

Report from the Capital

FEBRUARY 1968



News Analysis

by w barry garrett

Social Security Questions for Clergymen

Clergymen are now included in the provisions of the Social Security, according to the new Public Law 90-248, unless they elect on grounds of conscience or religious principles to apply for exemption.

The new law raises many questions for clergymen. We do not profess to know all the answers, for one reason because we do not know all the questions.

However, from the legislative record in Congress, from the wording of the law itself and from conversations with persons in the responsible governmental agencies, we do have some answers to some questions.

QUESTION: What change did the new Social Security law make regarding coverage of ministers of religion?

ANSWER: Previously ministers were exempt from Social Security unless they asked for coverage. Now clergymen are covered unless they ask for exemption.

QUESTION: What are the grounds upon which a clergyman can stand in asking for exemption from Social Security?

ANSWER: The new law exempts a minister only on the grounds of conscientious objection, or religious principles or if he has taken a vow of poverty as a member of a religious order.

QUESTION: Is there a way a minister can obtain exclusion from Social Security other than to claim conscientious objection, or to claim that his religious principles prohibit him from participation or to take a vow of poverty as a member of a religious order?

ANSWER: No.

QUESTION: What does the law mean by opposition by reason of conscience or religious principles?

ANSWER: As far as we know the regulations defining these terms have not yet been spelled out. We can be sure, however, that financial reasons or political reasons will not be accepted as conscience or religious reasons. If a person is simply

disgruntled at the government, or if he thinks he has a better insurance or old age plan or if he thinks he cannot afford to pay, he cannot thereby claim that he is a conscientious objector.

QUESTION: When does the new law take effect for clergymen?

ANSWER: January 1968.

QUESTION: When does the clergyman have to pay?

ANSWER: At the same time he pays his income taxes. On or before April 15, 1968 the clergyman as a "self-employed" person pays his 1967 income tax and files his estimate for his 1968 taxes. On or before April 15, 1969 the clergyman pays his 1968 income tax and his Social Security tax for 1968.

QUESTION: How does a clergyman obtain exclusion from Social Security?

ANSWER: He should file an application for exemption at the time he pays his income tax.

QUESTION: When should a clergyman file a claim for exemption on the ground of conscience or religious principles?

ANSWER: The Internal Revenue Service probably will have forms to fill out and application blanks available on or before April 15, 1969. Those serving as ministers in 1968 or before have until April 15, 1970 to obtain exclusion from Social Security. Those beginning their ministerial duties in 1969 or later have two years to file for their exemption.

QUESTION: If a minister is now participating in Social Security, can he withdraw on the grounds of conscience or religious principles?

ANSWER: No. If he is conscientiously opposed, why does he now participate?

QUESTION: If a minister waives Social Security coverage on grounds of conscience or religious principles, can he later change his mind and elect to be covered?

ANSWER: No. The law plainly states

that such an exemption shall be irrevocable.

QUESTION: Will the churches be expected to pay one-half of the minister's Social Security tax as it does for other employees?

ANSWER: No. The church is not involved with the minister's coverage. Congress placed him in the special category of "self-employed." He has to pay his own taxes. Of course, there could be no objection to a raise in salary for the minister to help him bear this additional expense.

QUESTION: What effect does the new law have on the minister who is now a participant in Social Security?

ANSWER: None, except that it rules him out as a conscientious objector.

QUESTION: What authority do you have to give all these answers to questions about the minister and Social Security?

ANSWER: No authority whatsoever. If you want official, authoritative answers to your questions, you will have to get them from the Internal Revenue Service.

QUESTION: What advice do you have for a minister who is considering non-participation in Social Security on the grounds of conscience or religious principles?

ANSWER: First, make sure that his objections are really on those grounds. At present the field of conscientious objection to Social Security is occupied by a very limited minority such as the Amish and a few others. Conscientious objection to Social Security may be hard to prove by a person who is not a genuine conscientious objector to military service or to other government benefits.

Remember, too, that once a minister signs himself as conscientious objector to Social Security he rules himself out of other government benefits for citizens such as medical care and possibly a wide range of other benefits.

Before signing as a conscientious objector to Social Security, get good legal advice and consult with the brethren about the real meaning of conscientious objection.

If a minister is a genuine conscientious objector and if his religious principles are violated by participation in Social Security, he should not hesitate to ask for exemption.

—The above is the complete text of a Baptist Public Affairs news release dated January 19, 1968.

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 structure, dynamics and positions. It is dedicated to religious liberty, to free and effective democracy and to equitable rights and opportunities for all.

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

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Washington Observations

News — Views — Trends

January 25, 1968



THE NATIONAL EDUCATION ASSOCIATION'S Legislative Commission has proposed a "quality breakthrough" program of federal aid to education, including a new \$6 billion annual grant to the states for improving teacher salaries and meeting urgent needs in elementary and secondary schools. The new program was announced at a Washington press conference by NEA President Braulio Alonso.

"**THE HOUR HAS COME,**" Mr. Alonso said, "for a major escalation of the nation's commitment to quality education for every pupil in America. More than one-fourth of all our people are now in the school-age category. From this group, unfortunately, stem some of the most troublesome problems plaguing our land, but with this group rest our hopes for a better tomorrow. We must wage a total war, not a limited one, against those problems that shackles education and deprive our children of their birthright."

MR. ALONSO cited increasing teacher militancy, the difficulty of securing, and keeping, competent teachers in our classrooms and the social problems, such as summer riots, that only a massive federal aid program can deal with effectively. The Legislative Commission's program would earmark 50% of the \$6 billion for improving teacher salaries, while allowing the states to determine the use of the remainder to meet such urgent needs as summer programs and preschool education.

THE LEGISLATION, more than half again as large as any education bill yet passed by Congress, would supplement existing federal categorical or earmarked programs, including the Elementary and Secondary Education Act. The federal government now provides about 8% of the nation's school tax dollar, whereas many leaders in education and legislation believe that share must rise to at least 25% within a few years.

THE GUNS AND BUTTER arguments will be very much in the news during this session of Congress. Some are insisting that the nation can afford both; others are saying the economy will not allow both. The concern for full support for development of the nation's human resources will be sorely tested by concern for the economy during a time of extended military operations.

THE CAPITAL, long wearied and hardened by demonstrations, took in stride even the well organized Women's Strike for Peace, headed by Jeanette Rankin, former Congresswoman from Montana. Under the banner of the newly organized Rankin Brigade for Peace, the event was easily the most impressive and best organized demonstration Washington has seen for a long time.

FEW WEEKS GO BY without demonstrations, parades or protest meetings for or against some cause. Some weeks find such events a daily diet for Washingtonians to gape at or ignore. In recent weeks such protests and demonstrations have been carried to a social function at the White House and to a regular worship service at the church where the President worships.

FINANCIAL RESOURCES AND ACADEMIC FREEDOM

By
W. Howard Bramlette



Burgeoning costs and enrollments are escalating pressures upon American colleges and universities, both public and private. Such pressures are matched by prolonged debate over academic freedom when funds are accepted which come from either public tax monies or wealthy benefactors.

HARD, perplexing problems are not new to Baptists. They even knew once what it meant to be disenfranchised. But they are a people who seem to thrive on wresting the pearl from the oyster, in bringing into the light a prize from deep places. One of the really deep places right now is the problem of finding answers to the many questions confronting Baptist schools.

Recently there was concluded a two-year study of major aspects of this subject under the general title, Baptist Education Study Task (BEST). More than 8,000 persons participated in this venture, certainly enough to allow for a balanced perspective. Though the participants were of one denomination only, their conclusions should benefit all inquiring people concerned about Christian education.

Financial resources and academic freedom (and responsibility), were two of the eight major areas discussed. Many think there is a direct connection between the two. Economic determinism, so much already a part of our American way of life, can easily become a bogeyman to be feared where public funds and higher education are concerned. "The man who pays the piper calls the tune," is the concept.

Actually, there is a strong possibility that the government is not nearly as interested in controlling institutions which they fund as are some private donors and benefactors. Private gifts to schools are of increasing

importance. But, one president says, "These bequests often have as many strings as a mop."

I

Can academic freedom survive at a school where public funds are received? Yes, it can. One's view for or against the use of such funds by denominationally controlled schools must be predicated on some other proposition than that federal money brings federal control.

The primary government function these days, in the area of education, is to be committed to seeing that all of the citizenry have access to a good education. The United States has already made one decision: that higher education should be made available to virtually anyone who wants it.¹ Through the whole development of higher education in the United States there runs the increasing purpose to democratize it . . . there is a determination to provide free education for all of those willing and able to take it.²

This ideal, so uniquely American, partly idealistic and libertarian, and partly practical, moves forward as inevitably as a glacier, but in this century with increasing speed. . . . The whole conception of uni-

versal education at the higher level shows American democracy setting itself further in opposition to the old European ideal of higher education only for an elite. Of course, the growing financial aids to education ensure that it is not confined to the wealthy, but reaches nearly all groups in our society.³

II

Is this public money released with no strings attached? Former U. S. Commissioner of Education, Francis Keppel, warned at a White House Conference on Education, in 1965, "The nation's taxpayers and their representatives in Congress will want to know . . . and have every right to know . . . whether that investment is paying off."⁴ So they should. It is totally unrealistic to expect financial support from any source without concomitant guidelines concerning its use.⁵ It would be sad indeed if there were no watchdog to see that public funds, in any enterprise, are not wasted. But observing to see that money is spent according to the purpose for which it is allocated, and using that money as a big stick to subvert academic freedom, are two different things.

Dr. E. N. Jones, former secretary of the Christian Education Commission of the

Baptist General Convention of Texas, says, "I do not favor outright grants, but I do favor the acceptance of federal loans which provide for repayment of the principal with interest.

"Certainly programs such as federal grants for research do not in my opinion violate the fundamentals of church-state separation. Such grants give service in return and almost without exception actually cost the school as much or more in money as is received."⁴

A high official in the U. S. Office of Education said that the government is not interested in controlling colleges and universities, it does not know how to do it and it does not have enough time to do it.⁵ The speaker further said that the law specifically prevents the government from exercising controls and that the government's interest is only in helping institutions so that they can operate. Few people in the line for federal handouts fear any longer that a fist may be wrapped inside all that money.⁶

Grants are for strong and not weak agencies. Too often they are sought as a means of alleviating an unhappy financial situation, or to make possible the survival of an organization which is facing collapse. Only the strong can maintain proper independence and successfully carry on a basic ongoing program to which the grant-supported program is auxiliary.⁷

There are provisions in the 1963 Higher Education Facilities Act which specify that absolutely no controls can be exerted on the colleges and universities by anybody connected with the Federal government.

III

One Baptist college president points out, "If the real concern of Southern Baptists is to avoid governmental control over their colleges and universities they have already lost the battle to the various state governments. Since World War II, the state governments have established substantial control over the American colleges and universities, including Southern Baptist colleges. Chiefly through the power of the state governments to determine the education and qualifications of those entering various professions in the states, the various state agencies have prescribed the courses to be taught, the type of textbooks to be used, the library books necessary for the courses, and all other vital areas of the educational process. . . . The educational accrediting agencies have become the dominant, controlling force in the field of higher education."¹⁰

Private ownership and control of an institution of higher education does not give immunity from state actions. States can set minimum endowments for new colleges,

prohibit trustees from dissolving a college, approve tuition charges, and pass on mergers. State governments can stipulate state power to amend granted charters.¹¹

When a private college grants a degree, its action has an official quality, as attested by language used on some diplomas and in some graduation ceremonies. The state has such an interest in the degree that it has an unquestioned, reserved power to legislate about it. Good law in state opinions holds: that the power to confer degrees is separate from the power to operate as an educational institution; that the state may define the education necessary for a given degree, even if its definition threatens the existence of a specific school; and that the abuse of degree power may cause the state to forfeit a college charter.¹²

IV

Direct and indirect controls have been planned, and, in some cases, executed by private donors and benefactors.

Well-known is the story of the millions (\$50 million, to be exact) offered by Judge George W. Armstrong to the school which would make it policy that all Negroes, Chinese, Japanese, other Asiatics, and unconverted Jews be barred from admittance, and that the college would teach, "constitutional government, our Christian religion, and white supremacy."¹³ His proposal was not accepted.

For a time Piedmont College, a struggling North Georgia school of Congregational heritage, accepted \$500 a month from Armstrong. A small amount, but a big furor. Students demonstrated, alumni objected, two faculty members were fired, and the trustees were divided. One trustee resigned saying, "The gift was an opening wedge for attempts to warp educational

integrity."¹⁴ Referring to the dismissed faculty members, one letter to the school said, "Can anyone know that whoever replaces these and others who resign or are fired are not 'suggested' by the Texas Educational Foundation?"¹⁵

In 1966 an arrangement with similar overtones came into being. An Evangelical Christian Education Foundation was formed, to support conservative theological education as opposed to "liberal theology now being taught in the United States." A group of Texas and Gulf Coast area businessmen set a goal of \$500,000 for scholarships funds for students who accept their definition of conservative theology.¹⁶ They placed certain funds with the New Orleans Baptist Theological Seminary (SBC) "because it meets our doctrinal standards, both in theory and practice."¹⁷

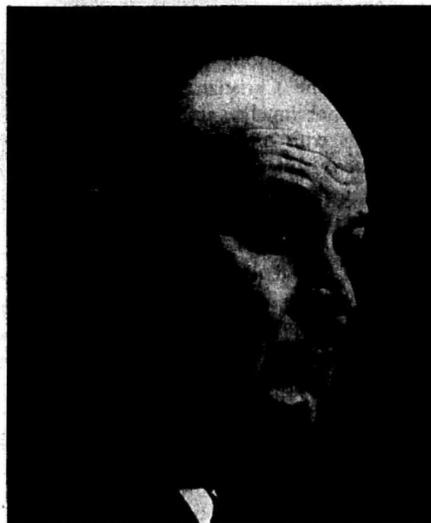
One of the group said that the reasons for establishing the foundation include "trends toward a wider acceptance of liberal theology . . . and a desire to help educate pastors and teachers with a conservative theological conviction."¹⁸ Another member said, "We are insuring that our gifts go to those who hold our historic Baptist position. . . . The E. C. E. F. is convinced that liberalism is a denial of the gospel. For any seminary professor to espouse liberal theology is a breach of faith with Southern Baptists who send money to support him."¹⁹

The editor of the *Capital Baptist* questioned "any student's sincere search for truth if, before he studies his theology, he accepts a 'conservative' theological position." Likewise, he questioned "encouraging students to attend the seminary who have 'pre-determined' their theological conclusions by accepting the point of view of a group of laymen."²⁰

Indirect controls are rarely diluted or divested of strength simply because of the subtleties involved. Who will do the research to document the determination of certain policies at some Christian institutions through the years by innuendoes and veiled threats which, no matter how smilingly delivered, are nonetheless pressure? Some oft-repeated statements go like this, "Don't forget who he is and his influence," or "They have much money, remember, and have always been friends of the school. Let's not antagonize them."

Frequently bold thrusts are bantered about such as, "So long as I am a pastor (trustee, (Continued on page 6)

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RECOMMENDED READING

Religion and the Search for New Ideals in the USSR

WILLIAM C. FLETCHER AND ANTHONY J. STROVER, *Editors*

Frederick A. Praeger, N. Y.
1967, 135 pp. \$5.00

Twelve writers, all well informed on Soviet life, here explore ideological ferment and religious developments in the USSR. Encouragingly, while at law there is inadequate intellectual and religious freedom in the Soviet state, in fact new ideas are pursued with eagerness and religious life still has some vitality. Since a half century of domination by the Communist Party has seen both rigid educational and news media control for the purpose of promoting the world-view of Marxism-Leninism, this means the controls have not achieved their objectives. Soviet youth have not all been corrupted by any means.

The only chapter pervaded by pessimism is Hans Lamm's on "Jews and Judaism in the Soviet Union." Judaism is the victim of special Soviet repression, its people do not receive the same privileges for corporate religious life that other religious groups do. The author fears that Judaism—the religion and the culture related to it—may all but disappear. That is, Jewish youth will be corrupted to forget who they are. This raises the interesting question: if it can happen to the Jewish religion and cul-

ture, why not to others? This matter is not explored.

Two chapters make a case that the Russian Orthodox church has a new generation of members and clergy. The one by Dmitry Konstantinov, "Orthodoxy and the Younger Generation in the USSR," is more optimistic than the one by Nadezhda Teodorovich, "The Rejuvenation of the Russian Orthodox Clergy." Both must rely on sketchy information that leaves the reader a bit unsure, but so it must be with study in this field. The USSR is a closed society.

Can the USSR soon become an open society? Father Gustav Wetter explores this question in "Communism and the Problem of Intellectual Freedom," because he finds that some European communists are beginning to restrict Marxism to its social and economic dimensions, denying that it is necessarily atheistic. For the USSR, however, he finds that its fundamentalistic commitment to Marxism-Leninism and the political necessities of the Communist Party make this developing European theme inappropriate.

The Baptists get all the treatment of William C. Fletcher's inappropriately titled chapter, "Protestant Influences on the Outlook of the Soviet Citizen Today." He

points up the contradictory and inadequate nature of the statistics available on the Baptist movement, shows that its importance must be not trivial in light of official reaction to its manifestations, describes its continuing schisms, and concludes with a discussion that points to a similarity of psychological characteristics between Baptists and Communists. This is a most interesting point, but it is not explored at depth in the chapter. Ideally, it should be studied by use of the tools of psychological testing—an impossibility from outside the USSR. But we do know that the psychological makeup of mass movements studied in the West has not been very uniform. Will it be different in the USSR?

Max Hayward's "Summary" makes a fascinating point, but gives it little defense. He thinks that Marxism would long ago have collapsed as an ideology were it not for the artificial life given it by the power of the Soviet state. He also argues that any ideology protected from the free competition of ideas by a closed society will collapse. A thought system is made strong as it defends itself from its rivals.

Other chapters take up "The Problem of Alienation: Life without Spiritual or Religious Ideals," "Pseudo-Religious Rites Introduced by the Party Authorities," "Changes in Soviet Medical Ethics . . ." "The Search for New Ideals in the USSR: Some First-Hand Impressions," "The Tenacity in Soviet Central Asia," "The Significance of Religious Themes in Soviet Literature." All deserve attention. —Walfred H. Peterson

Financial Resources & Academic Freedom

(Continued from page 5)

benefactor) here, we are not going to allow such and such," or "Our church (company, family) has made substantial financial gifts to this school, you will recall, and we don't want such and such."

V

Churches, too, have sought to limit academic freedom and have used financial bigsticks to accomplish those ends. There is needed today a freedom from fear of where truth will lead one. There is a need for the ouster of anti-intellectualism and pietism. There is needed a deeper understanding of the vital relationships between colleges and the conventions which foster and support them. Greatly needed is a clearer understanding of the areas of control and lines of responsibility.

The BEST report does not provide exhaustive answers. It does highlight issues and problems, principles and guidelines, and

basic affirmations. It also presents an analysis and interpretation of the study.²²

VI

There can come a stifling of academic freedom from sources other than the use of government funds. Baptists who honestly believe it is wrong to utilize such funds to further the Christian faith and witness (however obliquely, at times), can find arguments with more validity than that the government will subvert the institution because it makes a financial contribution. Let them not certify their disapproval for the wrong reasons.

One of the danger signals that must be guarded against, if such a school does accept public funds, is a *dependence of the school upon such public funds*. It must be able to decline if strings ever should be attached to funding. It must not quake at the thought of such support being withdrawn.

Christian schools are eminently worth saving. The government is not the only source of funds. Baptists themselves can

do much better than they are doing. McGeorge Bundy of the Ford Foundation thinks that the "American rich, old and new, and the average generous alumnus should be playing much larger roles as contributors. So many are missing the excitement of giving."²² There is the business community; there are corporations. There are such plans as direct tax aids to parents of students, student loans payable out of a percentage of their earnings during the productive years after education and others.

"The most vital argument for preserving the dual system of education, private and state, is one that mounts on the wings of spirit. . . . But certainly the best hope of preserving an intellectual elite primarily responsible to individual conscience lies in private academe. . . . Higher education can be kept dynamic only by the presumptuousness and independent spirit of the elite."²³

If it isn't independent, this value won't be achieved.

(Continued on page 7)



QUEST FOR ANSWERS

Conference Procedure — Techniques for Consensus

By W. HUBERT PORTER

The information explosion, the fragmentation of knowledge and the mushrooming of specialization have produced a dramatic multiplication of face-to-face groups since World War I.

The Summer, 1967 issue of the *Columbia University Forum* reflects this trend in articles on "Conference Behavior" and "The Idea in the Middle of the Table," adapted from a new book, *The Small Conference: An Innovation in Communication* by Margaret Mead and Paul Byers, to be published this fall by Mouton and Company.

In evaluating the conference concept, Miss Mead states that it provides a setting "where communication is contemporaneous, multisensory, and completely inclusive of all members of a limited group" and creates a "search mechanism" for which there is no substitute. "Under the mutual stimulation of exploring a new topic or new ways of looking at an old topic, conference participants mobilize their memories, recognize new connections, and are able to place before the other participants items of information that exactly fit the others' needs."

Effective sharing of information across chasms between different fields of knowledge is a significant achievement of many face-to-face groups, but I would commend the conference procedure especially as a technique for consensus, particularly in groups where the climate is openness to the Spirit.

Current successes of conference procedures confirm the wisdom of our Baptist forefathers who emphasized consensus rather than partisan victory as the ideal in the decision-making process.

Conference procedure is not an eleventh-hour strategy. If one waits that long, it's too late. It takes time, the amount of time depending on the nature of the problem and the range of involvement by individuals and groups; but if one is in a hurry, he had better forget the whole thing.

* * *

An example of the long-term use of conference procedures was the adoption of a

new budget structure in the American Baptist Convention. The idea was advanced by the Finance Committee and the Budget Research Committee in 1958, and the plan went into effect in 1965. In between, we conducted three rounds of conferences with national staff groups and in every State Convention and City Society, involving more than 600 leaders, including practically all those responsible for missionary promotion and fund raising. The first round consisted of "listening conferences" devoted to introducing the problem and eliciting suggested solutions. In spite of a wide range of opinion, a "sense of the meeting" began to emerge in many conferences.

A tentative proposal grew out of this procedure and became the basis for a second round of conferences, leading to consensus regarding the chief elements in the plan. The third round of conferences achieved solution of problems peculiar to the several organizations, including mutually satisfactory agreements concerning return percentages to be received by each proportional unit from missionary funds raised in its territory.

The plan, as modified and agreed to in this long process, was recommended by the Finance Committee, supported by the General Council, and finally adopted by the Convention at its annual meeting in 1964, to take effect January 1, 1965.

Had the plan, as finally developed, been fashioned in an ivory tower, all of the public relations expertise of Madison Avenue, with wholesale use of mass communication channels, would not have been sufficient to bring about its adoption. On the contrary, the adoption and implementation of the plan was possible because nearly all persons having leadership responsibility with respect to the financial life of the denomination had a vital part in fashioning the proposal and could feel that, in a real sense, it was their program. Certainly, it was not the kind of proposal which would have yielded to polemics. It depended on the consensus of many persons and a great

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FINANCIAL RESOURCES

(Continued from page 6)

Footnotes

¹ Duncan Norton-Taylor, "Private Colleges: A Question of Survival," *Fortune* (October, 1967), p. 104.

² William Clyde DeVane, *Higher Education in Twentieth-Century America* (Cambridge, Massachusetts: Harvard University Press, 1966), pp. 2-5.

³ *Ibid.*
⁴ *Time*, LXXXVI, No. 5 (1965).

⁵ Unpublished manuscript, "Considerations of Finance in the Role of the Christian Through Church and State in Human Welfare," by Russell W. Leedy, Baptist Joint Committee on Public Affairs, (October, 1967).

⁶ *Baptist Standard* (September 20, 1967).

⁷ From remarks to a group of higher education executives, Washington, 1966.

⁸ Norton-Taylor, *op. cit.*, p. 125.

⁹ Unpublished manuscript, "Considerations of Finance in the Role of the Christian Through Church and State in Human Welfare," by Russell W. Leedy, Baptist Joint Committee on Public Affairs, (October, 1967).

¹⁰ Abner McCall, "Can Baptist Schools Compete Without Claiming Their Rightful Share of Tax-Provided Support?," *Baptist Line* (September-October, 1967).

¹¹ Unpublished manuscript, "Some State Controls and Influences on Church-Related Education," by Walfred H. Peterson, Baptist Joint Committee on Public Affairs, (October, 1968).

¹² *Ibid.*

¹³ "Armstrong Gets His Way," *New Republic*, (April 14, 1962), p. 8.

¹⁴ *Ibid.*

¹⁵ H. E. Bowen, "How To Buy A College," *The Nation*, (September 26, 1951), p. 277.

¹⁶ "Which Way New Orleans, Which Way," *Capital Baptist*, (June 28, 1966).

¹⁷ Carroll Karkalis, "A Critique of Mr. Duncan's Editorial on the Evangelical Christian Education Foundation," *Capital Baptist*, (December 22, 1966).

¹⁸ *Capital Baptist*, (June 23, 1966), *op. cit.*

¹⁹ *Capital Baptist*, (December 22, 1966), *op. cit.*

²⁰ *Capital Baptist*, (June 23, 1966), *op. cit.*

²¹ Baptist Education Study Task, Report of the Findings Committee, Education Commission of the Southern Baptist Convention, 1967.

²² Norton-Taylor, *op. cit.*, p. 160.

²³ *Ibid.*, p. 162.

variety of organizations; and its final adoption was both a verification and a vindication of the conference process.

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Major Church-State Issues Now Before Supreme Court

The following news analysis by W. Barry Garrett is the complete text of a Baptist Public Affairs news release, dated January 19, 1968.

The U. S. Supreme Court now has two major cases before it for "judicial review" of public policies on public aid to parochial schools.

The Court has agreed to review another New York case involving the constitutionality of a state law requiring public school boards to provide textbooks on a loan basis to all school pupils, public or private, for grades 7-12.

Earlier the Court agreed to review a New York case (*Flast v. Gardner*) on the question of "standing to sue" for citizens and taxpayers who challenge public expenditures on the grounds of violation of the First Amendment. This case will be argued before the Court in March.

These developments could have significant effect on current efforts in Congress to enact a judicial review law that is being pushed by Sen. Sam J. Ervin, Jr. (D., N. C.). The effect could be to cause the House of Representatives to move even slower and more cautiously (if that were possible) than it has done on this matter.

There have been those all along who have argued that no new judicial review legislation is necessary if all the possibilities of court action now existing were pursued. This could prove to be true.

The latest New York case which the Supreme Court will now review is *Board of Education of Central School District No. 1 v. James E. Allen, Jr.*, as Commissioner of the State of New York.

At issue is the 1965 New York state law on textbooks for school children. The question before the Supreme Court is whether or not the purchase of textbooks with public money for free loan to pupils in parochial schools violates the Establishment Clause and the Free Exercise Clause of the First Amendment of the Federal Constitution.

This Amendment, which is now applicable to the states, says: "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof."

The New York State Constitution prohibits public aid "directly" or "indirectly" to church schools.

The argument is whether or not such aid to school children is aid to the private school either directly or indirectly.

Those who oppose such aid to parochial school children say that this is an indirect aid to their schools that is prohibited by both the State and the Federal Constitutions.

They say that if this policy is upheld the same principle could then be applied to equipment and even to buildings and teachers in church schools.

The textbook case was taken to the courts by the School Board of East Greenbush, a suburb of Albany, and by other local school officials in Rensselaer, Columbia and Nassau counties.

They contended that the 1965 law forced them to violate both the State and Federal Constitutions. They were placed in the position of obeying a law in violation of the Constitution or of disobeying a law which requires of them a certain course of action. They asked the courts to settle the problem.

Three court decisions have been handed down in New York.

(1) The State Supreme Court, August 18, 1966, declared the state textbook law unconstitutional.

(2) The Appellate Division ruled in December 1966 that the local school district lacked jurisdiction to challenge the law and thus reversed the decision of the lower court.

(3) The Court of Appeals in June 1967 restored the local school district's right to file suit, but declared the law constitutional under both the State and Federal Constitutions.

The U. S. Supreme Court will now make a ruling on the federal question or questions that may be involved in the issue.

The decision of the Court will affect much more than the New York law. Six other states—Louisiana, Mississippi, Rhode Island, West Virginia, Indiana and Kansas—have laws permitting textbooks to be loaned to children attending parochial schools.

In three other states—Oregon, New Mexico and South Dakota—such practice has been held to violate their respective constitutions.

In addition the Federal government spends \$60 million annually to purchase textbooks and to provide specialized instruction to pupils in church-related schools.

If in the *Flast* case the Supreme Court agrees that citizens and taxpayers have "standing to sue" in First Amendment cases, and if the New York law is declared to violate the Federal Constitution: (1) Many cases challenging federal and state practices can be expected to explode all over the nation, and (2) Many government programs ranging from the Hill-Burton public

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health act to current welfare and education acts could be thrown out by the courts.

There is no sure way to predict at this state the ways the Supreme Court may handle these cases or what their decisions might be. The arguments are strong on both sides and the national issues at stake are far reaching. Much future public policy now hangs in the balance. Decisions will be announced within the year by the Supreme Court.

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COVER

The statue of Abraham Lincoln in the Lincoln Memorial. He appears to be looking with compassion upon the entranced visitors.

One of the most popular memorials in the Nation's capital city, this site is visited annually by young and old, peoples of many nations and, of course, thousands of school children from across the nation.

Lincoln, whose birthday is observed by many on February 12, was born in 1809. He served, as the 16th president of the nation from March 4, 1861 until his death as the result of an assassin's bullet on April 15, 1864.