Report from the Capital

NOVEMBER
DECEMBER
1970

Public Affairs Committee Names Magnuson Chairman

WASHINGTON (BPA) — Warren R. Magnuson of Chicago, general secretary of the Baptist General Conference, is the new chairman of the Baptist Joint Committee on Public Affairs. C. Emanuel Carlson is executive director of the Committee.

Magnuson succeeds Homer J. Tucker, an American Baptist, who has been chairman for the last two years.

The Baptist Public Affairs Committee, in semiannual session here, also named Miss Alma Hunt, executive secretary of the Woman's Missionary Union, Birmingham, Ala., as first vice-chairman and S. S. Hodges, executive secretary of the Progressive National Baptist Convention, Inc., as second vice-chairman. Miss Elizabeth Miller, head of the American Baptist Division of Christian Social Concern, was selected secretary.

Magnuson, a native of Minnesota, was elected general secretary of the Baptist General Conference in 1969. He is a graduate of the University of Minnesota and Bethel Seminary in St. Paul, where he was pastor of the Central Baptist Church for 15 years. Magnuson's convention, with headquarters in Chicago, has 687 congregations and more than 105,000 members. Originally the Baptist General Conference was composed of Swedish Baptist immigrants and their descendants. However, in recent years the Conference has not emphasized its ethnic character.

Baptists Join Fight Against Proposed School Voucher Plan

WASHINGTON (BPA)—Baptists have joined a score of national organizations with membership over 34 million to oppose proposed educational voucher experiments which would provide public funds to private and parochial schools as well as to public schools.

The Baptist Joint Committee on Public Affairs in its semiannual meeting here expressed its concern for quality education in the nation. The Committee in a statement hoped that experiments using public funds for the improvement of education "will be carried out within the framework of public schools, as we have traditionally known them."

COVER PICTURE

Black Baptists are welcomed into membership of the Baptist Joint Committee on Public Affairs. C. Emanuel Carlson is executive director of the Committee.

In the picture, Warren R. Magnuson of Chicago (right), general secretary of the Baptist General Conference, is the new chairman of the Baptist Joint Committee. He is welcoming S. S. Hodges, executive secretary of the Progressive National Baptist Convention, Inc., into full participation in the work of the Committee.

—Baptist Joint Committee Photo
Harrell Krell, Photographer

"We point out that there is a dangerous blurring of the separation between church and state as public funds are channeled into religiously owned and operated schools," the Baptist Joint Committee statement continued. It charged as "unwarranted" a redefinition of "public school" as one which is open to all segments of the public.

At the September 22 meeting of the Executive Committee of the Southern Baptist Convention a resolution was approved which opposed "the implementation of any educational voucher system which would permit the use of public funds either directly or indirectly by private church-related elementary and secondary schools."

An informal coalition of educational, religious and civil rights organizations in the nation's capital has taken action to halt proposed educational voucher experiments in the Office of Economic Opportunity until public hearings are held and until adequate safeguards are built in to assure the best interests of public education. The National Education Association and the American Federation of Teachers provide co-chairmen for the coalition.

In brief, in the proposed experiment an educational voucher would be available to parents in amounts roughly equal to the current expenditures of the public schools in their community. The parents would then be free to use the vouchers as tuition for their children in the schools of their choice, public, private or parochial. Payment would be made to the school and not to the pupil or parents.

The purpose of such an experiment, according to Donald Rumsfeld, director of the Office of Economic Opportunity, would be to determine whether parental choice of

(Continued on Page 6)

Black Baptists To Work With Public Affairs Committee

WASHINGTON (BPA) — The Baptist Joint Committee on Public Affairs, in semiannual session here, received the Progressive National Baptist Convention, Inc., into its membership.

This brings to nine the number of Baptist conventions and conferences in North America which are part of the Committee.

The Progressive National Baptist Convention, Inc., a predominantly black group, was organized in 1961. Already it has a membership of about 800 churches with more than 750,000 members.

Other black Baptist bodies affiliated with the Baptist Joint Committee are the National Baptist Convention of America and the National Baptist Convention, U.S.A., Inc. For more than a decade, however, these two bodies have been largely inactive in the work of the Committee.

Homer J. Tucker, chairman of the Baptist Joint Committee, a black Baptist from the American Baptist Convention, said that the action of the Progressive Baptists is an indication of improving black-white relations in the country.

"As far as I know," Tucker said, "this is the first time in recent years when a significant black group has moved actively to participate in an organization composed mostly of white people."

"This is symbolic," Tucker continued, "not only of better relations between black and white Baptists but between black and white people in general."

S. S. Hodges, a native of South Carolina, is the new, full-time executive secretary of the Progressive Baptist group. Hodges began his work in April of this year, opening the Convention's first permanent headquarters here in the nation's capital. A graduate of the American Baptist Theological Seminary in Nashville, Tenn., Hodges formerly was pastor of the Sardis Baptist Church in Cleveland, Ohio.

Hodges explained that the Progressive National Baptist Convention, Inc., originally was particularly strong in northern urban centers but that it is now picking up strength in the South. Many of the churches, he said, are dually aligned with the American Baptist Convention and a few are affiliated with the Southern Baptist Convention.

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 religious 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; John W. Baker, associate executive director and director of research; W. Barry Garrett, director of information services; and James M. Dunn, director of correlation services and editor of *Report From The Capital*.

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November-December 1970—Volume 25, Number 10

washington observations

news views trends

October 29, 1970

THE NOVEMBER ELECTIONS will be history by the time this issue of Report From The Capital is mailed. We hope that the campaign emotionalism has subsided and that the people will recognize the political rhetoric for what it was. Now that the noise has abated and the elections have been won or lost, the issues before the nation remain and both parties should settle down to find solutions.

CONGRESS RECESSED on October 14 for a month at home to participate in the campaigns. It will reassemble on November 16 for the lame duck closing of the 91st Congress. Will the Senators and Representatives now tackle the national problems free from the pressures of reelection, or will they drag their feet the remainder of the year and make a new start in the 92nd Congress next January?

UNFINISHED BUSINESS of the 91st Congress includes some appropriations for the fiscal year that began July 1, the Family Assistance Plan, Women's Equal Rights Amendment, a Prayer Amendment, Electoral Reform, Food Stamp Reform, Aid to Higher Education, Social Security benefits, congressional reform, to mention only a few.

NATIONAL HEALTH INSURANCE proposals were introduced late in the second session of the 91st Congress. No one expected any action on these proposals this year. The strategy was to get them in the hopper, before the public mind, and plan for hearings and action in the 92nd Congress, if possible.

WHAT HAPPENS to much of the pending business in Congress depends to some extent on the results of the November elections. The politicians will be quick to try to interpret the mood of the country as expressed in the elections. This could result in accelerated action, more delay, inter-party bickering, or Congressional harmony, depending on the interpretations placed on the elections.

IN ANY EVENT, what happens in Congress the remainder of this year and during the two years of the 92nd Congress will point to a big build-up for the 1972 presidential election.

THE U.S. SUPREME COURT in its current 1970-71 session has before it cases of significance to the churches that may be as important as those in the 1969-70 term which included the church tax exemption case.

AMONG THE CASES pending in the Supreme Court are not less than 23 that are concerned with conscientious objections to military service, a like number of cases involving "obscenity" in various forms. Other cases are concerned with federal aid to church-related colleges for construction of academic facilities, bus transportation to parochial school students, payment of state funds to nonpublic teachers of secular subjects, abortion, questions of ownership and control of church property, income tax exclusions for rental allowance to an unordained church employee, and refusal on religious grounds to work on Saturdays.

Baptist Committee Files Brief On Compulsory Religion

(Editor's Note: Due to the importance of the religious liberty issues involved we commend to our readers the complete text of the amicus curiae brief filed in the United States Court of Appeals for the District of Columbia by the Baptist Joint Committee on Public Affairs. This action was taken upon instruction from the Committee in semiannual session October 7, 1970.)

In The

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA

MICHAEL B. ANDERSON, CADET, U.S.A. et al., Appellants

v.

MELVIN R. LAIRD, et al., Appellees

No. 24617

ON APPEAL FROM THE
UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF COLUMBIA

BRIEF AMICUS CURIAE
ON BEHALF OF
THE BAPTIST JOINT COMMITTEE
ON PUBLIC AFFAIRS URGING
REVERSAL

Interest of the Amicus Curiae

The Baptist Joint Committee on Public Affairs is made up of public affairs committees from the American Baptist Convention, Baptist General Conference, National Baptist Convention of America, National Baptist Convention, U.S.A., Inc., Progressive National Baptist Convention, Inc., North American Baptist General Conference, Seventh Day Baptist General Conference, and the Southern Baptist Convention. These Baptist groups have more than twenty-three million members with a direct interest in church-state relations. The Baptist Joint Committee on Public Affairs has as one of its mandates to act "whenever Baptist principles are involved in, or are jeopardized through, government action . . ." Religious liberty, which comprehends the concept of religious voluntarism, is a fundamental religious principle among Baptists. That principle is also an important constitutional principle of American government. In the opinion of the Baptist Joint Committee that principle is jeopardized by the decision of the United States District Court for the District of Columbia, dated July 31, 1970, which is on appeal in this case.

Questions Presented

Technically, the question is presented: Did the District of Columbia err in holding that the requirement for compulsory chapel attendance by the cadets and midshipmen at the United States Military Academy at West Point, New York, the United States Naval Academy at Annapolis, Maryland, and the United States Air Force Academy at Colorado Springs, Colorado, does not violate either the "establishment" or "free exercise" clause of the First Amendment of the Constitution of the United States of America and does not constitute a religious test for holding an "office or public trust under the United States" as forbidden by Article VI of that Constitution? More specifically the question may be stated: Does the federal Constitution *prohibit* the government, its agents and/or its instrumentalities from requiring attendance at religious services by cadets and midshipmen at the United States Military Academy at West Point, New York, the United States Naval Academy at Annapolis, Maryland, and the United States Air Force Academy at Colorado Springs, Colorado?

Statement of the Case

Appellants, two cadets of the United States Military Academy and nine midshipmen of the United States Naval Academy, brought suit in the United States District Court for the District of Columbia as a class action on behalf of all cadets and midshipmen. The appellees are the Secretary of Defense and the Secretaries of the Army, Air Force, and Navy.

Appellants claim that regulations promulgated by the appellees making attendance at religious services at chapel mandatory are in violation of the "no establishment" and the "free exercise" clauses of the First Amendment and of Article VI of the Constitution of the United States of America. They sought (1) a declaratory judgment that compulsory church or chapel attendance violates these provisions of the Constitution, and (2) a permanent injunction forbidding the Academies from enforcing the regulations and from disciplining those cadets involved in the court action.

On July 31, Judge Howard F. Corcoran of the United States District Court for the District of Columbia denied that compulsory chapel attendance violates the Constitution and denied appellants' motion for a permanent injunction against enforcement of the requirement. The court did enjoin the Academies from disciplining the cadets and midshipmen for their involvement in the suit.

Summary of Argument

1. By requiring attendance of cadets and midshipmen at religious services the Academies have, in fact, established official religions and the exemption from attendance of those who object does not absolve appellees from their offense against the "no establishment" clause of the First Amendment.

2. By compelling cadets and midshipmen to attend religious services appellees are providing compulsory religion and, thereby, are prohibiting the "free exercise" of religion provided for in the First Amendment.

3. Mandatory chapel attendance constitutes a religious test for holding an office or public trust under the United States in violation of Article VI of the Constitution.

4. The principle of religious liberty which has permeated American constitutional development demands that government not use religion for ends appropriate to itself.

Argument

1. By requiring attendance of cadets and midshipmen at religious services the Academies have, in fact, established official religions and the exemptions from attendance of those who object does not absolve appellees from their offense against the "no establishment" clause of the First Amendment.

In *Walz* v. *Tax Commission*, 397 U.S. 664 (1970), the Supreme Court noted (at 668) that the "no establishment" clause of the First Amendment is not drawn with great precision. Yet the Supreme Court has interpreted the clause in several specific ways:

> "It is sufficient to note that for the men who wrote the Religious Clauses of the First Amendment the 'establishment' of a religion connoted sponsorship, financial support, and *active involvement of the sovereign in religious activities.*" *Id.*, at 668. (Emphasis added)

> "The general principle deductible from the First Amendment and all that has been said by the Court is this: that we will not tolerate either governmentally established religion or governmental interference with religion. Short of these expressly proscribed governmental acts there is room for play in the joints productive of a benevolent neutrality which will permit religious exercise to exist *without sponsorship and without interference.*" *Id.*, at 669. (Emphasis added)

> "The 'establishment of religion' clause of the First Amendment means at least this: Neither a state nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. Neither can force nor influence a person to go or to remain away from church against his will

or force him to profess a belief or disbelief in any religion. No person can be punished for entertaining or professing religious beliefs or disbeliefs, for church attendance or non-attendance." *Everson* v. *Board of Education*, 330 U.S. at 15-16 (1947).

The Supreme Court in *Walz* v. *Tax Commission*, 397 U.S. at 670-671, noted its continued support of this construction of the meaning of establishment. It was equally emphatic in *McCollum* v. *Board of Education*, 333 U.S. 203 (1948), *McGowan* v. *Maryland*, 366 U.S. 420 (1961), and *Torcaso* v. *Watkins*, 367 U.S. 488 (1961).

The argument that persons who object to attendance at religious services may be excused ignores the fact that an agent of the state, having erected a structure of coercion, has violated the First Amendment's ban on establishment even when attendance may be excused on objection.

> "The Establishment Clause, unlike the Free Exercise Clause does not depend upon any showing of direct governmental compulsion and is violated by the enactment of laws which establish an official religion whether those laws operate directly to coerce nonobserving individuals or not." *Engle* v. *Vitale*, 370 U.S. at 430.

Similarly, a rule having the force of law issued by a responsible agent of the government must be free of compulsion in the field of religious liberty.

> "When the power, prestige and financial support of government is placed behind a particular religious belief, the indirect coercive pressure upon religious minorities to conform to the prevailing officially approved religion is plain." *Id.*, at 430.

The Supreme Court in *Abington School District* v. *Schempp*, 374 U.S. 203 (1963), saw a breach in the "no establishment" clause of the First Amendment even when students were allowed to absent themselves from state-sanctioned reading from the Bible.

For the Academies to require attendance at religious service—even though they may argue that the requirement to attend is not a requirement to worship—meets all of the tests the Supreme Court has established for compulsion which violates the "no establishment" clause of the First Amendment.

2. By compelling cadets and midshipmen to attend religious services, appellees are providing for compulsory religion and, thereby, are prohibiting the free exercise of religion.

The "free exercise" clause of the First Amendment clearly prohibits the use of state action to deny the rights of free exercise to anyone. [see *Abington School District* v. *Schempp*, 374 U.S. 203 (1963)]

A tradition of compulsory chapel attendance which has developed unchallenged over a number of years has, no doubt, a backlog of acceptance. However, long usage of a wrong or unconstitutional policy does not make such usage either correct or constitutional. The principle of religious liberty in this country has a much longer history which declares that compulsory religion is not free exercise. Roger Williams wrote: "Forced worship is a stinck [sic] in the nostrils of God" *(The Bloudy Tenet of Persecution)*; and Thomas Jefferson wrote in the Virginia Statute of Religious Liberty: ". . . no man shall be compelled to frequent or support a religious worship place or ministry whatsoever, nor shall be enforced, restrained, molested, or burdened in his body or goods, or shall otherwise suffer, on account of his religious opinions or beliefs." (Sec. II)

Voluntarism is the hallmark of the free exercise of religion. Compulsion in attendance at religious services, no matter what ends the Academies seeks to achieve and no matter what their motives are, is patently not in keeping with either the spirit or the meaning of the "free exercise" clause of the First Amendment as interpreted by the Supreme Court.

3. Mandatory chapel attendance constitutes a religious test for holding an office or public trust under the United States, in violation of Article VI of the Constitution.

The Academies are closed communities in which conformity to tradition as well as to rules and regulations is expected by those in charge and by most of those who make up the student body. Short of administrative relief, which has been denied, or judicial relief, which is sought in this case, the issue of freedom of religion at the Academies becomes a moot issue. The individual who has strong conscientious scruples against compulsory religion, whether he is a believer or not, feels compelled, at present, to sublimate those scruples if he wants to graduate from one of the Academies and hold a commission in one of the armed services. *To such a person compulsory religion, in the form of chapel attendance, constitutes a religious test to hold an office or public trust under the United States.*

The fact that fewer than five percent of the officers in the armed services come from the Academies begs the question in this case. So does the related argument of *de minimis*.

Article VI of the Constitution is couched in absolute rather than relative terms. In this Article the Constitution is not selective. For men in the Academies, chapel attendance *is* a religious test. Whether it is such a test for all other officers is not at issue. If mandatory chapel attendance is a religious test *for any one person* it is unconstitutional and should be so declared.

4. The principle of religious liberty which has permeated American constitutional development demands that government not use religion for ends appropriate to itself.

In arguing this position we are not saying that the ends of government are not important. There are many ends of government which do coincide with the objectives of religion. However, these cases cited above clearly demonstrate that religious purposes are autonomous of the purposes of the state.

The United States District Court for the District of Columbia in this case agreed with appellees that chapel ". . . attendance is purely secular and an integral part of the military training accorded to the various groups of cadets, and that its primary effect is to instill in the cadets an understanding of the religious values which can at times motivate the men who will ultimately come under their command" (decision in *Anderson* v. *Laird*, Civil Action No. 169-70, filed July 31, 1970, p.6); also, "Highly trained military leaders are essential to national security, and the understanding gleaned from chapel attendance is necessary to mold the well-trained officer" *Id.*, at 15; also, ". . . the purpose of required attendance at church or chapel service is wholly secular . . ." *Id.*, at 17.

The appellees and the District Court are in agreement on the purpose of the compulsory chapel attendance requirement. Simply, it is the use of religion and religious services to achieve a purely secular end of the state.

Regardless of the merit of developing officers who are sensitive to their men's needs—and, using the court's figures, more than 95 percent of the officers in the armed services have not had this—special use of religion afforded at the Academies—the training of officers is a *secular* objective of government. It is constitutionally inappropriate for government to use religion to achieve this goal. Worship or attendance at worship services must not be used as a training exercise. The government must not be allowed to continue to "use" God as an aid in military training. Any attempt by government to manipulate God and religion for proximate human purposes, however worthy those purposes may be in their own milieu, is tinged with blasphemy and is also unconstitutional. As to the unconstitutional aspects, case law cited is clear.

Conclusion

The decision of the District Court for the District of Columbia should be reversed and requirement of compulsory chapel attendance at the United States Military Academy, West Point, New York, the United States Naval Academy, Annapolis, Maryland and the United States Air Force Academy, Colorado Springs, Colorado, should be declared as contrary to Article VI of the Constitution of the United States of America and the "no establishment" and "free exercise" clauses of the First Amendment to that Constitution.

Political Manipulations Mix Religion, Politics

By W. Barry Garrett

WASHINGTON (BPA)—In a political maneuver that may give some senators voter appeal to their constituents the U.S. Senate finally approved (50-20) a constitutional prayer amendment which none of them can reasonably expect to pass the full Congress.

Sen. Howard H. Baker (R., Tenn.), son-in law of the late Sen. Everett McK. Dirksen, attached the so-called "Dirksen Amendment" to the women's equal rights amendment to the Constitution. This was done two days before recess for the election campaigns. The vote was taken one day before the recess with almost no debate.

Prior to that the Senate approved another amendment to the women's equal rights proposal which would guarantee that nothing in the women's rights measure would require drafting of women into the armed forces if Congress does not choose to draft them.

Both actions of the Senate virtually killed the women's equal rights amendment, according to many Washington observers. Here is the way it works.

The House of Representatives passed by a two thirds vote a proposed constitutional amendment that says: "Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex." The proposal then went to the Senate for hearings, debate and vote.

It is important to remember that the women's equal rights amendment is opposed both by Rep. Emanuel Celler (D., N.Y.), chairman of the House Judiciary Committee, and by Sen. Sam J. Ervin, Jr., (D., N.C.), chairman of the Senate Subcommittee on Constitutional Rights. The amendment was bottled up in the House Judiciary Committee by its chairman until it was forced to the floor of the House of Representatives by the rarely used discharge petition. This procedure always incurs the hostility of the Committee chairman involved.

The procedure in the Senate was different. After reaching the Senate floor the women's equal rights amendment was attacked by attaching other amendments to it. This forces the revised amendment to a Conference Committee composed of representatives of both Houses of Congress, unless the House Rules Committee accepts the Senate package. The function of the Conference Committee is to iron out differences between the House and Senate versions of similar bills before sending back an identical bill to be voted upon by both Houses without further amendment possible from the floor.

It is inevitable that strong opponents both to the women's equal rights amendment and to the prayer amendment will be appointed to serve on the Conference Committee. This committee in turn will either keep the entire proposal bottled up until Congress adjourns for the session or until a compromise is reached that is acceptable to all parties.

In the event that the proposal is kept in committee until adjournment, then the entire legislative process must be started over again with the new Congress in 1971. In the event a compromise is reached, it is likely that all extraneous amendments will be shucked off and the original simplified version would prevail. This latter is an unlikely event.

In either case the Dirksen prayer amendment would most likely be the first victim of the delay or side-tracking procedure and would not see the light of day again in this session of Congress. At the same time the politicians can appear before the voters and tell how they supported the prayer amendment to the constitution. Politicians always do their best to appear to be on the side of God, of righteousness and of religion so as not to offend the good people who send them back to Congress.

Little does Mr. Average Voter realize that his emotions are being appealed to rather than his good judgment. Little does he realize that religion is being used as a political tool for political purposes in such maneuverings.

In the process, truth goes out the window and the voter hears what the politician thinks he wants to hear. For instance, Senator Baker in a press release after the Dirksen amendment was approved said: "A majority of the Supreme Court held in 1961 that voluntary nondenominational prayer in public school was a violation of the ban against 'the establishment of religion' contained in the First Amendment to the Constitution."

The direct opposite to this is pointed out by Sen. Ervin in his speech to the Senate opposing the Dirksen amendment. Ervin said: "I think the present amendment is wholly unnecessary, because there is nothing in the school prayer case which holds that the first amendment outlaws voluntary prayers in the schools; and therefore we are attempting to circumvent a decision of the Supreme Court which has never been rendered."

Ervin further says: "There is no Supreme Court case and I venture to guess, no case in any American court, which bans prayer in public buildings."

(The Dirksen amendment that was approved by the Senate would provide: "Nothing contained in this Constitution shall abridge the right of persons lawfully assembled, in any public building which is supported in whole or in part through the expenditure of public funds to participate in nondenominational prayer.")

Sen. Ralph Yarborough (D., Tex.) opposed the Dirksen amendment and said that it "poses a major threat to religious freedom in America."

Yarborough said that "this amendment would seemingly limit prayers in public buildings to 'nondenominational prayers.'" He then pointed out that it would be necessary for the government to determine which would be denominational or nondenominational prayer.

This, Yarborough continued, would put the government in the business of determining what would be acceptable prayer or unacceptable prayer in public buildings, which would include the schools. Thus, he concluded, the Dirksen amendment would abridge and limit the broad religious freedom of the Bill of Rights.

Voucher Plan

(Continued from Page 2)

schools would improve the quality of education in the nation. This improvement, supposedly, would result from competition among the various types of schools for the educational dollars provided by the vouchers.

Rumsfeld charges that those opposing the voucher plan are simply opposed to experiment in education and that their concern is the preservation of the educational "establishment" rather than developing the quality of education offered to pupils.

The coalition participants deny these charges and countercharge that the current Administration in Washington is engaging in unjustified attacks on the public education system of the nation. Their answer to the charges of failure in the public schools is that the public has never "put its money where its mouth is" and that public education has never been given a real chance to produce quality education for all pupils.

Many of the coalition group believe that the proposed voucher experiments of OEO will: (1) create racially segregated schools, (2) develop economically segregated schools, (3) violate the principle of separation of church and state, (4) add a financial burden to the public treasury by paying for private and parochial schools in addition to the public schools, (5) produce administrative disaster in all the schools, (6) have inadequate controls for quality education in nonpublic schools, and (7) create a rush of profit-making firms going into the business of educating the nation's young.

The Baptist Joint Committee statement commended the Office of Economic Oppor-

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Connecticut Federal Court Outlaws Parochial Aid

NEW YORK (AJC)—The unanimous decision of a three-judge Federal court in Connecticut outlawing state aid to private and parochial schools was hailed today by the American Jewish Congress as a "major victory for religious liberty and church-state separation."

In a major test case, *Johnson v. Sanders*, the court held unconstitutional a Connecticut law authorizing the state to pay 20 per cent of the salary of all instructors teaching secular subjects in any of the state's private schools. The ruling was issued October 14.

Leo Pfeffer, special counsel of the American Jewish Congress and chief attorney in the case, said the court's unanimous ruling was "in line with a growing trend of Federal and State court decisions barring the use of public funds for church-connected schools." He cited opinions—all of them unanimous—handed down in recent months by the Federal District Court in Providence, R.I., the Supreme Judicial Court of Massachusetts, the Supreme Court of Montana, and the Supreme Judicial Court of Maine.

Opinions upholding such payments have been handed down by Federal District Courts in Pennsylvania (by a 2-to-1 vote) and Michigan (by 4-to-3). The U.S. Supreme Court is expected to decide the issue.

The Connecticut law allocated $6 million in direct state aid to private schools. Some 263 non-private schools applied for payments under the act—217 operated by religious bodies of which 210 were Roman Catholic.

A Key Clause

The court in its unanimous decision held that the law's primary effect "must be characterized as one which either advances or inhibits the religious activities and influence of contracting parochial schools," thus violating First Amendment guarantees of religious liberty and separation of church and state. The statute "unconstitutionally advances religion," the three-judge court held.

The suit was brought against William J. Sanders, secretary of the State Board of Education, Gerald A. Lamb, State Treasurer, and Louis I. Gladstone, State Controller.

The plaintiffs include the American Jewish Congress, Connecticut Civil Liberties Union, Connecticut Branches of the NAACP, the Connecticut Council of Churches, the Connecticut Jewish Community Relations Council, Americans United for Separation of Church and State.

Democracy: Political and Religious

An Editorial by Hudson Baggett in The Alabama Baptist, Sept. 17, 1970

There are many similarities between the way Baptists do business and the way it is done in the political arena of our country. This is not incidental nor accidental because both follow democratic principles of procedure. As a result, there is a high regard for government by consensus, majority rule, discussing and debating issues.

Naturally, in such a system, whether in religion or politics, public opinion is a key thing. As one would expect, there are strong attempts to influence and manipulate public opinion. This is especially true where a religious body follows democratic methods of operating as Baptists do.

Baptists suffer many of the ills of the political system without some of its benefits.

For example, government by consensus makes churches, pastors, denominations and their leaders supersensitive to public opinion. Criticism and various pressures are harder to handle by those who seek to please and who attempt to bring about a reasonable unity of opinion.

This kind of thing can cause churches and denominations to shrink from bucking prevailing winds of opinion.

It is precisely the reason some politicians face issues more readily than churchmen.

Politicians are sensitive to public opinion also, but a realistic politician knows that he will do well if he gets a mere majority of votes anyway. Most politicians are glad to get a majority no matter how small.

In the church, however, we think that we have failed if we don't get unanimous approval.

Some of the best politicians are the most controversial. The democratic system helps them to get their views across.

In religion, on the other hand, many people feel that those who are controversial are troublemakers and have no worthy contribution to make. One cannot help but think of Amos, Isaiah, Jeremiah and Elijah who even called the hand of the politicians.

Our system of democracy favors those who are the strongest in influencing and persuading people on vital issues. Politicians have the advantage because people expect them to speak on crucial issues while many of the same people expect and demand that preachers and other church leaders remain silent on problems which threaten our survival as a nation.

We can expect the secularizing of our society to accelerate as long as public opinion encourages the politician and pressures the prophets to be silent.

Private School Group Lauds Nixon School Policy

ST. PAUL, Minn. (RNS)—President Nixon has been commended by the Citizens for Education Freedom (CEF) for recognition of "the integral part played by nonpublic schools in the education of the nation."

A resolution of commendation was adopted by the CEF, predominantly Catholic but with Protestant membership and officers, at its national convention here. The resolution referred to the President's message in establishing his commission on school finance.

CEF also commended the U.S. Office Economic Opportunity for a grant that will finance a study of educational vouchers to be conducted by the Center for the Study of Public Policy in Cambridge, Mass.

In other resolutions, the CEF:

—Affirmed the ideal that every parent, and especially everyone who is a member of a minority group or is otherwise economically or socially disadvantaged, shall have the right and opportunity to exercise freedom of choice in the selection of a school for his children. A spokesman said the resolution was aimed at commentators who accuse private schools of being "havens of discrimination."

—Urged teachers and educators to remember always that they are servants and not masters and ever to respect the primary rights of parents in all matters concerning the education of children.

—Endorsed the tuition grant method of government aid to education of children in nonpublic schools.

—Rejected efforts of "militant secularists and their allies under the guise of state regulation of public funds to impose upon parents, teachers and students as the price of aid to education in secular subject their own secularist beliefs in the form of unreasonable restrictions respecting the religious and moral aspects of such subjects. . . ."

—Commended Michigan Gov. William G. Milliken for not opposing state aid to children in nonpublic schools.

Coalition Asks Hearings On School Vouchers

WASHINGTON (NEA)—A coalition of education-interest groups today asked Congress to investigate a controversial "voucher plan" the Office of Economic Opportunity expects to launch next fall. The plan would put tuition grants directly into the hands of parents who could send their children to public or private schools of their choice.

In telegrams to Rep. Carl Perkins, chairman of the Senate Labor and Public Welfare Committee, the group said the voucher plan is open to serious challenge.

One thing is clear, the group stressed in its cable: ". . . an educational voucher plan of the type under consideration by the Office of Economic Opportunity could have broad social, educational, and political implications, and could adversely affect the American public educational system. We therefore call for Congressional hearings to evaluate the voucher proposal before any such equipment is implemented."

"All we want is the opportunity to question the voucher plan," said John M. Lumley and Carl Megel, co-chairmen of a 17-member alliance of national educational and religious groups. Lumley is assistant executive secretary for government relations and citizenship of the National Education Association. Megel is director of the Legislation Department of the American Federation of Teachers.

The co-chairmen point to the fear felt by some educators that parents might use their ticket/voucher—equal in value to the cost of educating one pupil in the local school system—to create schools segregated by race or wealth.

They note that some members of the alliance believe the principle of separation of church and state would be violated if parents were to take advantage of their option to use the voucher to pay for a parochial school education for their children. Further, there is some concern that the voucher system: (1) could place an even greater burden on the already meager treasury for public schools, (2) could result in administrative disaster because there would be no way to determine how many children would end up in each school and therefore no way for authorities to plan, and (3) could lead to "hucksterism" by those profit-making firms that would use high-powered advertising to recruit student applicants.

In view of these questions and others, the alliance feels that the program under consideration by the OEO deserves the serious attention of Congress before it is adopted and before public funds are spent to implement it.

Coalition members stress they are not opposed to innovative experimentation, but seriously question that a voucher experiment would improve public education.

The experimental program is expected to involve at least 12,000 elementary school pupils and run from five to eight years at an annual cost of from $6 million to $8 million.

The program's designer, the Center for the Study of Public Policy, Cambridge, Mass., has outlined counterarguments, but Lumley and Megel said many coalition members feel these answers are inadequate and need closer scrutiny. They said that members of their group recently met with OEO Director Donald Rumsfeld to discuss their concerns and request clarification of the voucher plan. Despite that meeting, the co-chairmen said, the group is still unclear about OEO plans and feels that public hearings are necessary.

Organizations calling for Congressional investigation on the voucher plan are: American Association of School Administrators, American Association of University Women, American Federation of Teachers, American Jewish Committee, American Jewish Congress, Americans United for Separation of Church and State, Baptist Joint Committee on Public Affairs, Council of Chief State School Officers, Jewish Welfare Board, National Association of Elementary School Principals, National Congress of Parents and Teachers, National Council of Jewish Women, National Education Association, National School Boards Association, and the Joint Washington Office for Social Concern representing the American Ethical Union, American Humanist Association, and Unitarian Universalist Association.

Voucher Plan

(Continued from Page 6)

tunity for its concern to strengthen the quality of education and to experiment with a diversity of educational approaches to meet specific needs. However, it said, "We express deep concern that the educational voucher program is not the best means to accomplish this objective."

The Baptists further expressed "our basic confidence in the principle of public education." They urged "that public funds for elementary and secondary education be invested only in school systems which are publicly owned, whether for traditional ongoing educational programs or for experimental programs directed either towards upgrading the quality of general education or in meeting the specific needs of a particular locale or population segment."

The Baptists also expressed the belief that the proposed voucher system would weaken public education, would become an objectionable continuing program, and would "lead towards further polarization and fragmentation in the nation."

Although conflicting reports are circulated in Washington concerning the exact status of the voucher experiment plan, the OEO director states that it is still in the discussion stage, that no firm commitments have been made yet, and that the final nature of the experiment has not yet been determined.

Chaplains Commission Fights Compulsory Military Chapel

WASHINGTON, D.C. (RNS)—The General Commission on Chaplains and Armed Forces Personnel has voted to support a suit challenging compulsory chapel attendance at the military academies.

Coordinating agency for some 40 Protestant bodies, the commission had made an unsuccessful appeal in 1964 to the Department of Defense to remove the requirement.

At its recent meeting here, the commission voted to file an amicus curiae brief in favor of the plaintiffs in the case of Anderson v. Laird. Several cadets and midshipmen have brought suit.

They have appealed a lower court ruling that the compulsory chapel attendance does not violate the Constitution and that Department of Defense officials are justified in holding it is necessary for "complete" military training of the future officers.

The defense officials have argued that the practice is not religious but "purely secular."

The commission has engaged the services of John J. Adams, an attorney in charge of the Washington office of the Hunton, Williams, Gay, Powell, and Gibson firm of Richmond, Va.