REPORT FROM THE CAPITAL

★ RELIGIOUS LIBERTY ★ BAPTIST PRINCIPLES
★ PUBLIC AFFAIRS

A bulletin published by the Baptist Joint Committee on Public Affairs, Washington, D. C.
Vol. 17, No. 6 July-August, 1962

The Prayer Decision: Dare To Be A Baptist

By C. Emanuel Carlson, Executive Director
Baptist Joint Committee On Public Affairs

In recent days scores of Senators and Congressmen have made proposals for tampering in one way or another with the first amendment to the Constitution. All this uncertainty about our American free society has come about because the Supreme Court handed down a ruling which said that state boards of education violate the Constitution if they try to write prayers for the pupils and impose or promote them by public authority.

The American Constitution has served the nation well, and probably no item in it has done more to make the United States the world's leading free nation than the first amendment. This is the basic, abiding public policy which has prevented politicians and churchmen from utilizing the powers of government for the regimentation of the souls of the American people. This freedom is vastly more important than the freedom to spend all our money as we may please. Give to Caesar the coin that bears his image, but give to God the soul that bears God's image, was the force of Christ's statement on this comparison.

Freedom or Regimentation

Why have our leaders begun to want to tamper with our basic freedom? What has gone wrong? Why the hearts of men failing in their freedom under God and therefore seeking the intervention of government agencies in the prayer lives of people?

The human mind is always complex. Yet a number of maladies can be identified, maladies for which remedies can be arranged. The cause of freedom is not defeated. Our time is a time for alertness and action, not for panic or alarmism.

The confusions, however, are of such magnitude that many organizations and movements that do favor freedom are now seeking words for doubletalk. Civil liberties organizations, religious denominations, interdenominational agencies, economic associations, et. al., that one would expect to speak out for the spiritual freedom of men under God, are silenced or hampered by the diversities of their members' interests. Perhaps it is "for such a time as this" that the Baptist movement has been given its remarkable growth and strength?

Distortion of the Issue

Misinformation is probably one of the major reasons for the current proposals. The Supreme Court's decision has been badly reported in many areas, and some politicians apparently have adjusted themselves to the misinformation rather than assume responsibility to correct the reports.

At this point Baptists who have taken time to be well informed should be able to give much help. Visits with the editors of local papers, letters to the editor's "mail bag," conversations at work, sermons in churches, discussions at ministers' meetings, adoption and release of statements in churches, associations state conventions, and national boards—all of these and many more will help get the truth to people. A respect for honest truth is a Christian witness and a service to our fellowmen.

Answer to Communism

Concern about communism is probably also contributing to the present confusion. Some seem to think of "prayer" as a kind of vehicle or tool by means of which to transmit our heritage and our moral values. This is only true if prayer is sincere and voluntary and if our ways are upright before God. "Required prayers" produce revolt rather than appreciation.

Those countries which now have strong communist movements have in the past had much regimentation in prayer. Anti-clericalism, church disinterest, and even atheism develop in situations where religion seeks to perpetuate itself by coercion.

In this matter Baptists should also be able to serve this generation well. A sermon on the nature of prayer, another on the nature of worship, would be helpful in every church. Other messages could search the scriptures to discern how God chooses to deal with people. The use of government powers for gaining responses to the love of God will be scarce, and the Master's deliberate rejection of such tools for his Kingdom can be meaningful for all.

The issue before us goes to the very basis of the kind of response that God desires of sinful men, and merits thoughtful, soul searching meditation of the Bible in all branches of a church's program.

Check your facts and interpretations; double-check your motivations.

(See DARE, page 5)

Most Southern Baptist Weekly Papers Support Supreme Court Prayer Ruling

By the Baptist Press

Most weekly newspaper in the Southern Baptist Convention have editorially supported the United States Supreme Court decision outlawing the Regents' prayer in New York public schools.

While two feel the Court erred and three others are hesitant about taking a stand for the present, the great majority of editors believe the decision to be sound.

They rest their belief on several points: (1) that the decision will strengthen separation of church and state, (2) that it harmonizes with Baptists' heritage of religious liberty, and (3) that it was a ruling on a specific issue and does not establish a trend toward atheism.

Twelve papers supported the decision; two more gave what might be considered tentative or reluctant support. Three others took no position upholding or attacking the Supreme Court's 6-1 decision. But another pair denounced the decision.

Among the supporters of the decision were the Ohio Baptist Messenger, the Religious Herald of Virginia, the Baptist Standard of Texas, the Word and Way of Missouri, the Florida Baptist Witness, the Illinois Baptist, the Maryland Baptist, the Capital Baptist in the District of Columbia, the Baptist Messenger of Oklahoma, the Alabama Baptist, the Arkansas Baptist and the Baptist Message in Louisiana.

Giving conditional support only were the Western Recorder of Kentucky and the Baptist Record of Mississippi. The Baptist New Mexican, the Biblical Recorder of North Carolina and the Baptist Courier of South Carolina withheld judgment on the Court's ruling.

The Christian Index (Georgia) (condemned) the Court for pointing an arrow toward Godlessness. The California Southern Baptist said the decision proved the Court could make an error.

Lynn M. Davis, Columbus, editor of the Ohio paper, disagreed on there being any trend from religion. He wrote:

"While the decision of the highest court in the land banned official prayer, it shows no 'hostility toward religion or toward prayer.' . . . The danger to our nation is not to be found in this one ruling. Let the ruling stand. Let individual and free prayer abound."

The Ohio editorial defended the Supreme Court as a tribunal to maintain "through the decision of controversies, these constitutional guarantees."

E. S. James, Dallas, editor of the Texas paper, largest circulation of the 28 Southern Baptist state papers, inquired if most people formed their first opinions of the ruling on scanty information.

After a cooling off period, he said, "most everyone knows by now . . . that the Court decision was against a particular prayer in the New York schools and that it was based on the religious freedom clause of the constitution. People now know, or at least have had a chance to know, that it was a great victory for Christian freedom and that it was not a ruling against religion."

John J. Hurt, editor of the Christian Index, Atlanta, headlined the editorial "Supreme Court Edicts Tragic For God and Morals." He said the decision "may have dug the grave for every reference to God in every government forum, in the military, the prisons and all else."

"Perhaps," said the Baptist Record in its only limited support, "the decision of the Court was inevitable and right. At the same time the questions it raised may help clarify the whole issue." Joe T. Odle of Jackson, Miss., is editor.

The Baptist New Mexican at Albuquerque didn't attack or defend the court. It said, "This is a good time for us to think about what is happening in our nation. . . . In our desire to safeguard the religious freedom of some who cannot believe in our God, we have tossed aside, one by one, some important things." Horace F. Burns edits the paper.

H. H. McGinty of Jefferson City, Mo., summarized the church-state implications of the ruling in the Word and Way: "This need not be interpreted as a setback to prayer. . . . The decision may well be hailed as a landmark in a never ending search to strike a proper balance between church and state."

The Maryland Baptist, edited by Gainer E. Bryan Jr., at Baltimore, stood by the Court. "The . . . decision was in the mainstream, not only of American political tradition, but of Baptist philosophy. The principles that it reaffirms are the same that Baptists have proclaimed for centuries. . . ."

Jack L. Gritz of Oklahoma City wrote, concerning any trend toward atheism, ". . . Most Baptists are shocked at the mistaken assumption . . . that the Court's decision is somehow a ruling against any prayer (and possibly Bible reading) in the public schools. This emphatically is not the case." Gritz approved the ruling.

The Western Recorder, edited by C. R. Daley of Middletown, Ky., took a middle position in an editorial captioned, "Bad and Good." J. Marse Grant of Raleigh, N. C., advised parents ". . . Let's be sure there is prayer with our children in the home before we are tempted to lament its absence in the school room." He deferred opinion for or against the Court's ruling.

Also pointing out the church-state and religious liberty angles and supporting the Court were Leon Macon of Birmingham; James F. Cole of Alexandria, La.; James O. Duncan of Washington, D. C.; Reuben E. Alley of Richmond, Va.; W. G. Stracener of Jacksonville, Fla., and L. H. Moore of Carbondale, Ill.

The editor of the Arkansas paper, Erwin L. McDonald of Little Rock, joined Grant of North Carolina in emphasizing the role of prayer in the home. But McDonald indicated support of the Court's decision.

J. Kelly Simmons of Fresno, Calif., said flatly the Court erred. It failed, he declared, to take correct reckoning of the voluntary nature of the Regents' prayer.

S. H. Jones of Greenville, S. C., withheld opinion on the ruling. He made this brief comment, however: "We believe prayer to be such a sacred and personal matter that it is not to be regulated in any way by government."

Daley of Kentucky appeared to give some endorsement to a constitutional amendment permitting prayer and religious activities in public schools. The amendment must also forbid tax funds to go to parochial schools for such religious activities, he added.

Prayer Hearings Off To Slow Start

Hearings before the Senate Judiciary Committee on proposed constitutional amendments as a result of the Supreme Court ruling in the New York Regents' prayer case have begun. But progress is being made at a snail's pace.

Chairman of the committee, Sen. James O. Eastland (D., Miss.), at first said that hearings would begin the week of July 4. Nothing was done until July 26, when the committee held an hour and one-half hearing. Only members of the Senate were heard at that time.

The hearing was adjourned without announcement of a date for its resumption. No further information by newsmen or interested organizations could be secured until suddenly on the morning of August 2 it was announced that Bishop James A. Pike of the Episcopal diocese of California would be heard that day. Sen. A. Willis Robinson (D., Va.), arranged his appearance. Testimonies from two Congressmen were heard after Pike finished.

At the time of this printing no further word could be obtained from the Judiciary committee on continuation of the hearing.

Thus far only the advocates of a Constitutional amendment to nullify the Supreme Court's decision have been heard by the committee. It is reported that the Judiciary committee, in an unprecedented action, requested more than 40 Senators and Congressmen who have sponsored Constitutional amendments to testify at the hearings.

It is customary for Senators and Congressmen to speak first at committee hearings. Thus there is no indication as to when the large number of organizations, denominations and individuals who have requested time will be heard.

Many Washington observers believe that there will be no action on any Constitutional amendment this year. Interest on the part of the Judiciary committee itself is cooling off. The log-jam of legislative work that must be done before adjournment is distracting attention to other matters. Also, a rising tide of public opinion against an amendment is making itself felt on the Hill.

Those who think that any substantial delay may spell defeat to their attacks on the Supreme Court want action this year, so the State legislatures, which mostly meet on the odd-numbered years, can take action in 1963. If nothing is done this year it will be 1966 before an amendment could be acted on.

Others who are not happy over the Supreme Court decision, but who are wary of a change in the First amendment lest a worse situation develop, are urging caution and careful consideration before anything is done.

Senator Eastland's proposed amendment is more comprehensive than the others. Those who have studied it see in it far more than permitting prayers to be said in the public schools. The desegregation issue looms large in his resolution. Here is his proposal:

"Section 1. Nothing in this Constitution shall prohibit the offering of prayers or the reading of the Bible as part of the program of any public school or other public place in the United States.

"Section 2. The right of each State to decide on the basis of its own public policy questions of decency and morality, and to enact legislation with respect thereto, shall not be abridged."

The situation is somewhat different in the House of Representatives. Rep. Emanuel Celler (D., N. Y.), is chairman of the House Judiciary Committee. He is opposed to resolutions to change the First Amendment. He said, "All the resolutions are dangerous in that they would serve as an entering wedge to destroy one of the most important tenets of our Democratic faith — separation of church and state."

In spite of the furor by many Congressmen over the Supreme Court prayer ruling there is little prospect that the House will do anything about an amendment to the Constitution.

Senators Clash Over School Prayer Rule

A Roman Catholic and a Baptist Senator clashed at hearings on prayer in public schools before the Senate Committee on the Judiciary.

Sen. Philip A. Hart (D., Mich.), a Roman Catholic, defended the recent Supreme Court rule banning "official" government prayers from the public schools. Sen. A. Willis Robertson (D., Va.), a Baptist, contended for prescribed prayers, provided they are not compulsory.

Both men spoke contrary to the publicly expressed views of leaders in their respective religious groups. Catholic spokesmen on the whole have denounced the Court's decision, while Baptist leaders have acclaimed the ruling as a victory for religious liberty.

During Robertson's attack on the Supreme Court, three members of the Committee sought to hold the Virginia Senator to the pertinent facts in the Court's ruling in the New York prayer case (Engel v. Vitale). Sen. Olin D. Johnston (D., S. C.), who presided over the hearing in the absence of the chairman, Sen. James O. Eastland (D., Miss.), pointed out that the discussion should be focused on the case in point and the facts in the specific ruling.

Sen. Roman L. Hruska (R., Neb.), repeatedly corrected Robertson's statements of the facts of the case and read into the record the Court's own explanations of the limitation of its decision.

Sen. Hart stated that the religion espoused by Bible readings and prayers in the public schools contradicted the religion taught his children at home. In response to Robertson's contention that prayers should be promoted by the public schools, Hart asked if it would be acceptable if the school board required that the prayer be the "Hail Mary" instead of the nondenominational prayer in the New York case.

Robertson replied that such would be as legal as the Lord's prayer, provided students who objected could be excused.

Hart also tangled with Sen. John Stennis (D., Miss.) who delivered a

(See SENATORS, page 4)

SENATORS, from page 3

stinging attack on the Court and its ruling. Stennis declared that religious training in the home and in the church are not enough, that the public schools should be used to promote such instruction.

Others who testified at the hearing were Sen. Kennth B. Keating (R., N. Y.), Sen. Vance Hartke (D., Ind.), Sen. J. Glenn Beall (R., Md.), and Sen. Strom Thurmond (D., S. C.). They contended either for an amendment to the Constitution to permit prayers and Bible readings in the public schools or for a Senate resolution condemning the Court's decision and stating that public school prayers do not violate the ruling of the Court.

The Senators were divided on the procedure to be followed. Some wanted quick action by Congress this year so the proposed Constitutional amendment could be rushed to the State legislatures for action in 1963. Others wanted to take deliberate action so no damage would be done to the First Amendment. They wanted delay so other cases could be heard by the Supreme Court to determine what the real effect of the prayer decision might be on Bible reading and Lord's prayer cases now pending in the courts.

It became clear during the hearing that much of the attack on the Court's prayer ruling was a protest against the Fourteenth Amendment and the school desegregation decision in 1954.

Senator Johnston observed from the chair that the hearing was delving into a sensitive area in which the proponents of various views were likely to become "emotionally heated." He hoped that the hearings could be conducted in such a way that hot tempers would not lead to rash or hasty decisions that might damage the protection of the First Amendment "which is the foundation of our free society."

The hearing was adjourned after an hour and one-half to be resumed subject to the call of the chairman of the committee. There was an unexplained cancellation of the hearing for the following day. However, due to the large number of requests to be heard, both by organizations and individuals the committee has given assurance that the hearings will be continued at some near future date.

How Could Such Confusion Happen?

How could such confusion prevail in the United States over the Supreme Court decision banning "official" governmental prayers used to promote religion in government programs?

C. Emanuel Carlson, executive director of the Baptist Joint Committee on Public Affairs, addressed himself to this question in a discussion before the National Civil Liberties Clearing House in Washington, D. C. Five possible answers were suggested by the Baptist executive. They are:

1. It was a problem in communications. Many channels reported the decision as a restraint on prayer instead of restraint on government involvement in people's prayers.

2. The civil liberties organizations, except the American Civil Liberties Union, have neglected the field of church-state relations as being controversial and they have omitted adequate educational work among their constituents.

3. Protestantism contains enough European heritage in their theological repositories so that education position statements are hard to get. The Baptist record is clear on this point and their leaders found no difficulty in approving the Court's decision.

4. The Roman Catholic press saw this decision as reducing amity between church and state, thus cutting down any chance for aid for their church schools.

5. State's rights people (including many Southern politicians) felt that this was a state problem and none of the business of the Supreme Court of the United States. These persons reject the 14th Amendment and attack the Court for handling the case at all. Apparently they would agree to an established religion brought about state-by-state.

Justice Clark Comments On Court Prayer Ruling

(The following news item is reprinted from the Washington Post of August 4, 1962. It is interesting to get the reaction of a member of the Supreme Court to the widespread public discussion of the New York prayer decision.)

San Francisco — Justice Tom C. Clark said here recently that much of the criticism of the Supreme Court's recent decision barring a state-sponsored prayer in public schools was based on misunderstanding.

The Court did not decide, he said, that there can be no official recognition of a Divine Being or public acknowledgement that this is a religious Nation or that the motto, "In God We Trust," cannot be used on coins.

All it decided, Justice Clark said, was that the Government cannot take part in the establishment of religion.

The message did not get across to the American public for some weeks after the decision because of incomplete news stories about the case, the Justice said. When it did, he added, the reaction of the public to the decision changed sharply.

The Justice's comments marked one of the few times that a member of the Supreme Court has ever commented publicly about a decision. But he said he thought it was appropriate that he do so this time.

After the decision, the Justice said, "the public response was immediate and critical. The mail was the heaviest in years, the criticism most pointed. In fact, it was a case that would bring a Martin Luther to say of judges: 'A good jurist but a bad Christian'."

But as soon as the public began to understand what the Justices had actually decided, he said, the trend changed. "In fact, most of my mail was favorable," he said.

The reason for the change, Justice Clark added, was that the news agencies began to interpret the decision in the light of the facts.

"Rather than jumping at the result and confusing the spiritual or ethical policy involved with the legal one decided," he said, "the public saw that here was a state-written prayer circulated to state-employed teachers with instructions to have their pupils recite it in unison at the beginning of each school day."

As soon as the people began to grasp this, he said, "they understood the basis on which the Court acted."

"The trouble is that so often—like the claim of the wife—the Court is never understood," he added.

American Baptist Defends Supreme Court Decision

"I would be derelict in my duty if I did not strongly defend the action of the Supreme Court," declared W. Hubert Porter, associate general secretary of the American Baptist Convention, Valley Forge, Pa.

Porter's views were contained in a letter to the Baptist Joint Committee on Public Affairs to be used as testimony before the Senate Judiciary Committee. The Senate committee is conducting hearings on proposed changes in the Constitution to reverse the Supreme Court ruling in the New York Regents' prayer case.

"The decision is thoroughly consistent with the historic stand of the American Baptist Convention relative to religious liberty and the separation of church and state," Porter continued. He pointed out that the Convention almost annually has proclaimed its "forthright and unequivocal witness on behalf of this principle."

The American Baptist leader quoted the language of the Court opinion as making the question at issue "crystal clear." The Court said, "It is no part of the business of government to compose official prayers for any group of the American people to recite as part of a religious program carried on by government."

"The anxiety with which some have responded to the Supreme Court decision would be diminished considerably if everyone remembered that evangelism is the task not of the state but of the church and the home," he said.

The Baptist clergyman deplored the fact that so many people are willing "to let the homes and the churches default on their religious obligations to such a degree that the spiritual nurture of our children is made to depend on a minimal prayer that is written and prescribed by government."

Porter evaluated the Court's decision "as a new bulwark for the historic church-state separation doctrine which has been subject to serious erosion in modern times."

He concluded, "The Supreme Court decision now calls us to a time of testing when we must demonstrate whether or not we mean what we say. We believe that upon due reflection the American people will pass the test and will firmly reject all efforts to chip away the First Amendment, the keystone in the arch of our liberties."

SBC President Praises Court Prayer Decision

The Southern Baptist Convention president has endorsed the Supreme Court rule banning "official" prayers in public schools.

"The Supreme Court of the United States in its decision has struck one of the most powerful blows in our lifetime, maybe since the Constitution was adopted, for the freedom of religion in our Nation," he declared. "And we should be eternally grateful to them," he added.

Herschel H. Hobbs, pastor, First Baptist Church, Oklahoma City, expressed his views in a sermon, "What Did The Supreme Court Mean?"

The Court in Engel v. Vitale ruled that the so-called Regents' Prayer in New York State required for recitation in public schools violated the Establishment Clause of the First Amendment.

Hobbs explained to his congregation that the newspapers "did not fully convey the intent of this highest legal tribunal in our Nation." After studying carefuly a reliable analysis of the Court's decision and extensive quotes from the opinions, the Convention president concluded that the Court acted "for the protection of religion and to guarantee its free exercise."

"What appeared to be a tragedy is now clear to me to be one of the greatest blessings that could come to those of us who believe in the absolute separation of church and state," he said.

Hobbs pointed out the issue in the case. It was, "Is it legal or illegal for a governmental agency to compose a prayer and require that that prayer be said in a public school room." He said that other problems, such as Bible reading and voluntary prayers, were not under consideration. These will be considered in later decisions.

The historic Baptist role in such matters was explained by the Oklahoma City pastor. "Our Baptist people have always fought for the absolute separation of church and state. . . . Our insistence on religious liberty is not for Baptists alone, but for all religions," he said.

"If this disturbance that has come throughout our country regarding this decision does not do anything else, it ought to point up to us the fact that prayer is a vital, personal experience," Hobbs declared.

He concluded, "This decision means that you and I cannot throw the responsibility for moral and spiritual training of our children upon the school or even upon the church. It is a responsibility that belongs primarily in the home. This decision means that you and I should give more thought to what prayer really is."

Dare To Be A Baptist

(Continued from page 1)

Then send a copy of your sermon to your Congressman.

A Positive Witness Now

Popular information and spiritual insight, however, must find civic expression. Most Congressmen and Senators know the facts, and see at least some of the values. However, they are "representatives" in a nation that has "representative" government. Let us give them the chance to represent us by knowing how we think and feel about the first amendment. That amendment protects us against laws with reference to establishment of religion, and it also guards our free exercise of religion.

Your Congressman would be glad to know two things in this matter: first, that you hope they will not tamper with the first amendment to the Constitution, and second, that you are strongly averse to all attempts to coerce or regiment people into prayer.

We have a stewardship unto God of our influence in this generation. This stewardship must take priority over our political party interests, over our different economic and regional interests, and over the fears and fads that are our distinctive climate. Freedom is best guarded at its deepest level. Baptists can be of help, in the name of Christ.

Common Prayer Jars Britain and America

Battles over a Book of Common Prayer are not confined to the history books. In July, while America stewed over 22 words of common prayer which were ruled unconstitutional by the Supreme Court, leaders in the Church of England launched a campaign to win Parliamentary support for experimental changes in that nation's Book of Common Prayer.

It was this sort of governmental control over religion that the Supreme Court had in mind in the New York Regents' prayer case when it said: "We think that the constitutional prohibition against laws respecting an establishment of religions must at least mean that in this country it is no part of the business of government to compose official prayers for any group of the American people to recite as a part of a religious program carried on by government."

In a July 9 Religious News Service story from London it was reported that Dr. Arthur Michael Ramsey and Dr. Frederick Donald Coggan, Archbishops of Canterbury and York, had written to every member of the House of Commons and House of Lords explaining their proposed changes in the Book of Common Prayer. They have also sent invitations to the members of Parliament from their dioceses to meet with them and discuss the matter.

The proposed changes first have to receive two-third majorities in both the Convocations of Canterbury and York and in the Church Assembly's House of Laity. It must then meet the approval of Parliament. The proposal is not expected to reach Parliament before next year.

Church leaders in England tried unsuccessfully in 1927 and 1928 to get approval for an alternative Book of Common Prayer and alternate forms of worship services. Parliament twice rejected the proposals which had been approved by the Church Assembly.

By beginning early this time to influence Parliamentary opinion the churchmen are seeking to avoid the defeats they suffered in 1927 and 1928.

From the above story it is evident that "official" prayers in America are not to be taken lightly, be they ever so brief or inoccuous. The Supreme Court's review of the controversy around the Book of Common Prayer is illuminated by the current developments in England.

Hear what the Court said about official common prayer. Following are extended quotes from the Court's opinion:

"It is a matter of history that this very practice of establishing governmentally composed prayers for religious services was one of the reasons which caused many of our early colonists to leave England and seek religious freedom in America. The Book of Common Prayer, which was created under governmental direction and which was approved by Acts of Parliament in 1548 and 1549, set out in minute detail the accepted form and content of prayer and other religious ceremonies to be used in the established, tax-supported Church of England.

"The controversies over the Book and what should be its content repeatedly threatened to disrupt the peace of that country as the accepted forms of prayer in the established church changed with the views of the particular ruler that happened to be in control at the time.

"Powerful groups representing some of the varying religious views of the people struggled among themselves to impress their particular views upon the Government and obtain amendments of the Book more suitable to their respective notions of how religious services should be conducted in order that the official religious establishment would advance their particular religious beliefs. Other groups, lacking the necessary political power to influence the Government on the matter, decided to leave England and its established church and seek freedom in America from England's governmentally ordained and supported religion. . . .

"By the time of the adoption of the Constitution, our history shows that there was a widespread awareness among many Americans of the dangers of a union of Church and State. These people knew, some of them from bitter personal experience, that one of the greatest dangers to the freedom of the individual to worship in his own way lay in the Government's placing its official stamp of approval upon one particular kind of prayer or one particular form of religious services. They knew the anguish, hardship and bitter strife that could come when zealous religious groups struggled with one another to obtain the Government's stamp of approval from each King, Queen, or Protector that came to temporary power.

"The Constitution was intended to avert a part of this danger by leaving the government of this country in the hands of the people rather than in the hands of any monarch. But this safeguard was not enough.

"Our Founders were no more willing to let the content of their prayers and their privilege of praying whenever they pleased be influenced by the ballot box than they were to let these vital matters of personal conscience depend upon the succession of monarchs.

"The First Amendment was added to the Constitution to stand as a guarantee that neither the power nor the prestige of the Federal Government would be used to control, support or influence the kinds of prayer the American people can say—that the people's religions must not be subjected to the pressures of government for change each time a new political administration is elected to office.

"Under that Amendment's prohibition against government establishment of religion, as reinforced by the provisions of the Fourteenth Amendment, government in this country, be it state or federal, is without power to prescribe by law any particular form of prayer which is to be used as an official prayer in carrying on any program of governmentally sponsored religious activity. . . .

"The history of governmentally established religion, both in England and in this country, showed that whenever government had allied itself with one particular form of religion, the inevitable result has been that it had incurred the hatred, disrespect and even contempt of those who hold contrary beliefs. That same history showed that many people had lost their respect for any religion that had relied upon the support of government to spread its faith.

"The establishment Clause thus stands as an expression of principle

on the part of the Founders of our Constitution that religion is too personal, too sacred, too holy, to permit its 'unhallowed perversion' by a civil magistrate.

"Another purpose of the Establishment Clause rested upon the awareness of the historical fact that governmentally established religions and religious persecutions go hand in hand. The Founders knew that only a few years after the Book of Common Prayer became the only accepted form of religious services in the established Church of England, an Act of Conformity was passed to compel all Englishmen to attend those services and to make it a criminal offense to conduct or attend religious gatherings of any other kind —a law which was consistently flouted by dissenting religious groups in England and which contributed to widespread persecutions of people like John Bunyan who persisted in holding 'unlawful (religious) meetings . . . to the great disturbance and distraction of the good subjects of this kingdom. . . .'

"And they knew that similar persecutions had received the sanction of law in several of the colonies in this country soon after the establishment of official religions in those colonies. It was in large part to get completely away from this sort of systematic religious persecution that the Founders brought into being our Nation, our Constitution, and our Bill of Rights with its prohibition against any governmental establishment of religion.

"The New York laws officially prescribing the Regent's prayer are inconsistent with both the purposes of the Establishment Clause and with the Establishment Clause itself."

MARTIN LUTHER—A nine-year-old ban on the showing of the film "Martin Luther" in the Province of Quebec has been lifted by the new Quebec Film Censorship Board which is made up entirely of Roman Catholics.

First commercial screening of the film in Montreal is scheduled for Aug. 17.

The film was originally barred on the grounds that it would "disturb the social peace." Protests were raised by Protestant and some Catholic groups, and in 1955 private screenings of the film were held in 11 Protestant churches in the city.

Bishop Pike Asks For Constitution Change

A clergyman and two members of Congress asked for a change in the first amendment of the Constitution in order to reverse the Supreme Court decision on prayer in public schools.

Bishop James A. Pike of the Episcopal diocese of California proposes his own version of the "establishment clause" of the first amendment. He testified at a hearing before the Senate Committee on the Judiciary.

At present the first amendment reads, "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof," etc.

Pike proposed that "the establishment of religion" be restated as "the recognition as an established church of any denomination, sect, or organized religious association."

Rep. Frank J. Becker (R., N. Y.), a Roman Catholic, and Rep. John Dowdy (D., Tex.), a Methodist, also appeared before the Senate committee and asked for a constitutional amendment to provide for prayers, Bible readings, and religious observances in the public schools.

The Supreme Court in the New York Regents' prayer case ruled that prayer "composed by governmental officials as a part of a governmental program to further religious beliefs" is unconstitutional. The Court held that the "official" prayer approved for recitation in New York public schools violated the Constitution.

Pike testified that "the Supreme Court" has distorted the meaning of the first amendment." He said that "the principle of separation of church and state was not even relevant in the school prayer case because no church was involved in the New York arrangement."

The California bishop claimed that his amendment would block the "secularization and deconsecration" of the Nation which, he charged, that recent Supreme Court interpretations of the first amendment have begun.

Pike was the major witness in a hearing that was announced only on the day on which it was held. He was kept on the stand nearly an hour and 45 minutes.

Powell Says College Aid Bill Is 'Dead'

A $1.5 billion college aid bill supported by the Kennedy administration is "dead," it was reported here.

The legislation which would have permitted U. S. grants to private and church-related colleges undoubtedly will die in committee, according to Rep. Adam Clayton Powell (D., N. Y.), chairman of the House Education and Labor Committee.

"It's hopeless," he said, adding that "it would be a miracle if it were passed."

Bills were passed by both House and Senate to provide grants to colleges. The House program, designed to ease the plight of institutions engaged in expanding their academic facilities, would have benefited private and church-related colleges. That provision was not in the Senate's legislation. Both bills are now in a House-Senate Conference Committee where they are bogged down by inter-house disputes.

President Kennedy is on record as approving such aid to privately-operated colleges, including those maintained by church bodies.

Rep. Powell said he had discussed the bills with "more than one" member of the Senate and was told "We're not going to do a thing the administration wants." He would not identify the Senators, but said they were key members."—(RNS).

NATIVITY SCENE—A Concord, N. H., rabbi charged that the erection of a creche on the city-owned State House plaza during the Christmas season was a violation of the church-state separation principle. Such a creche has been sponsored in Concord annually by the Chamber of Commerce.

In a letter to Mayor Charles Davie, Rabbi William J. Leffler of Temple Beth Jacob said:

"The creche is certainly a Christian representation and a most sacred one to all believers. It fittingly belongs in front of churches and on private property of those who might wish to erect one. But it does not belong on public domain, which is the property of no church and no special religious group."

REPORT FROM THE CAPITAL
Published 10 months during the year by
Baptist Joint Committee on Public Affairs
1628 16th Street, N. W.
Washington 9, D. C.
Subscription—$1.00 per year
C. Emanuel Carlson, executive director
W. Barry Garrett, associate director, editor

Bulk Rate
U. S. Postage
PAID
Washington, D. C.
Permit No. 41858

Oklahoma Catholics Ask For School Bus Service

Oklahoma City (RNS)—A formal brief was filed with the Oklahoma Supreme Court here on behalf of parents of Midwest City Catholic school children to allow the pupils to ride local public school buses.

Stating that parochial schools perform a public function, the brief asked for a reversal of a District Court decision which barred as unconstitutional the practice of transporting parochial school pupils on public school buses in Midwest City, 10 miles south of here.

Noting that Midwest City lies within a metropolitan area, with serious traffic problems and many safety hazards, the parents' brief requested the court to "recognize the right of Independent School District 52 (public school) to provide for the safety needs of those children who attend the church-related school."

The brief, filed by Tulsa and Oklahoma City lawyers, argued the case of 10 parents whose children attend St. Philip Neri School in Midwest City.

The parents entered the case after the transportation practice was challenged by John L. Antone in a suit brought in Oklahoma courts.

In the latest appeal, the parents' attorneys offered these major points:

1. St. Philip Neri, although it is a church-related school, operates a regular school curriculum according to state requirements and therefore performs a public service.

2. The beneficiary of the school bus rides is not the school or the church, but the children, their parents and the entire community.

In the concluding argument, the brief stated:

"It is clear that the relationship between the political and religious forces in the community, all operating within the same social structure, and often serving concurrent or overlapping purposes, and drawing upon the same basic human resources and personnel, is a matter too important and too complex to injudiciously lump together all aid to church-related schools as unconstitutional."

"Church-related institutions can be aided," it was argued, "but only when they render a service or perform a function serving the general welfare of the people of the State of Oklahoma."

Oregon Catholics Ask For Continued Free Textbooks

Washington, D. C. (RNS) — Charging "invidious religious discrimination," a group of Catholic parents from Oregon have asked the U. S. Supreme Court to review the decision of a state court which ruled unconstitutional Oregon's practice of issuing free textbooks to children in parochial elementary schools.

Oregon's Supreme Court in November ruled that free distribution of texts was barred by the state's constitution as constituting a use of public funds for religious purposes. The state had provided the books for 20 years.

The law involved had permitted distribution of texts to elementary school children attending state-recognized "standard schools," an accreditation long held by Catholic schools in Oregon.

In their petition, Catholic parents said it was invalid to deny textbooks to school children on the basis of religion.

They said the Oregon Supreme Court decision denied Catholic students the benefits of a state law promoting the general welfare.

The decision of the Oregon court, the parents said, is a "classification in patently religious terminology, utilized to determine who shall receive the benefits of public welfare legislation. That type of classification is of the essence of the invidious discrimination outlawed by the Equal Protection Clause."

They claimed that the privilege of receiving and using "free secular textbooks" was made to depend upon a religious factor — "whether the child attends a parochial school where religious precepts are taught as an inseparable part of the curriculum."

The parents held that while the state was not compelled to give free texts to children of parochial or other private schools, it could not deny them on the basis of religion.

In declaring the law unconstitutional, the state's Supreme Court ruled that the purpose of Catholic schools "is to permeate the entire educational process with the precepts of the Catholic religion." It added that the Oregon constitution provided for the separation of Church and State, and that the law violated that concept.

One of the seven judges on the Oregon court bench dissented from the decision. He said the books are given to pupils, not to schools.