conference, Seventh Day Baptist General Conference, and the Southern Baptist Convention.

Executive Staff of the Committee: C. Emanuel Carlson, executive director; W. Barry Garrett, director of information services; Walfred H. Peterson, director of research services; and James M. Sapp, director of correlation services and editor of *Report From The Capital*.

SUBSCRIPTION RATES—Individual subscription, \$1.50 per year; Club rate for 10 or more, \$1.00 each per year; Bulk distribution of 10 or more to a single address, \$.75 each per year. Write for further information about Club and Bulk distribution plans.

JANUARY 1968—Volume 23, Number 1



Washington Observations

News — Views — Trends

December 18, 1967



COLLEGES, PUBLIC AND PRIVATE, can now borrow federal money for dormitories at 3 percent for 40 years. The administration wants to change that to a rate which reflects the average yield of comparable government bonds. This would raise the rate to the colleges, given today's interest rates, and, therefore, cost the government less money.

CONGRESS HAS PREFERRED the 3 percent program. It is very popular with the colleges and encourages improved housing. It provides such a bargain that the demand for the \$300 million available each year far exceeds the supply.

NOW THE SENATE BANKING AND CURRENCY COMMITTEE has offered another program for dormitory financing to the Senate. Part of the Housing and Urban Development bill (S.2700), the program would give grants to colleges which borrowed private funds at more than 3 percent. The grant would cover the difference between the market rate for such financing and the 3 percent government rate.

THIS PROGRAM WOULD, according to one of its sponsors, Senator William Proxmire (D., Wis.), increase dormitory construction and put more private money into it. With a \$10 million appropriation, the Senator thinks as much as \$300 or \$400 million will be added to college housing funds. University officials the nation over have praised the program.

A BILL CREATING A CORPORATION FOR PUBLIC BROADCASTING has become law. This nonprofit, "private" corporation, whose board will be appointed by the President, will assist in developing high quality radio and television programs for educational stations. The initial year's budget is \$9 million. The same bill makes \$38 million available in three years for assisting in construction of educational broadcasting facilities.

SENATOR ERVIN'S AMENDMENT to the Elementary and Secondary Education Act, discussed elsewhere in this issue, was defeated in conference committee late December 14. Thus, there was no act this session of Congress which insures that a citizen can challenge in court what he thinks are improper government expenditures which directly or indirectly benefit church agencies. Capitol Hill grapevines say that the White House came out against the amendment and that settled it.

THE CENTER OF ATTENTION on this matter will now shift to the Supreme Court. Soon it will hear arguments in Flast v. Gardner that it should grant standing to sue on judicial grounds to persons raising First Amendment issues to challenge government programs. Some had thought the Ervin amendment would make the Flast case moot.

BUT, IN SPITE OF FLAST, it is assumed that Ervin will try again. Pressure will be mounted on the House Judiciary Committee to hold hearings on a judicial review bill. Up to now Emanuel Celler, that committee's chairman, has promised hearings but has always put them off.

How Free Is The Church In America?

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George Jean Nathan once wrote that, "dramatic criticism is, or should be, concerned solely with dramatic art (truth!) even at the expense of bankrupting every theatre in the country." One may argue that there are very few theatres which go bankrupt because of their integrity for the truth of dramatic art. But, there are all too few church officials who are heard pleading for freedom to maintain that kind of integrity in their pulpits and in their churches. Rather, in the words of Ahab, we plead: "Let thy word be like one of theirs." A free pulpit may seem like a great risk, but it is necessary if the church is to have the ear and the respect of its own age.

II.

Freedom of the Congregation Limited

The freedom of the congregation to respond to grace and gospel is endangered by its cultural captivity. The contemporary church does not enjoy the risk of being unadjusted to aspects of its age because of its adjustment to the timeless spirit of the age. Who wants to belong to an un-American church in America? How can such a church grow in size, if it is out of step with the expectations of its culture?

No one bothers to ask why Jesus was crucified. In part, because of his un-Jewish activities. He spoke against the nation. He spoke against the temple. He spoke against the acceptable national traditions! And what led Paul to prison?—his un-Roman activities. He advocated customs which appeared to contradict the cultural and national loyalties of a citizen to Caesar! Why did Moses suffer? Because of his un-Egyptian activities. The 8th Century prophets? Because of their un-Assyrian activities! And Niemöller in Germany? Because of his un-Aryan activities and loyalties!

If the church has a gospel which transcends every culture and every nation, while it is rooted in culture and in history, there will be points of tension when conflicting interests between Christ and Caesar will collide. But, in America, many congregations have lost their freedom because of their paralysis of fear lest they be out of step with national purposes and policies or local cultural majorities. "Me-too-ism" is the result of our idolatrous bondage to the acceptable *moré* of the nation. When the majority is for peace, the church is for

peace; when the nation is for war, the church is for war.

This posture of menial subservience to national purposes makes the church unfit for its international role and its supranational ministry. Instead, as Wordsworth demanded of every fresh and original author, if the church has a Word from God, the congregation must create the taste by which the gospel may be enjoyed!

III.

Freedom Threatened by Resistance To Change

The freedom of Baptist congregations may be lost because of our "institutional intractability"—or "resistance to change." Toynebee traces the death of many notable civilizations because of their rigidity and inflexibility. Faced with new crises and challenges, they woodenly repeated their earlier response. But, in changed circumstances and conditions, this response proved no longer adequate.

In similar fashion, Baptists appear hampered by their rigid institutional inflexibilities, based on ecclesiastical blueprints dug up out of the ruins of the early church. We fail to see that what made the 1st Century church authentic and dynamic was its response to its *own* century. This involved some disloyalty and dis-continuity with past traditions and represented numerous religious innovations. If the 20th Century church is not free to respond to its *own* century—and if freedom to innovate is not God's present gift, then we can expect a diminishing range of Christian influence.

The freedom we seek must enable us to challenge and, where necessary, to change the axioms and assumptions sucked in with our mother's milk to form bone, sinew and tissue in our Baptist life. We must uncover and identify the political and social sources which were borrowed as skeletal structures for our Baptist movement in Puritan England and Colonial America. We should not be afraid to confess the truth that our institutional structures have not come to us straight out of the Bible with a giant leap-frog over 2000 years of intervening history.

To illustrate our point, where did our hallowed word Convention come from? Not from the Bible, but from political practice.



William F. Keucher

In 1399, a Convention parliament deposed Richard, the Second, and gave the Crown to Henry, the Fourth. In 1660, after the downfall of Cromwell, it was another Convention which acted to proclaim Charles, the Second, as King of England.

In Colonial America, the same political device was used to set in motion new forms of government. When De Toqueville visited America, he observed that Americans had organized a number of Conventions to further a multitude of their interests and activities. In the light of this secular history, one is not surprised to learn that, in response to the joint needs of dis-establishment and foreign missions, Baptists were led to organize the Triennial Convention! This structure, borrowed from Rousseau's political philosophy of a contractual society, seemed ideal as a vehicle to carry the emerging principle of voluntarism.

The point is evident. It would be more Biblical to speak of the American Baptist Church than the American Baptist Convention, yet our institutional intractability restricts our freedom. We do suffer from "hardening of the categories"!

A. N. Whitehead made a significant point which applies to our prevailing religious situation. "Any society," he warned, "which can not combine reverence for its symbols with freedom for their revision must ultimately decay either from anarchy or from the slow atrophy of useless shadows.

Can Baptists regain the freedoms which are slipping from our grasp while maintaining reverence for our symbols?

This is the dynamic question which tests and probes us at every point!

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Catholic Laymen Exert Freedom In Vatican Discussions

By CLAUD MEISTER

My foremost impression of the Third World Congress for the Lay Apostolate was that the laymen demonstrated a tremendous freedom of expression. There were practically no taboos. Both in the speeches and in the daily workshop services, this freedom of expression was very evident.

Not even the speech of the Pope midway the Congress could dampen this free expression. In his speech to the Catholic lay organization, Pope Paul IV clearly attempted to put the laymen in their places. He instructed them to leave the principal concerns up to the hierarchy. Many of the laymen were obviously and openly disappointed and depressed by the Pope's message. Some wondered if the Congress stood a chance. Yet, the Congress went on with the second half of its work as if the Pope had not said those words.

One delegate quoted the Latin expression which means, "If Rome has spoken, the matter is settled." The delegate challenged this viewpoint, and said such an outlook is itself out of place today. This feeling apparently represented the sentiments of

Claud Meister, president of the Swiss Baptist Union and professor at the Baptist seminary in Ruschlikon, and C. Ronald Goulding, secretary of the European Baptist Federation, were observer-consultants at the Third Congress of the Lay Apostolate of the Roman Catholic Church, held in Rome last fall. Their appointment to this assignment was made by the general secretary of the Baptist World Alliance. Dr. Meister wrote these impressions for the European Baptist Press Service.

many delegates. While it was evident there is a cleavage between the hierarchy and the laymen, it was equally noticeable that the progressive spirit of the Catholic laymen cannot be smothered. That time has passed when the layman's power to express himself can be stifled or withdrawn.

The Lay Congress also sought further representation on various ecclesiastical commissions, and said committees should be formed, not by appointment from above, but through democratic voting procedures.

The sentiment was also expressed that the next Lay Apostolate Congress should meet somewhere else than in Rome. Interestingly, although it met in Rome, the Congress did not accept Italian as one of its four official

languages; they were Spanish, French, German, and English. The Credo was sung in Latin; otherwise, Latin was not used.

I was also very much impressed with the liturgical preparation for this Congress. Devotional booklets had been printed in advance; there was a new booklet for each

There used to be an amateur hour on TV in which the winner was automatically determined by the highest score on an electronic applause meter. If such a system had been in force at the Third World Congress for the Lay Apostolate held here from October 11 to 15, democratization in the Church and an end to the traditional position on birth control would have won hands down. Every time any speaker urged reform in either area, the applause was immediate and thunderous. On these two points at least, majority sentiment clearly seemed to fall on the side of change.

This was not the case all the way down the line, however. At one point in the proceedings, for example, the American delegation was discussing a proposed message from the Lay Congress to the Bishops' Synod, asking action rather than talk on a variety of issues, including matters like parish and diocesan councils. The language was firm but respectful. Nonetheless, one American delegate protested vehemently at what he saw as criticism of the bishops, and he had considerable support among the delegates.

In a multitude of such small but significant ways the Lay Congress provided an illustration in miniature of what might be called the Osborne thesis. Some months ago American sociologist William Osborne described the tension between those committed to "ecclesiastical" reform and those committed to "religious" reform, a tension between ecclesiastical authority and the spontaneity of Christian life. As Osborne saw it, there are in a sense two churches: on the one hand, there is the church which is concerned with order, the preservation of structures, continuity of personnel, etc.; on the other hand there is the church of religious reform, concerned not with institutional or bureaucratic goals but with

day's liturgy containing the prayers and Scriptures. While I could not agree with the idea of having only read prayers, nevertheless I found their content to be spiritually uplifting to a Baptist observer. The one disappointment, my greatest criticism of the Congress, comes at the point of Bible material used in the liturgy. Many significant passages of Scripture were read but they were never examined and studied. There ought to have been a period of Bible study to prepare for the workshops ahead.

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The Two Churches

By JAMES O'GARA

norms, values, behavior, honesty. Between these two "churches" there is a large and widening gap.

Nowhere could one find more striking proof of the Osborne hypothesis than at the just concluded World Lay Congress. Months before the Congress began, a significant dispute broke out over the method of selecting delegates, a dispute which was never completely resolved. U. S. preparations for the Congress were in the hands of the National Council of Catholic Men (NCCM), whose executive director, Martin Work, is a member of the Council on the Laity, and its feminine counterpart, the NCCW; these lay organizations handled the machinery for the selection of the thirty-four American delegates.

Critics of the NCCM and the NCCW were unhappy over the method employed

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for selecting delegates. Their complaints were not directed at Martin Work or any one person in particular, nor at this or that delegate chosen; they were rather based on the belief that only institutional voices would be heard in the United States delegation. Where, the critics asked, were those who would do more than represent the views of the Establishment? Where, asked *Ave Maria*, were the John Cogleys, the Philip Scharpers, the Eugene McCarthys?

The answer was quick in coming. Those charged with selecting the delegates would

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QUEST FOR ANSWERS

If Enough Good Men . . . ?

By GEORGE L. EUTING



Lloyd Douglass caught the dramatic moment of personal influence when he described the trial of Jesus. It was a public spectacle. The people were emotionally involved. Jesus stood before the governor and the crowd.

Douglass commented, "Everyone in the room seemed to be on trial but Jesus."

The influence of Jesus, who he was, what he had done, was as dynamic as his words.

Your influence is important. Anna E. Hamilton wrote:

This I learned from the shadow of a tree

That to and fro did sway against a wall:

Our shadow-selves, our influence, may fall

Where we ourselves can never be.

You may be conscious of influence in the home, among fellow Christians, but have you considered the importance and value of influence in public affairs? One value is that influence may bring about a change or effect without the use of direct authority. Other values relate to the projection of Christian convictions into public affairs and Christian identification with human needs and problems.

Personal influence in public affairs may take many forms. Consider the following opportunities:

1. Participate in an action group through your church. A quiet visit by a group of dedicated laymen with people involved in public matters will be effective.

2. Attend public hearings and participate in the decisions of such hearings. Avoid losing your temper or becoming upset because someone disagrees with your ideas.

3. Vote in public elections and referendum. Use your influence in encouraging friends to vote. When a moral issue is involved, discuss the issue in a Christian context.

4. Take an active role in civic organizations, clubs, Parent Teachers Associations, labor unions, and community action groups.

Participation in these areas will allow your influence to shape policies and plans.

5. Have a personal conference or write a letter to congressmen and other public officials. When issues involving Christian principles are concerned, take the initiative in contacting people who make important decisions. Steer away from form letters that really say very little to a public leader. Express your own thoughts in your own words.

6. Write a letter to the newspaper. Do not write in the style of argument or hassling with the editor but write with clear statements and sincere language.

There are some other things to keep in mind when seeking to use influence in making valid impressions. When writing or speaking on a public issue, a Christian must learn how to be discreet, avoid heated arguments or express personal feeling toward other people. To speak in a labor meeting for a Christian principle and display loss of temper through wrought up emotions will dissipate any influence achieved. Appealing for social justice for one minority group but demonstrating prejudice toward another group will soon mitigate against effectiveness.

There is something contagious about positive actions. The disciples of Jesus saw him praying. They were influenced by his anxiety and sincerity. They came to him saying, "Lord, teach us to pray."

The results of influence are not always visible. They are usually far reaching. Much like the concentric waves in the sea when a pebble falls in the water, influence touches many areas of life—both personal and collective.

Edmund Burke sounded a warning when he wrote: "All that is necessary for the forces of evil to win in the world is that enough good men do nothing."

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Catholic Laymen Exert Freedom In Vatican Discussions

(Continued from page 3)

A surprisingly large role was played by the Protestant and Orthodox observers. One panel session, in fact, was led by a Lutheran. The observers took advantage of their opportunity to speak out in the workshops; perhaps they sometimes took too much advantage. At the close of the Congress, one observer, Hans-Ruedi Weber from the World Council of Churches in Geneva, was asked to summarize the observer's evaluation of the Congress. In drafting his statement, Weber sought the views of the other observers and included many of their suggestions.

The Catholic laymen addressed themselves, as public press reports said, to the question of family planning. There were a good many women delegates. Again exerting their independence of thought, the laymen said the hierarchy should establish ethical principles on birth control, but methods should be left to the families themselves.

As a Baptist, I came away with the feeling that it is very important that Baptists attend such meetings whenever invited. Not the least of the benefits is associating with other Protestant observers. As a by-product of Baptists being there as observers, the name "Baptist" was used on the Italian press, radio, and television when the observers were listed. Rarely does the name "Baptist" appear in the Italian media.

I am certain many of the European delegates, including a Swiss bishop, met a Baptist for the first time! I had the opportunity to meet with the Swiss delegation and make the acquaintance of the Bishop of Basel and Lugano, and also get to know the leaders of several Catholic organizations in Switzerland for the first time.

Learning how Catholic laymen around the world feel was an important experience for me. For instance, I discovered the South American delegates to be more open and frank than I had expected.

There were only four Baptists at the Congress, as far as I could determine. Dr. Ronald Goulding, secretary of the European Baptist Federation, and I were the official observer-consultants, at the behest of the Baptist World Alliance. Mrs. Meister was with me as an auditor. The fourth Baptist was Frederik Franklin, from Sweden, who is secretary general of the Young Men's Christian Association world office in Geneva, sent as an observer-consultant for the YMCA. He was also chairman of the meeting when the observers met together.

The Two Churches

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have welcomed any expression of interest from Messrs. Cogley, Scharper and McCarthy, Martin Work said, but in fact none had been forthcoming. The process followed in choosing delegates, he said, had been to solicit applications through the Catholic press from anyone interested in going. A screening committee then picked qualified people, with the further complication that the individual or sponsoring organization had to foot the travel bill. (In some other countries the bishops picked up the tab, with certain obvious advantages; the disadvantage, of course, is that the man who pays the bill may want a puppet, not an independent delegate.)

In point of fact, defenders of the system argued, the process of selection employed may not have been ideal, but it did produce a group of delegates balanced between men and women, young people and adults, Negroes and whites, representatives of specialized groups, professions and labor people, etc. Further, it was noted, the men chosen included only three NCCM activities, hardly an indication that Martin Work had loaded the list with his own people. The head of the American delegation was the president of the NCCM, but American experts here included such people as Dorothy Day of the Catholic Worker and Thomas Cornell of the Catholic Peace Fellowship. In any case, Mr. Work asked what constituted an "institutional Catholic," arguing that participation in an organized apostolate should certainly not bar one from consideration.

There the matter stood, with those on each side still unpersuaded, which is hardly surprising. The argument between the official or mandated group and the "unorganized," unofficial lay apostolate goes far back: in the old, pre-conciliar days their differences really constituted a division very much like that Osborne described. This is not to say, of course, that all the bad guys were on one side and the good guys on the other. But there have always been some who favored working through existing structures and "participating in the apostolate of the hierarchy," and others who favored a non-instituted apostolate. There were the two "churches" as far back as 25 or 30 years ago.

At the Vatican Council the Decree on the Lay Apostolate favored the first, more formal group; those who worked through more official channels; the Constitution on the Church, on the other hand, favored those

who saw the apostolate as a matter of baptismal rather than hierarchical mandate. In one sense, then, the tension that existed between the two groups over the years was left unsettled by Vatican II, and this fact was reflected at the Lay Congress. What seemed to be a majority of the delegates came from the "official" or institutional apostolate, but a strong minority represented the unofficial element, either more or less unorganized or out of the newer groups, representing the rough equivalent of Osborne's church of religious reform.

If in one sense the Council left the matter open, though, in another sense the argument is really over. Certainly if the Council did anything, it struck down the notion that the hierarchy is the Church. In the Council the Church defined itself as the People of God, and great emphasis was placed on the proper role of the laity. Authority in the future is bound to be more communitarian and less monarchic in style; the Bishops' Synod is a good example of the beginning of this. From this fact there can be no retreat, and this inevitably means many changes, among them an end to the old heavy emphasis on official "Catholic Action" with a special mandate from the hierarchy.

As everyone knows, however, the rate at which such changes take place in the Church is not uniform. Implementation of the Council takes place at different speeds in different parts of the world; indeed, it varies from diocese to diocese and from parish to parish. It is not strange if this fact of a different rate of progress was faithfully reflected among the delegates to the Lay Congress.

It is not easy to generalize about a gathering of 2,500 people, but some national delegations were clearly more progressive than others, and inside every national delegation I had any contact with there was a wide variation in attitudes. Some delegates were traditional, old-line Catholic Action types interested in reforming but at the same time wanting to preserve traditional structures, men and women with whom most bishops would be quite comfortable. Others probably the minority, as far as I could tell—were quite unconcerned with hierarchical mandates or even approval; they want drastic reform in the Church and they want it fast. This conservative-liberal division, I should emphasize, is not along lay-clerical lines. There are a number of priests here, as chaplains, observers and one thing or another, and the differences among them are at least as marked as those among the lay delegates. Indeed, very often the "radical" priest seems more of a rebel than his lay counterpart,

if only because he usually knows more theology to be radical about. With such "progressive" types, lay and clerical, it would be a rare bishop who would feel at home, and this is an illustration of the situation we now face.

Somehow the church of ecclesiastical reform and the church of religious reform must come to see the good qualities in the other. One must see that dedication to institutions without thorough reform is useless; the other must grasp that reform which ignores the need for institutions will quickly wither. At the Lay Congress both elements were represented, but not much more than that can be claimed. They sat in the same delegations; they listened to the same talks, including those by astronaut James McDivitt and Protestant observers; they participated in the same workshops; they worshiped together. Often they even joined forces—to condemn the bombing of populated cities, for example, to favor extending a hand to Communist China, to urge governments to provide for selective conscientious objection, to ask the Pope to condemn racism. Often they sat together at one of the countless coffee bars in the neighborhood of the Vatican. But between the two groups there was some suspicion and certainly no real understanding. At best an uneasy truce prevailed, and perhaps at this date in history this is all that can be expected. But the task of the future is clear, for the next Lay Congress (if they don't go out of style) and for the Church as a whole: one way or another, the two "churches" must be brought together. It will not be easy, and a depressingly negative talk on authority by Pope Paul helped not at all.

Now Social Security For Ministers Is Mandatory

WASHINGTON—Compulsory participation in Social Security by ministers has now been passed by the United States Congress. There are two exceptions, however, to such participation by ministers.

The first exception is the minister who is a conscientious objector to participation in government insurance programs. On the other hand, excluded from participation are ministers or members of religious orders who have taken vows of poverty.

Prior to this bill a minister could participate in Social Security as a self-employed person if he signed a waiver of exemption. Now he is required to participate unless he signs a waiver of participation on grounds of conscience.

Woyke Named (BWA) Associate Secretary

The Baptist World Alliance (BWA) administrative sub-committee elected Frank H. Woyke, of Forest Park, Ill., an associate secretary at its November meeting in Washington.

Woyke for the past 21 years has served as the executive secretary of the North American Baptist General Conference, a Baptist group of German heritage in the United States. He has been chairman of the Baptist Joint Committee on Public Affairs for the past year and one-half.

Woyke will assume the position July 1, 1968, with responsibilities in the fields of world relief, study commission and North American Baptist Fellowship.

BWA Executive Secretary Josef Nordehaug describes Woyke as a "truly international personage." He was born to German parents in Southern Russia in 1905, and emi-



Frank H. Woyke

grated to the United States three years later, settling in Windom, Minn.

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involved in federal spending to give him "standing to sue" or to challenge the expenditure in court.

Referring to First Amendment restrictions on federal spending, Sen. Ervin told the Senate that "all other constitutional rights which are susceptible of judicial resolution may be placed before the federal courts for protection."

"Yet, despite the priority which is given this constitutional principle," he continued, "it is the only personal liberty which, because of a legal technicality, cannot adequately be resolved by the Supreme Court."

The judicial review bill, Ervin contends, would enable the courts to break through this impasse and to rule on religious liberty and separation of church and state issues in nine acts of Congress.

The nine are: (1) The Higher Education Facilities Act of 1963, (2) Title VII of the Public Health Service Act, (3) The National Defense Education Act of 1958, (4) The Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, (5) Title II of the Act of September 30, 1950 (Public Law 873, Eighty-First Congress), (6) The Elementary and Secondary Education Act of 1965, (7) The Cooperative Research Act, (8) The Higher Education Act of 1965, and (9) The Economic Opportunity Act of 1964.

Sen. Ervin gave four reasons the Senate leadership decided to attach the judicial

review bill to the Elementary and Secondary Education Amendments Act.

First, the number and size of federal aid programs involving sectarian participation have mushroomed in recent years.

Second, recent judicial decisions, both state and federal, have clouded the constitutional lines to such an extent that a definite Supreme Court decision is necessary.

Third, it appears that the House of Representatives will not act on the separate judicial review legislation now before it.

Fourth, the recent decision of the Supreme Court to review *Flast v. Gardner* involving the question of "standing to sue" could "create chaos" if the Congress does not act immediately.

Explaining point four, Ervin said that if "standing to sue" is granted in the *Flast* case, many retroactive cases involving federal funds might spring up. Under the judicial review bill only expenditures after its enactment could be considered.

Ervin further explained that supporters of judicial review are found among those who believe that violations of separation of church and state are involved and those who believe that the acts of Congress are constitutional.

"What we want," he said, "is to end once and for all the doubt, controversy, and the divisiveness created by the church-state issue . . . on this we are agreed: the court should have the opportunity to decide."

Sen. Morse is among those who think that

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no violations of the First Amendment are in the acts of Congress under consideration. Others like Sen. Ralph W. Yarborough (D., Tex.) disagree.

Yarborough said, in discussing recent developments in the church-state arena, "The greatness of America is built upon religious freedom of the people. In actions such as the ones to which I have referred it is not being eroded away a little, but it is galloping away."

(Note: Since the above was written, Congress rejected the Senate move to attach judicial review to the education bill. Two courses remain: (1) hearings before the House Judiciary Committee, and (2) decision by the Supreme Court on "standing to sue" in the case of *Flast v. Gardner*.)