

REPORT FROM THE CAPITAL

CAPITOL HILL COMMITTEE ON PUBLIC AFFAIRS



September 1950

PARTIAL OR COMPLETE SEPARATION OF CHURCH AND STATE?

At the Baptist World Congress, held in Cleveland in July, a woman approached the Executive Director and said, "Oh, I have read your book Separate Church and State Now and Then!" "Perhaps you mean Separate Church and State Now", suggested the Executive Director. "Really in the minds of some another addition should be made to have the title read Separate Church and State Now and Then, Here and There."

It is much to be lamented that so many throughout the world remain confused in regard to separation of church and state. The principle was first enunciated by Jesus, when he said, "Render to Caesar the things that are Caesar's and to God the things that are God's" (Mark 13:17). As Anson Phelps Stokes writes in his great work, Church and State in the United States (3 vols., Harper), "That saying laid the foundation on which the theory of the separation of Church and State was to be developed in the course of the centuries." When Constantine in 313 recognized Christianity as an "allowed religion" and Theodosius in 380 made Christianity the religion of the Roman Empire the principle was outraged.

The term "separation of church and state" was first used by Thomas Jefferson in his letter to the Danbury Baptists in 1802. Of course, Thomas Helwys in England and Roger Williams in New England, Baptist founders, had ardently advocated the principle long before under slightly different phraseology.

As Stokes correctly says:

"This phrase, now so well known in constitutional discussion, does not actually appear in the Constitution of the United States, or in that of any of the states except Utah, but the idea for which it stands is found both in the constitutional provisions against religious tests, and in the words of the First Amendment, which states that 'Congress shall make no law respecting an establishment of religion....' These forbid a Church established by law, and thereby require the separation of Church and State. They do not prevent such informal types of co-operation between the two powers as are within the law in the interest of the public, but there can be no interlocking of institutional functions."

Further Stokes remarks:

"It is this separation, through constitutional enactment, statute, and public opinion, between Church and State that has, in the opinion of most thoughtful American publicists, become the cornerstone of our religious freedom in the United States. Sometimes a foreign scholar or observer is able to see things of this character with unusual clarity and to express them with fresh suggestiveness. So let us quote the opinion of one of the most eminent modern European writers on religious liberty -- Professor Francesco Ruffini (1863-1934):

"...And thus it is that religious liberty and separation have become in America two terms which, ideally, historically, and practically, are inseparable. Such is the theory which is defended by those European writers who took upon themselves to extol the American system of separation as against the European system of jurisdictionalism or Erastianism."

A final quotation from Stokes is in order:

"The phrase 'separation of Church and State' is not approved by Catholic authority unless its meaning is limited by definition. It was specifically condemned by Pius IX in his 'Syllabus of Errors' as one of the 'principal errors of our time,' and though the Church has adjusted itself to it as a modus vivendi in this country and in certain other democracies, it theoretically cannot approve of it as an ideal.

"A definition from the point of view of one of the leading Protestant Christian publicists of our time is that of Dr. Charles C. Morrison (1874-), long the editor of the Christian Century:

"By the separation of church and state is meant the constitutional provision which forbids the making of any law, and therefore the taking of any executive action, that involves the interlocking of the official functions of the state with the official or institutional functions of any church."

Baptists, in theory at least, have always stood for complete separation of church and state in America. As stated in their Manifesto on Religious Liberty at the Copenhagen Congress, they believe this is best for the Church and for the State, not only in the United States, but in the whole world. Even in those countries where such separation is not immediately possible, they believe it should be faithfully upheld as the ideal toward which a sincere and earnest struggle to realize it should be made.

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PUBLIC AFFAIRS COMMITTEE CHAIRMAN PASSES

The death of E. Hilton Jackson, Washington, D. C., on July 16, at the age of eighty, is mourned by Baptists throughout the Nation. Mr. Jackson had been Chairman of the Baptist Joint Committee on Public Affairs since its formation in 1939, under the leadership of Dr. Rufus W. Weaver, who died in 1947. He had been the constant counsellor of the present Executive Director from the time of taking office.

This distinguished Constitutional lawyer and scholar made contributions to American jurisprudence of historic importance. As might have been expected, his most outstanding influence was exerted in the field of church-state relations. In the Everson case he appeared before the United States Supreme Court and argued for complete separation of church and state. The basic decision of the Court in that case, the first ever made directly on the meaning of the First Amendment to the Federal Constitution, was momentous. In a second case -- the McCollum -- where the Baptist Joint Committee submitted a friendly brief, Mr. Jackson's ideas received favorable consideration, and the fundamental findings of the Court in the Everson decision were upheld and further clarified. These two decisions have already had profound effects, and doubtless are destined to shape significantly the future of our country. He lived in the expectation that the only inconsistency he objected to in the Everson decision -- the non-sequitur ruling that free bus transportation to parochial school children was a public welfare service

to children and not a government grant to sectarian institutions -- might eventually be reconciled with the explicit prohibition of all tax aids, direct or indirect, for sectarian purposes contained in the body of that 1947 decision and repeated in the eight-to-one decision rendered in the McCollum case in 1948.

At the forthcoming semi-annual session of the Baptist Joint Committee on Public Affairs, October 3, 1950, a suitable resolution concerning his eminent services to the Committee will be offered.

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BAPTIST WORLD CONGRESS PRONOUNCEMENT ON RELIGIOUS LIBERTY

At Cleveland on August 25, a manifesto on religious liberty described as a "mid-century call to religious freedom" was presented to the seventh session of the World Baptist Congress. It came to the Congress from the 19-member Commission on Religious Liberty headed by Dr. Stanley I. Stuber of New York, and bore the approval of the Executive Committee of the Baptist World Alliance as an official pronouncement.

The Alliance has a constitutional mandate to report on the state of religious liberty at each Congress, usually held quinquennially. The commission was the first of seven that met in Cleveland to report to the Congress. The text of the manifesto follows:

"We Baptists of the world VIEW with grave concern the restrictions upon conscience and the deliberate religious persecutions which are now taking place in many parts of the world.

"We are distressed to learn that restraints are placed upon the preaching and teaching of God's Word; that religious instruction, particularly of young people, is hindered and Christian youth movements are prohibited; that there is interference with the training of the ministry and the appointment of church officers; and that obstacles are placed in the way of public evangelism and missionary work.

"The principle of separation of Church and State in some areas, even in places where it is now practiced, is seriously questioned; officers and members of churches have been arrested and imprisoned on an increasing scale both in Communist countries and others where the Roman Catholic Church is dominant.

"Moreover, we regret to note that in a few nations, where there are established Protestant churches, minority religious groups are sometimes subject to legal disabilities.

Present Dangers

"Viewing this violation of religious freedom and basic human rights, we are led to DECLARE that at no time in the history of Christianity has there been greater danger of losing sight of the principles and ideals for which it exists. The danger is increased by the fact that liberty is being denied by those who profess to cherish it. Violation of conscience arises not merely in Communist territory, but sometimes even within the churches themselves. Not only do Communists imprison Roman Catholics and Protestants; Roman Catholics are ready to persecute Protestants, and certain Protestants to a lesser degree deny Roman Catholics and others full liberty.

Governments completely totalitarian, Church-State Alliances, and materialistic secularism combine to make the existence of free churches a matter of deepest concern.

The Challenge

"Having committed ourselves from the beginning to the principles of religious liberty as derived from the Word of God, we, as Baptists, now RE-AFFIRM our historical position, and pledge ourselves to seek for all men the right of free and unhindered access to God and the right to form and propagate opinion in the sphere of religion without interference by civil and religious powers.

"We believe that every person has the right to express his religious beliefs in worship, teaching and practice, without moral, social or political penalties. We stand against tyranny, whether of state or church, and condemn us against the will and purpose of God any acts which outrage the conscience of freedom-loving people.

"We support the Universal Declaration of Human Rights, as adopted by the United Nations, and emphasize that these rights include for every person 'the freedom to change his religion or belief and the freedom either alone or in community with others and in public or private to manifest his religion or belief in teaching, practices, worship and observance.'

Appeal to Action

"Realizing that a challenge to certain churches is a challenge to us all, and that we are not alone in this struggle for freedom:

"We appeal to Baptist churches throughout the world to lead in the proclamation and practice of religious liberty.

"We appeal to Protestant State-Churches, and other churches which hold a dominant position, to cherish and promote the principles of religious liberty, granting to Roman Catholics, Jews and members of other religious groups, and to those who acknowledge no religious faith, the same rights and privileges which they demand for themselves without discriminations or disabilities.

"We appeal to the Roman Catholic Church to abandon its discrimination against or persecution of Protestants and Evangelicals and all others in Spain, Italy, Portugal, the Belgian Congo, Mexico, Argentina, Colombia and elsewhere, and to unite on an equal basis with all freedom-loving people against totalitarianism and for complete religious liberty.

"We appeal to the rulers of Communist countries to cease their policy of discrimination against religion, and to refrain from intimidating Christian churches and their leaders by arrests and threats of arrest, and also from hindering Christian organizations for the service of youth and the public manifestation of the Gospel.

"We appeal to the United Nations to apply the principles of the Universal Declaration of Human Rights to nations and territories now under the domination of any one particular religious force (whether Islam, Roman Catholicism or Protestantism) as it has already done in the case of countries dominated by Communism, bringing them before the bar of world opinion, and refusing them entry into the group of freedom-loving nations until they have demonstrated that they intend to abide by the Declaration both in spirit and in practice.

"We appeal to all nations to demonstrate their support of the Universal Declaration of Human Rights by ratifying the Covenant designed to legalize the Declaration.

Cause to Rejoice

"We rejoice to be meeting at this time in a country which has a noble tradition of religious liberty, as safeguarded in the Constitution of the United States of America and in its Bill of Rights, and maintained throughout the generations in a tradition of free churches in a free state, which we are confident will, under the guidance and blessing of God, never be overthrown.

"We ask God, who alone is the Lord of the conscience, to lead mankind forward out of darkness into light, out of falsehood into truth, out of fear into freedom."

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THE COMMITTEE'S SEMI-ANNUAL SESSION, OCTOBER 3

At no time since the organization of the Baptist Joint Committee on Public Affairs has it confronted a higher duty of expressing, in harmony with Baptist thought, its interpretation of public issues than will be the case on October 3, when it will meet in Washington in its semi-annual session. Of particular concern will be the findings of the sub-committees on World Affairs, Domestic Issues, Baptist Cooperation and Religious Liberty.

Consider, in the light of the above, a report like the following item from the Religious News Service, dated September 13:

DAYTON, O. -- Promotion of religious freedom and separation of Church and State in Latin America depend largely on the people of the United States, Dr. Hugh Ivan Evans, moderator of the Presbyterian Church in the U.S.A., said on arriving at his home here after a 37-day official Church tour of Central and South America.

"Many believe," he said, "that the solution of the problem of persecution in Latin America lies in the United States. The relationship between Church and State in the United States is reflected in Latin America."

He indicated that, while the struggle to keep Church and State separated may seem to North Americans to be a problem of Latin American countries, people of those countries "believe that the front line is in our country."

"If any church group links Church and State together in North America, those to the South feel that there is no hope for them," he said.

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N. IRVIN GRESSITT

Among the capable laymen who have served on the Baptist Joint Committee on Public Affairs since its inception was the Honorable N. Irvin Gressitt of Baltimore. This well known lawyer will be sadly missed from the Committee's counsels. Mrs. Gressitt, in acknowledging our letter of sympathy in his loss and appreciation of his invaluable contribution, writes: "My late husband was very much interested in the work of the Baptist Joint Committee on Public Affairs. He never liked to miss the meetings, and when he was not able to be among you at the meetings, he always wanted to be represented by someone who could come back and give him a good report of the days work."

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NOTABLE CONTRIBUTION TO BOOKS ON BAPTIST HISTORY

A HISTORY OF THE BAPTISTS. By Robert G. Torbet. The Judson Press, Philadelphia
538 pages, \$6.00.

The sub-title to this commanding volume reads: "The story of a people who have sought to practice New Testament Christianity, defend religious liberty, and foster the democratic way of life". An introduction by Dr. Kenneth Scott Latourette well says: "Professor Torbet writes as a Baptist, and as one to whom the Baptist heritage is very precious. However, he has endeavored not to allow his deeply held convictions to distort his view of what actually happened. The Baptist record speaks for itself." Beginning with the roots of Baptist principles and of an account of the Anabaptists and including a reasonable discussion of British and European Baptists, he presents a fair and readable history of American Baptists. Not to be ignored are his fine appendices, five in number, together with an indispensable index. An insight into the author's line of treatment may be had from his final summary:

"Baptists have appealed most strongly to the common people, whether in Europe, Great Britain, or in the United States, and they have ministered chiefly to the working classes, both white and colored. This has been true also on mission fields where the greatest gatherings have been from the depressed classes. This universal distinctive of Baptists may be explained in several ways. They have presented consistently a warm evangel of personalized religion. The simple democracy of their church life has made a strong appeal to the disinherited society. The encouragement of the individual to read the Bible for himself has had its own special attraction to those who feel that God has a message of salvation and security for all who will but read and take heed."

It is a pleasure to commend this excellent work to our constituency.

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PRAY FOR THE UNITED NATIONS

In keeping with consistent practice since representing the Baptists of the United States in the Baptist Joint Committee on Public Affairs, the Executive Director attended the great meeting of non-governmental organizations which support the United Nations, held in the Waldorf-Astoria, New York, September 17. Nothing in that impressive gathering of over 3,000 from over the United States was quite so appealing as the earnest plea of Ambassador Warren Austin, U. S. member of the UN Security Council, for the people's prayers. He testified as to the efficacy of prayer, said the meeting of the General Assembly would be opened with silent prayer, commended the arrangements for prayers in the churches for the UN, and besought all to pray for the guidance of God.

With all this we are in deepest sympathy. It occurs to us that in view of the vast responsibility now resting upon the UN for the peace of the world, Christian people should not only observe days of prayer for the international organization entrusted by fifty-nine nations for the peace of the world, but should pray daily for it. Why should not our pastors call the people to prayer for it?

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