

Report from the In Capital

JULY 1968



U.S. Supreme Court Opens Doors to Test Aid to Religion

WASHINGTON (BPA)—The U. S. Supreme Court in a landmark case opened doors that could affect future church-state relations in America. It ruled that taxpayers under certain circumstances have a right to challenge acts of Congress on grounds of violations of the religion clauses of the First Amendment.

Heretofore, on the basis of a 1923 Court ruling in *Frothingham v. Mellon*, taxpayers had little or no standing in a Federal court to challenge the constitutionality of Federal expenditures.

Chief Justice Earl Warren delivered the opinion of the Court. Justice John M. Harlan was the lone dissenting voice.

The new ruling of the Court (*Flast v. Cohen*) did not nullify the *Frothingham*

doctrine against taxpayers suits challenging federal spending, but it did say that this ruling does not prohibit some cases in which the establishment and freedom of religion are involved.

As if it to warn the advocates of open court challenges to federal spending in areas affecting church-state relations, the Supreme Court on the same day ruled that a New York state law providing for the loan of textbooks at public expense to parochial school pupils does not violate the Constitution.

So while loosening the rules on First Amendment court cases, the Supreme Court made it clear that it felt that government could provide public services to students in all schools without thereby furnishing aid to church schools or agencies.

The *Flast* case arose in New York when a group of citizens challenged the use of Federal funds for programs and services in certain parochial schools. At issue are guidance services and instruction in reading, writing and other subjects. Included are the purchase by federal funds of textbooks and other instructional materials in such schools.

A three-judge New York District court ruled (2-1) that those bringing the suit had no legal standing to bring the case. The question was appealed to the Supreme Court and was argued there in March of this year.

Agreement was reached on both sides of the controversy that the sole issue to be decided at this time was whether or not citizens and taxpayers have a right in federal courts to challenge laws on the ground that they violate the First Amendment.

The issue now goes back to the New York federal court where the constitutionality of certain federal expenditures in parochial schools will be debated. Whatever decision is reached there, it will no doubt be appealed to the Supreme Court.

The 23-page decision of the Supreme Court in the *Flast* case is a philosophical discussion of the jurisdiction of federal courts. The effort appears to be at the same time

both to reverse and retain the doctrine of *Frothingham*. Lawyers will study this case a long time in attempt to understand its full impact on constitutional law.

The clearest statement of the issue in this case was made by a concurring opinion by Justice Potter Stewart. He said he understood that the new ruling of the Court holds "only that a federal taxpayer has standing to assert that a specific expenditure of federal funds violates the Establishment Clause of the First Amendment."

He explained, "Because that clause plainly prohibits taxing and spending in aid of religion, every taxpayer can claim a personal constitutional right not to be taxed for the

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See COURT OPENS DOORS

Court Upholds Decision On Parochial Textbooks

WASHINGTON (BPA)—The U.S. Supreme Court in a 6-3 decision upheld a New York law that provides loan of publicly approved textbooks to pupils in both public and parochial schools.

The majority opinion of the Court, in *Board of Education v. Allen*, was delivered by Justice Byron R. White. It declared, "We hold that the law is not in violation of the Constitution."

Dissenting opinions were expressed by Justices Abe Fortas, Hugo L. Black and William O. Douglas.

The Educational Law of the State of New York requires local public school authorities to lend textbooks free of charge to all students in grades seven through 12. The books must be either those used in public schools or approved by boards of education.

The chief argument relied on by the Court in its decision was made in a 1947 case (*Everson v. Board of Education*) in which payment from public funds for bus

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See TEXTBOOK DECISION

Supreme Court to Hear Church Property Dispute

WASHINGTON (BP)—The U. S. Supreme Court agreed to hear a church property case to determine ownership by a local Presbyterian congregation when it is charged that the denomination has departed substantially from its original faith.

The case was appealed from the Georgia Supreme Court, which awarded the property in dispute to two local churches rather than to the general denomination.

Involved are the Mary Elizabeth Blue Hull Memorial Presbyterian Church and the Eastern Heights Presbyterian Church, both of Savannah, Ga., and the Presbyterian Church in the United States.

The Hull Memorial Church affiliated with the general denomination in 1890. It withdrew in 1966.

The Eastern Heights church, a mission of Hull Memorial, was incorporated in 1930 and immediately joined the Presbyterian Church in the United States. It later withdrew from the denomination.

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See PROPERTY DISPUTE

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. The purpose of this bulletin is to report findings on the interrelations between churches and governments in the United States. It affords church leaders a chance to understand developments, policies and trends affecting public policies and it affords public officials a chance to understand church structures, dynamics and positions. It is dedicated to religious liberty, to free and effective democracy and to equitable rights and opportunities for all.

The views of writers of material for *Report From The Capital* are not necessarily those of the Baptist Joint Committee on Public Affairs or its staff. The bulletin also provides for the sharing of views between leaders of the cooperating conventions and between leaders of various religions and traditions.

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, USA, 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; Walfrid H. Peterson, director of research services; and James M. Sapp, director of correlation services and editor of *Report From The Capital*.

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JULY 1968—Volume 23, Number 6



Washington Observations

News — Views — Trends

June 25, 1968



RESURRECTION CITY has been closed by the government and Rev. Ralph David Abernathy, head of SCLC, has been jailed. But this does not end the drive to improve the lot of the nation's poor people. Just what direction this effort will take is not yet clear. However, all political groups, humanitarian and welfare organizations, and religious leaders will continue to wrestle with the problem in the months and years ahead.

THE STRUGGLE OF THE POOR means that democracy moves ahead in the midst of turmoil in the Capital. The new political activity of the underprivileged has made great gains through the nation-wide attention during the "Poor People's Campaign." Political participation by rising groups means influence, self-respect, and ultimately responsibility. Voting and positions will be different in the 1968 campaign because of the "visibility" of the new segment in the electorate.

DIFFERENCES between the old and the new electorate make politics difficult for would-be leaders. Among the experienced electorate law and order stand high, and having been in prison is a black mark. With the new electorate dedicated to change, going to jail is a test of courage and commitment, a necessary "certificate" for leadership. The past week in Washington hundreds of new "certificates" were issued.

GUN CONTROL LEGISLATION is one of the hottest issues on Capitol Hill. For the first time in American history public opinion has been aroused to such an extent that a strong gun control law may be enacted by Congress. The President has seized on the opportunity to ask for registration of all guns, licensing of owners, and regulation of sales. He appears to be asking for the limit in the hope that he can salvage as much as possible.

LOBBYISTS FOR GUN CONTROL have now organized for a massive attack on the fortress held by the National Rifle Association, one of the most powerful lobby groups in the Nation's Capital. Col. John H. Glenn, Jr., the first U. S. astronaut, has been named president of the new Emergency Committee for Gun Control.

MANY RELIGIOUS GROUPS, including the American Baptist Convention and the Southern Baptist Convention, have spoken out favoring effective gun control. Other groups (28 in number) such as the American Bar Association, U.S. Conference of Mayors, AFL-CIO, U.S. Chamber of Commerce, formed the Emergency Committee for Gun Control. The Committee is now mobilizing sustained public opinion for a strong and effective gun control bill.

CONGRESS HAS MORE POWER in the field of civil rights than it has been willing to use. On June 17 the Supreme Court ruled in Jones v. Mayer that an 1866 congressional statute guarantees Negroes the right to buy and rent real estate on exactly the same basis as white purchasers. Current congressional activity in civil rights looks weak compared to what an earlier Congress had done. Will Congress now repeal the 1866 statute to adjust its own history?

SOUTHERN BAPTIST CONVENTION APPROVED

Southern Baptist Convention messengers in a crowded Convention overwhelmingly approved an explicit position statement on "The Crisis in Our Nation" June 5 in Houston, Tex.

The action brought immediate enthusiasm, ranging from the Baptist editor who "was never more proud to be a Southern Baptist" to the Roman Catholic editor who could "only applaud the courageous leadership of the Convention."

We are glad to make the full text a matter of record for our readers. These observations will assist the reader in his own appraisal.

First, the open democratic procedure accompanied by full disclosure at each step makes the statement a significant measure of popular Christian opinion. The first draft was by a representative group of agency leaders. That draft was circulated to all agency heads, state secretaries and editors with overwhelming support.

At this stage it was presented to the Executive Committee of the Convention as a possible agenda item for the Convention. After hours of study, debate and refinement, it won nearly unanimous support from the Executive Committee. On the convention floor, with text in hand, the debate was scheduled and extensive, concluding in an IBM style ballot, 72.85% "yeas," and 27.15% "nays." Active commitment is stronger than the shrill voices that make "spot news" would indicate.

The statement is also important because of the strength it gives to spokesmen who must grapple with local economic and political interests that are guided by other values.

Every community has a variety of sets of values more or less unanalyzed. The Southern Baptist Convention statement will add significantly to the lifting up of the human values as distinguished from special interests or cultural legacies.

The assignment of a leadership role for the Home Mission Board for the implementation of the policy position makes the action an integral part of the Convention's mission on the American continent. It is more than a "social action resolution;" it is a mission policy and program in which all agencies will be involved.

A STATEMENT CONCERNING THE CRISIS IN OUR NATION

(We recognize that no individual or organization can speak for all Baptists. The following represents the concern, confession, commitment and appeal by the majority of

the messengers meeting in Houston, Tex., June 5).

We Face A Crisis

Our nation is enveloped in a social and cultural revolution. We are shocked by the potential for anarchy in a land dedicated to democracy and freedom. There are ominous sounds of hate and violence among men and of unbelief and rebellion toward God. These compel Christians to face the social situation and to examine themselves under the judgment of God.

We are an affluent society, abounding in wealth and luxury. Yet far too many of our people suffer from poverty. Many are hurt by circumstance from which they find it most difficult to escape, injustice which they find most difficult to correct, or heartless exploitation which they find most difficult to resist. Many live in slum housing or ghettos of race or poverty or ignorance or bitterness that often generate both despair and defiance.

We are a nation that declares the sovereignty of law and the necessity of civil order. Yet, we have had riots and have tolerated conditions that breed riots, spread violence, foster disrespect for the law and undermine the democratic process.

We are a nation that declares the equality and rights of persons irrespective of race. Yet, as a nation, we have allowed cultural patterns to persist that have deprived millions of black Americans and other racial groups as well, of equality of recognition and opportunity in the areas of education, employment, citizenship, housing and worship. Worse still, as a nation, we have condoned prejudices that have damaged the personhood of blacks and whites alike. We have seen a climate of racism and reactionism develop resulting in hostility, injustice, suspicion, faction, strife and alarming potential for bitterness, division, destruction and death.

We Review Our Efforts

In the face of national shortcomings, we must nevertheless express appreciation for men of good will of all races and classes who have worked tirelessly and faithfully to create a Christian climate in our nation.

From the beginning of the Southern Baptist Convention and indeed in organized Baptist life, we have affirmed God's love for all men of all continents and colors, of all regions and races. We have continued to proclaim that the death of Jesus on Calvary's cross is the instrument of God's miraculous redemption for every individual.

Inadequately but sincerely, we have sought

in our nation and around the world both to proclaim the gospel to the lost and to minister to human need in Christ's name. Individually and collectively, we are trying to serve, but we have yet to use our full resources to proclaim the gospel whereby all things are made new in Christ.

We Voice Our Confession

"If my people, which are called by my name, shall humble themselves, and pray, and seek my face, and turn from their wicked ways; then will I hear from heaven and will forgive their sin, and will heal their land" (2 Chron. 7:14).

The current crisis arouses the Christian conscience. Judgment begins at the house of God. Christians are inescapably involved in the life of the nation. Along with all other citizens we recognize our share of responsibility for creating in our land conditions in which justice, order and righteousness can prevail. May God forgive us where in we have failed him and our fellow man.

As Southern Baptists, representative of one of the largest bodies of Christians in our nation and claiming special ties of spiritual unity with the large convention of Negro Baptists in our land, we have come far short of our privilege in Christian brotherhood.

Humbling ourselves before God, we implore him to create in us a right spirit of repentance and to make us instruments of his redemption, his righteousness, his peace and his love toward all men.

We Declare Our Commitment

The Christ we serve, the opportunity we face and the crisis we confront, compel us to action. We therefore declare our commitment, believing this to be right in the sight of God and our duty under the lordship of Christ.

We will respect every individual as a person possessing inherent dignity and worth growing out of his creation in the image of God.

We will strive to obtain and secure for every person equality of human and legal rights. We will undertake to secure opportunities in matters of citizenship, public services, education, employment and personal habitation that every man achieve his highest potential as a person.

We will accept and exercise our civic responsibility as Christians to defend people against injustice. We will strive to insure for all persons the full opportunity for

A STATEMENT ON THE CRISIS IN OUR NATION

achievement according to the endowments given by God.

We will refuse to be a party to any movement that fosters racism or violence or mob action.

We will personally accept every Christian as a brother beloved in the Lord and welcome to the fellowship of faith and worship every person irrespective of race or class.

We will strive by personal initiative and every appropriate means of communication to bridge divisive barriers, to work for reconciliation and to open channels of fellowship and cooperation.

We will strive to become well informed about public issues, social ills and divisive movements that are damaging to human relationships. We will strive to resist prejudice and to combat forces that breed distrust and hostility.

We will recognize our involvement with other Christians and with all others of good will in the obligation to work for righteousness in public life and justice for all persons. We will strive to promote Christian brotherhood as a witness to the gospel of Christ.

We Make An Appeal

Our nation is at the crossroads. We must decide whether we shall be united in good will, freedom and justice under God to serve mankind or be destroyed by covetousness, passion, hate and strife.

We urge all leaders and supporters of minority groups to encourage their followers to exercise Christian concern and respect for the person and property of others and to manifest the responsible action commensurate with individual dignity and Christian citizenship.

We appeal to our fellow Southern Baptists to join us in self-examination under the Spirit of God and to accept the present crisis as a challenge from God to strive for reconciliation by love.

We appeal to our fellow Southern Baptists to engage in Christian ventures in human relationships and to take courageous actions for justice and peace.

We believe that a vigorous Christian response to this national crisis is imperative for an effective witness on our part at home and abroad.

Words will not suffice. The time has come for action. Our hope for healing and

renewal is in the redemption of the whole of life. Let us call men to faith in Christ. Let us dare to accept the full demands of the love and lordship of Christ in human relationships and urgent ministry. Let us be identified with Christ in the reproach and suffering of the cross.

We therefore recommend to the messengers of the Southern Baptist Convention that:

1. We approve this statement on the national crisis.

2. We rededicate ourselves to the proclamation of the gospel which includes redemption of the individual and his involvement in the social issues of our day.

3. We request the Home Mission Board to take the leadership in working with the Convention agencies concerned with the problems related to this crisis in the most effective manner possible and in keeping with their program assignments.

4. We call upon individuals, the churches, the associations and the state conventions to join the Southern Baptist Convention in a renewal of Christian effort to meet the national crisis.

FOR SOLIDARITY DAY MARCH

Baptists Join Thousands in Poor People's Campaign

By BETH HAYWORTH

WASHINGTON (BP)—Baptist leaders from the District of Columbia and the American Baptist Convention joined with thousands of other churchmen to support the cause of the poor and the dispossessed by participating in the Solidarity Day March.

The peaceful demonstration of some 50,000 persons marched from the Washington Monument to the Lincoln Memorial where special services were held. The march was planned as a climax to the Poor People's Campaign which has been going on for several weeks across the country and is centered now in the nation's capital.

Early in the day the Washington Baptists met at downtown Calvary Baptist Church and went together to the monument grounds. The leaders of this group were James O. Duncan, editor of The Capital Baptist, a publication of the District of Columbia Baptist Convention, and Clarence O. Cranford, pastor of Calvary Baptist Church.

The delegation from the American Baptist Convention was led by their executive secretary, Edwin H. Tuller, and the newly-elected president of the ABC, Culbert G. Rutenber, Boston, Mass.

The ABC group came from Valley Forge, Pa., and churches in Pennsylvania and carried a large sign identifying themselves. Actually, the Baptists represented only a handful of the thousands estimated to be there in response to calls from other religious

groups. The National Council of Churches, representing 33 Protestant and Orthodox denominations was prominent in its presence.

At one point during the afternoon's program, campaign director Ralph Abernathy announced he had received a check for \$50,000 from the United Presbyterian Church. The church has pledged \$50,000 more to help pay for the costs of the Poor People's Campaign.

The support of so many religious groups added to the spiritual impact made by the long list of speakers and musicians in their sermons, prayers and hymns.

In the list of 26 speakers, Mrs. Martin Luther King, Jr., was the crowd's favorite. She called on the women of the country to become leaders in a "renewal of moral and spiritual insights." She urged the women to form a "campaign of conscience" that would unite women from all religious and ethnic groups in a power bloc that would force "a rethinking and reordering" of national priorities.

Mrs. King and the other program participants were surrounded on the steps of the Lincoln Memorial by several residents of Resurrection City, the temporary homestead of the poor in the nation's capital.

Only a few of the poor spoke for themselves in the long

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SOLIDARITY DAY MARCH

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afternoon of speeches. For the most part, those who pleaded their cause were well known civil rights leaders such as Roy Wilkins, executive director of the NAACP, Whitney M. Young, Jr., of the National Urban League and Walter Reuther, head of the United Auto Workers. Spokesmen for black militant groups were noticeably absent from the line-up of program personnel.

Sen. Edward Brooke (R-Mass), was the only spokesman from government and congressional circles. The Vice President of the United States was there for a short time and so were about 100 other congressional leaders.

The finale of the long day's activities was an hour-long sermon by Abernathy, new leader of the Southern Christian Leadership Conference. He made it clear that the expiration date for the permit for Resurrection City had nothing to do with when the poor would depart from the nation's capital.

Abernathy said, "I don't care whether the Department of the Interior gives us a permit to stay in Resurrection City . . . I received my permit a long time ago . . . from God Almighty . . . and I intend to stay here until justice rolls out of the halls of Congress and righteousness falls from the administration."

"Today is really only the beginning. We will not give up the battle until Congress . . . opens the doors of America and allows the nation's poor to enter as full-fledged citizens into this land of wealth and opportunity."

Crowds broke up around the Monument about 6 p.m. after the series of speeches and singing and prayers. Most people made their way back home, but some remained in Resurrection City to continue in Washington indefinitely their "do or die effort" to help America save itself.

Pennsylvania Governor Signs Bill to Aid Parochial Schools

HARRISBURG, PA. (RNS)—Gov. Raymond P. Shafer has signed the private and parochial school aid bill, making Pennsylvania the first state in the nation to authorize direct payment of public funds to private schools.

Many legislative and administrative officials privately regard the bill as a "test" case device, especially in view of the relatively small allocation of \$4.3 million for one year of aid to the schools which have an enrollment of some 600,000 students. The great majority of schools involved are Roman Catholic.

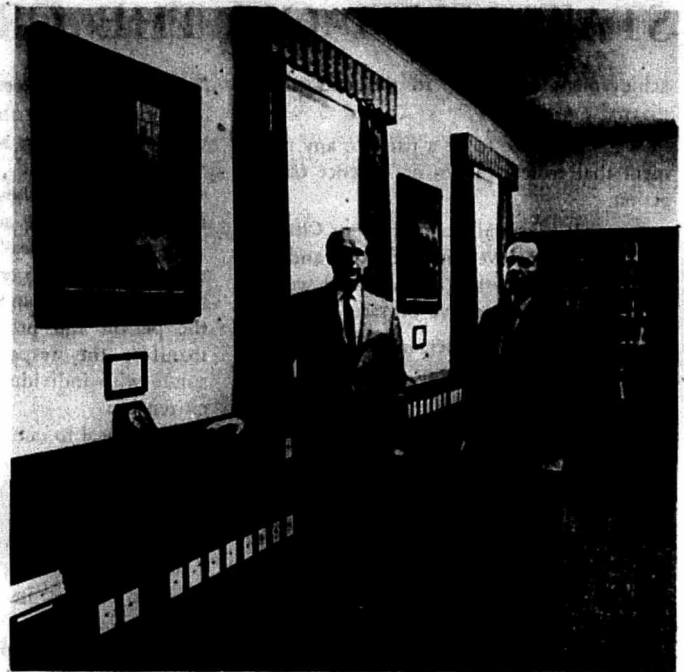
Immediate constitutionality tests are expected from the American Civil Liberties Union; the "Friends of the Public Schools," a group of Protestant-affiliated organizations; and the statewide organizations of public school officials. The appeals are expected to include requests that the court bar all payments pending final decision on constitutionality.

The program involves the purchase of educational services in non-religious subjects, with payments to be based on the cost of teachers' salaries, textbooks and teaching materials.

In signing the bill into law, Gov. Shafer said:

"This is a historic day in our Commonwealth; indeed, in our nation.

"With the signing of House Bill 2170 into law, we Pennsylvanians become pioneers among the states in providing a new concept for making certain that non-public school students get the finest education possible.



Dr. James E. Wood, Jr. (left), director of the J. M. Dawson Studies in Church and State, and Dr. Robert T. Miller, professor of Political Science and associate editor of *A Journal of Church and State*, stand by the portrait of J. M. Dawson in the new library dedicated in April.

Church-State Research Center Dedicated at Baylor University

The J. M. Dawson Church-State Research Center of Baylor University, Waco, Tex., was formally dedicated April 29.

The Center, the only one of its kind in the nation, houses more than a thousand bound volumes, as well as hundreds of published documents and private papers, on the subject of church and state throughout the world.

The center was named for Dr. Joseph M. Dawson, distinguished alumnus of Baylor, pastor and preacher, noted author on church and state and the first Executive Director of the Baptist Joint Committee on Public Affairs (1947-1954).

It represents the culmination of a goal long envisioned as an integral part of the J. M. Dawson Studies in Church and State which were explicitly inaugurated in 1957 "to stimulate intellectual interest and encourage research and publication in the broad area of church-state relations."

An inter-departmental program embracing the Departments of History, Political Science and Religion, activities of the Dawson studies have included an inter-departmental seminar on church and state and the sponsorship of research, publication and numerous conferences on church and state.

Beginning in 1958, the program has published several columns on church and state, all of which have had a wide distribution. Since 1959, the Dawson studies have published *A Journal of Church and State*, the only scholarly journal of its kind expressly concerned with church-state relations. Wide recognition has come to the Journal, which the Department of Religious Liberty of the National Council of Churches, U. S. A. has described

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Textbook Decision Upheld in U.S. Court

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transportation to parochial schools was held to be constitutional.

The test as to whether or not a law violates separation of church and state, as stated in *Abington School District v. Schempp*, is "What are the purpose and the primary effect of the enactment?"

Thus, if a law either advances or inhibits religion, it violates the First Amendment, according to the Supreme Court.

Admittedly, the Court continued, "This test is not easy to apply."

The New York law, according to the majority of the Court, neither advances or inhibits religion. Rather, the decision said, "The law merely makes available to all children the benefits of a general program to lend school books free of charge."

The majority of the Court concluded that "books are furnished at the request of the pupil and ownership remains, at least technically, in the State." "Thus," it said, "no funds or books are furnished to parochial schools, and the financial benefit is to parents and children, not to schools."

Justice Fortas in his dissent declared that the majority ignored a vital aspect of the case. He pointed out that in fact "public funds are used to buy, for students in sectarian schools, textbooks which are selected and prescribed by the sectarian schools themselves."

Even though the child makes the request for the textbooks, neither he nor the public authorities have a voice in their selection, other than approval by the school board, Fortas continued.

Thus, he said, "this statute calls for furnishing special, separate, and particular books, specially, separately, and particularly chosen by religious sects or their representatives for use in their sectarian schools."

Justice Black was most caustic in his dissent. He charged that the law upheld by the majority "is a flat flagrant, open violation of the First and Fourteenth Amendments which together forbid Congress or state legislatures to enact any law 'respecting an establishment of religion.'"

He said although the New York law does not yet formally establish a state religion, "it takes a great stride in that direction and coming events cast their shadows before them."

Black charged, "The same powerful sectarian religious propagandists who have succeeded in securing passage of the present law to help religious schools carry on their sectarian religious purposes can and doubtless will continue their propaganda, looking toward complete domination and supremacy of their particular brand of religion."

He predicted that the same arguments used to uphold the textbook law could and would be used to provide public funds for sectarian schools in the purchase of property, erection of buildings and payment of salaries.

Black asserted that already the Higher Education Facilities Act "apparently allows for precisely that."

He further predicted that "the Court's affirmation here bodes nothing but evil to religious peace in this country."

Board of Education v. Allen reached the Supreme Court after a rocky course in New York's courts. In August, 1966, the New York Supreme Court declared the textbook law unconstitutional. In December of that year the Appellate Division reversed the lower court and said a local school district lacks jurisdiction to challenge the law.

In June, 1967, however, the Court of Appeals, in a 4 to 3 ruling, gave the local school board the right to file suit in the matter, but declared the law to be constitutional under both state and federal constitutions.

The case was argued before the Supreme Court in April of this year.

Property Dispute

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The dispute arose when the Presbytery of Savannah took action to appoint ministers to these churches and to conduct worship in the buildings.

After hearing the evidence on both sides the Supreme Court of Georgia stated the question to be decided as follows:

"Are local Presbyterian churches which withdraw from the general church, charging abandonment by the general church of the tenets of faith and practice existing when the local churches affiliated with it, entitled to maintain an action in the civil courts for

the possession and use of the local church properties, legal title to which is the local churches?"

Both the Superior Court of Chatham County and the Georgia Supreme Court ruled that the local churches had the right to bring such a question to the court and that the local churches are entitled to retain the property.

The appeal to the U. S. Supreme Court was made by the Presbyterian Church in the United States. Filing amici curiae briefs were the United Presbyterian Church in the United States of America.

The Georgia courts held that although the Presbyterian Church in the U.S. had not "completely abandoned" its original faith, there was a "substantial abandonment of, or departure from the original tenets of faith and practice or the general church."

In a case such as this it was ruled that "the civil courts will afford protection to the local churches as to possession and use of the local church properties, free of any claim by the general church."

In its charges against the Presbyterian Church in the U.S. the Eastern Heights church said it had departed from the original faith in the following ways:

- Ordaining women as ministers and ruling elders;
- Making pronouncements and recommendations on civil, economic, social and political matters;
- Supporting removal of the Bible and prayers from public schools;
- Adopting Sunday School literature that taught contrary to the Confession of Faith and Catechisms;
- Maintaining membership in and accepting the practices of the National Council of Churches; and
- Advocating the doctrine of civil disobedience.

Also included in its charges were that the denomination made pronouncements on the Vietnam war, disseminated publications denying the Holy Trinity, and violated the moral and ethical standards of the faith.

The Presbyterian denomination, in its petition to the U.S. Supreme Court, argued that the Georgia decision violated the separation of church and state provisions of the First Amendment to the U. S. Constitution.

The case will not likely be argued before the Supreme Court until the latter part of the year, since at the time of granting certiorari, the Court was preparing to adjourn for the summer.

Court Opens Doors

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support of a religious institution."

The report of this decision in the Washington Post said that it would "provide new impetus for a bill sponsored by Sen. Sam J. Ervin, Jr. (D-NC) . . . channeling such suits to the Federal Court in Washington.

Other observers in Washington, however, opined that the pending judicial review bill, passed by the Senate and pending in the House is less necessary now. Possibly, they continue, a new judicial review bill may be needed to channel such cases through the federal court of the District of Columbia. This might discourage a flood of cases throughout the nation which could paralyze many federal programs.

Justice William O. Douglas in his concurring opinion hit at efforts of Congress to enact judicial review bills. He said, "I would certainly not wait for Congress to give its blessing to our deciding cases clearly within our Article III jurisdiction. To wait for a sign from Congress is to allow important Constitutional questions to go undecided and personal liberty unprotected."

Douglas indicated that he did not fear an "inundation of the federal courts if taxpayers' suits are allowed." He pointed out that the court justices would be capable of deciding what cases, how many, they would consider.

The Court made it clear that at this stage it was expressing no opinion on the merits of the claim of the New York taxpayers that federal spending in parochial schools violates the constitution.

"In fact," the Court concluded, "it is impossible to make any such judgment in the present posture of this case. The proceedings in the court below thus far have been devoted solely to the threshold question of standing, and nothing in the record bears upon the merits of the substantive questions presented in the complaint."

The July issue of the Report From The Capital was edited by the staff of the Baptist Joint Committee on Public Affairs due to the hospitalization of its editor, James M. Sapp.

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Research Center

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as "an excellent scholarly survey of the church-state field, publishing diverse views by authors from various traditions."

An important feature of the program has also been the sponsorship of the Dawson Lectures on Church and State. The lecturers have included Catholic, Protestant and Jewish scholars such as Leo Pfeffer, Winthrop S. Hudson, R. Pierce Beaver, William Lee Miller, Franklin H. Littell, Robert F. Drinan and John Halliwell.

One book based on one of the lecture series has been published and lectures from each of the series have been published and lectures from each of the series have been published in *A Journal of Church and State*.

In the fall of 1965, the inter-departmental Graduate Degree Program in Church-State Studies, leading to the Master of Arts degree, was inaugurated. The American Jewish Committee of the Southwest in 1964 presented the Max Nathan Memorial Library Award to the J. M. Dawson Studies in Church and State "for significant contribution to the advancement of human relations in the Southwest."

The J. M. Dawson Church-State Research Center will represent the hub of the Baylor program in Church-State Studies. Research items in the Center include historical, legal and theological studies on church and state along with materials pertaining to religious liberty, ecumenics and inter-faith relations, the status of religious minorities, case studies, court cases and constitutional provisions on church-state relations throughout the world.

Official documents on the relationship of church and state from various churches and religious traditions, as well as the United Nations and national governments, are to be preserved in the Center as a repository for future research in the whole area of church-state relations and religious liberty. Dr. Dawson contributed several hundred bound volumes as well as his personal papers on church and state to the Center. Dr. E. S. James, former Editor of the *Baptist Standard* (1954-1966) has also contributed his personal papers and correspondence to the Center.

During the dedication ceremonies, a portrait of Dr. Dawson, sitting at his desk in Washington, D. C. with the U. S. Capitol in the background, was formally presented to the University by the artist Erwin M. Hearne, Jr. The portrait was expressly done to be placed in the Center.

On the part of Baylor University, it is

hoped that the dedication of the J. M. Dawson Church-State Research Center will represent an authentic expression of the recognized place of church-state studies in American higher education and that the purposes for which the Center is established will be fully realized in the years ahead, as both a contribution to inter-faith understanding and the meaning of religious liberty in the modern world.

U. S. Senate Approves Bill For Four Monday Holidays

WASHINGTON (BP)—The U. S. Senate has voted to approve the Monday Holiday bill which provides for more three-day weekends for the nation.

The measure was passed by the House in May and now goes to the President for his signature. With little opposition in Congress and throughout the country to the legislation, there seems to be no doubt that the President will sign the bill into law.

If signed, the new law would take effect January 1, 1971. This date was set so that all state legislatures would have a chance to make similar laws.

The legislation calls for three public holidays to be changed so that they fall on Monday. They will be:

- Washington's Birthday, the third Monday in February;
- Memorial Day, the last Monday in May;
- Veterans Day, the fourth Monday in October.

Report From The Capital