

# Report from the Congress of the United States Capital

NOVEMBER—  
DECEMBER  
1971



*Congress of the United States*  
*begun and held at the City of New York, on*  
*Wednesday the fourth of March, one thousand seven hundred and eighty nine.*

*THE* Convention of members of the States, having at the time of their adopting the Constitution, expressed a desire, in order to guard more effectually the rights of the people, that further declaratory and restrictive clauses should be added, and as extending the ground of public confidence in the Government, will best ensure the longest and best maintenance of that confidence, that they do hereby **RESOLVED** in the Senate and House of Representatives of the United States of America in Congress assembled, two thirds of the whole concurring, that the following Article be proposed to the Legislatures of the several States, as amendments to the Constitution, to wit: That the following Article be proposed to the Legislatures of the several States, as amendments to the Constitution, to wit: That the following Article be proposed to the Legislatures of the several States, as amendments to the Constitution, to wit:

**"CONGRESS SHALL MAKE NO LAW RESPECTING AN ESTABLISHMENT OF RELIGION, OR PROHIBITING THE FREE EXERCISE THEREOF; OR ABRIDGING THE FREEDOM OF SPEECH, OR OF THE PRESS; OR THE RIGHT OF THE PEOPLE PEACEABLY TO ASSEMBLE, AND TO PETITION THE GOVERNMENT FOR A REDRESS OF GRIEVANCES."**

**THE FIRST AMENDMENT  
CONSTITUTION OF THE UNITED STATES**

*Article the first*  
*Article the second*  
*Article the fourth*  
*Article the fifth*  
*Article the sixth*  
*Article the eighth*

*Article the first*  
*Article the second*  
*Article the fourth*  
*Article the fifth*  
*Article the sixth*  
*Article the eighth*

*Article the ninth*  
*Article the tenth*  
*Article the eleventh*  
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*Article the thirteenth*  
*Article the fourteenth*  
*Article the fifteenth*  
*Article the sixteenth*  
*Article the seventeenth*  
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*Article the twenty-sixth*  
*Article the twenty-seventh*  
*Article the twenty-eighth*  
*Article the twenty-ninth*  
*Article the thirtieth*  
*Article the thirty-first*  
*Article the thirty-second*  
*Article the thirty-third*  
*Article the thirty-fourth*  
*Article the thirty-fifth*  
*Article the thirty-sixth*  
*Article the thirty-seventh*  
*Article the thirty-eighth*  
*Article the thirty-ninth*  
*Article the fortieth*  
*Article the forty-first*  
*Article the forty-second*  
*Article the forty-third*  
*Article the forty-fourth*  
*Article the forty-fifth*  
*Article the forty-sixth*  
*Article the forty-seventh*  
*Article the forty-eighth*  
*Article the forty-ninth*  
*Article the fiftieth*

*James Madison* Speaker of the House of Representatives  
*John Adams* Vice President of the United States, and President of the Senate

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 NASHVILLE, TENNESSEE

## Why The Prayer Amendment Was Defeated

The House of Representatives on November 8 killed by a 28 vote margin a proposed constitutional prayer amendment that on September 21 was considered by many as unbeatable.

What happened? How is the defeat of H. J. Res. 191 explained?

No one factor can be considered as decisive, but the total impact of a number of elements added up to defeat. Without claiming to list all of the reasons for the prayer amendment's defeat we offer ten reasons by way of explanation.

1. The opponents of the Supreme Court's 1962 and 1963 prayer and Bible reading decisions have never been able to make a convincing case to enough people who know the facts that the decisions were wrong.

A hard-nosed, unemotional reading of the Supreme Court's decisions by most people results in approval. Fortunately, enough people have done their homework that they refuse to be swept along by false charges.

2. The tactics of the advocates of the prayer amendment alienated some who otherwise might have been their supporters.

When the prayer amendment lobbyists approached a Congressman seeking support, the wrong questions were asked and false premises were advanced as reasons for the amendment. Then, when the Congressman tried to discuss the problem intelligently and rationally, the prayer amendment advocates turned with vengeance and threatened political defeat in the next election if the Congressman dared to vote against them.

The prayer amendment promoters told the Congressman that they would tell his constituents that he is against God, against school children praying, and that he espouses the cause of atheism. They said that they would erect billboards all over the Congressman's district and attack him on these grounds. While some Congressmen were unable to withstand such pressure, some others reacted negatively, ordered the obnoxious lobbyists out of their offices and

determined that they would not be pushed around in any such fashion.

3. The First Amendment provisions for no establishment of religion and the free exercise have found a deep and abiding place in the hearts of the American people. Since the approval of the Bill of Rights in 1791 it has been impossible to find words to improve the First Amendment.

The proposed prayer amendment appeared to many people to be unnecessary because of the adequacy of the First Amendment as it now stands. Others viewed the proposal as a real alteration of the basic meaning of the First Amendment. They were unwilling to support any change that in their opinion would weaken the First Amendment.

4. A wrong procedure to amend the Constitution of the United States was pursued by the prayer amendment advocates. The normal process is for the Judiciary Committee to consider such proposals, conduct public hearings, air all of the issues, refine the wording of proposed amendments, and then submit them for action on the floor of the House and of the Senate.

In this case the House Judiciary Committee had conducted hearings for three months in 1964 and finally concluded that the First Amendment could not be improved upon. The prayer amendment advocates in 1971 bypassed the Judiciary Committee and by a discharge petition forced the prayer amendment directly to the floor of the House of Representatives. Many people think this is a poor way to amend the Constitution of the United States.

5. The voice of religious leaders in the nation had its effect. Most of the major religious denominations in America opposed the prayer amendment. One member of Congress during the debate observed that congressmen make poor theologians and that religious matters should be left to the church people. When the religious leadership of the nation opposes legislation that affects religion, many congressmen listen.

6. An effective coalition was formed to fight the prayer amendment. This coalition was composed of religious leaders, civil liberties organizations and educational interests. They planned astutely, worked diligently, met frequently, and performed effectively.

7. Congressional leadership against the amendment was mobilized. Sixty-seven congressmen signed a "Dear Colleague" letter urging defeat of the amendment. Others joined in a press conference to oppose the amendment. A bi-partisan committee of congressmen operated to enlist support against the amendment. Other congressmen remained silent but when time to vote came showed unusual courage by voting against the proposal.

8. Persons devoted to the civil liberties embodied in the Bill of Rights saw the prayer amendment as a first move toward further amendment of the Bill of Rights. They felt that this would be an erosion of the fundamental freedoms traditionally guaranteed to all Americans.

9. Defects in the prayer amendment proposal itself in a large measure contributed to its defeat. The wording of the amendment was not consistent with the announced intent of the advocates. Although cleverly worded, the prayer amendment did not set out clearly what was intended and it appeared to have effects that the advocates did not seem to espouse.

10. A quirk of the calendar did as much to defeat the prayer amendment as anything else. According to the rules, the legislation affected by a discharge petition must lay on the table seven days after the petition is signed by the required number of congressmen. It then can be considered only on a second or a fourth Monday of the month.

The discharge petition was signed on September 21. Seven days later put it past the fourth Monday in September. The second and fourth Mondays in October were Congressional holidays. The first date the prayer amendment could then be considered was November 8.

This gave the opponents seven weeks to mobilize against it, enough time to organize and enlist public support against the amendment. If the proposed amendment had come before the House of Representatives only one week after the signing of the discharge petition, it likely would have received the two-thirds majority required for passage.

**REPORT FROM THE CAPITAL**—a bulletin published 10 months during the year by the Baptist Joint Committee on Public Affairs, 200 Maryland Ave., N. E., Washington, D. C. 20002. The purpose of this bulletin is to report findings on the interrelations between churches and governments in the United States. It affords church leaders a chance to understand developments, policies and trends affecting public policies and it affords public officials a chance to understand church structures, dynamics and positions. It is dedicated to religious liberty, to free and effective democracy and to equitable rights and opportunities for all.

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

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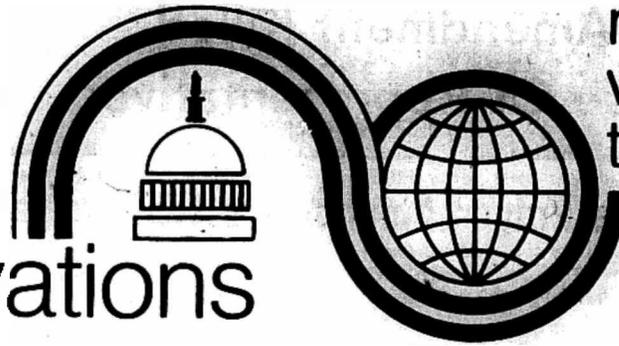
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# washington observations



news  
views  
trends

November 18, 1971

**SIDNEY P. MARLAND, JR.**, U. S. Commissioner of Education, either reflected a change in President Nixon's attitude toward federal aid to private schools or indicated that he was ready to alter his present position.

**MARLAND** said he would oppose federal tax credits to help support nonpublic schools despite the President's August pledge to the Knights of Columbus and such schools.

A **FILIBUSTER** may come in the Senate until those who have questions about lack of information covering Supreme Court nominee Rehnquist's background get some answers. Some Senators are unhappy about the missing information.

**SUPREME COURT NOMINEE POWELL** seems to have no real opposition. Thus a southern conservative will be seated with a minimum of objection, while a non-southerner meets limited but vocal opposition.

**ADDING THESE TWO** men to the Court would strongly affect its ruling on capital punishment and the rights of the accused. The Court seems clearly to be moving away from an activist role in civil rights.

**FOLLOWING THE DEBATE** on House Joint Resolution 191 (The Prayer Amendment) on November 8 several unusual developments have occurred. Two congressmen reported that they have been served notice that billboards will be erected in their districts calling for their defeat because they "voted against prayer."

**REPORTS FROM THE OFFICES** of several other congressmen reveal that their mail, which had changed dramatically from favoring the proposed prayer amendment to opposing it, had sustained the unusual volume on such an issue and was now thanking the congressmen for voting against the amendment.

**REPORTS FROM THE STATES** indicate that quite a few state Baptist conventions voted resolutions on the prayer amendment which carried commendation for those congressmen who voted against the proposed amendment.

**SUCH ACTIONS ON THE PART OF BAPTIST GROUPS** also included district Baptist associations who took positions opposing the prayer amendment. This grass roots activity to such a degree is indicative of the growing knowledgeability of the people. It should encourage many congressmen to vote their true convictions on religious liberty issues in the future.

**OTHER REPORTS FROM** interested Baptist leaders across the nation indicate that some congressmen were thanking them for writing and talking with them about an issue of such importance to religious groups. There were indications that support from their constituents on this vote had enabled them to turn away from undue lobbying tactics in their offices.

# Prayer Amendment Killed In House Of Representatives

The proposed constitutional prayer amendment is dead. At least for a little while, having been killed in the House of Representatives on November 8. The proponents failed to achieve the required two-thirds majority by 28 votes, a sizeable defeat. The vote was 240 to 162.

The dramatic defeat of the prayer amendment demonstrates the virility of the First Amendment of the Constitution and its guarantees for religious liberty in the United States.

It also demonstrates that the religious forces of the nation do not take their freedom lightly and that they can be rallied to action when that freedom is threatened.

The keynote of the opposition to the prayer amendment was sounded by Rep. Carl Albert (D., Okla.), Speaker of the House, when he marched to a microphone on the floor and asked to be heard.

In an extremely tense moment and in thundering tones, sounding like a Baptist evangelist at the climax of his sermon, Albert declared: "Any interference by any official at any level is a violation of freedom of religion. I am not prepared to let the meddling hand of government at any level in any degree be placed on any man's altar. This resolution must be defeated."

The rejection of the prayer amendment by the House of Representatives marks its defeat in the complete legislative circle in the Congress. In 1964 the House Judiciary Committee and in 1966 the Senate Judiciary Committee refused to approve any prayer amendment.

In October of 1970 the Senate Judiciary Committee was by-passed by attaching the Dirksen prayer amendment to the proposed amendment for equal rights for women. The Senate then killed the whole package.

This year by the process of a discharge petition the House Judiciary Committee was by-passed and the prayer amendment was brought directly to the floor where it was rejected.

Even though a prayer amendment is dead for this session of Congress, it is like a snake with its head cut off but its tail continues to wiggle. Obviously recognizing in advance that they were defeated the proponents had a mimeographed press release ready for distribution the instant the vote was taken in the House of Representatives.

Robert G. Howes, national coordinator of Citizens for Public Prayer, declared that, although the prayer amendment has suffered a temporary set back, the target is now the

elections in 1972. At these elections the prayer amendment people have announced that they will seek the defeat of all Congressmen who voted against them.

Whether or not the prayer amendment advocates can sustain their drive after defeat in both houses of Congress remains to be seen. It would appear that it will be more difficult in the future to discharge committees and to achieve two-thirds majority in either House of Congress now that both bodies have had opportunity to vote on a prayer amendment. However, history takes strange turns and the supporters of religious liberty and of the First Amendment cannot afford to be lulled into a comfortable sleep.

What happened to the prayer amendment that led to its defeat in the House of Representatives?

First, take a look at what happened on November 8, and then at events that led up to this climatic day.

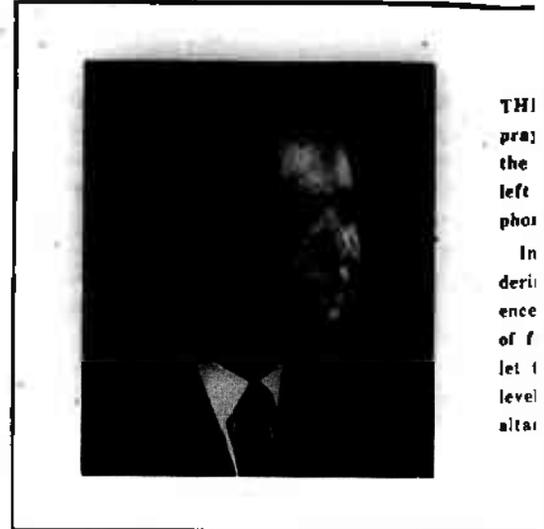
When the House of Representatives convened at noon on November 8 there were only 20 or 30 Congressmen on the floor and the galleries had scatterings of visitors. Chaplain Edward G. Latch opened the meeting with a prayer that was obviously addressed to Congressmen and for the prayer amendment rather than to the ear of God.

The chaplain intoned, "Bless our President, Members of Congress, and all who labor with them. Gird them with cheerful courage and inspiring insight that they may highly resolve that this white-domed Capitol may be the symbol not only of material might but of reality in religion proclaiming to all men the moral and spiritual resources upon which our freedom rests and without which they disintegrate and disappear."

A careful examination of the chaplain's words reveals that they were a pitch to Congressmen on behalf of the prayer amendment and that the philosophy undergirding it is the basis on which union of church and state has been achieved in many countries of the world.

The first crucial vote was taken when the House voted whether or not to discharge the Judiciary Committee from further responsibility for the prayer amendment. Even though the vote to discharge was 242 to 156, it was a clear indication that the prayer amendment proponents did not have the required two-thirds vote for passage of their resolution.

From then on the tactics were to salvage as much as possible. The strategy that was



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agreed on was for an amendment to the amendment to be proposed. Rep. John Buchanan (R., Ala.), an ordained Baptist clergyman, was selected for this job.

After an hour of debate on the prayer amendment, Rep. Buchanan was recognized for the purpose of making this amendment. He moved to substitute "voluntary" prayer for "nondenominational" prayer and to add "or meditation" to H. J. Res. 191.

The hope of the proponents was that this change would remove the objectionable features of the original proposal and that enough votes would be picked up to get the two-third majority.

After another hour of heated debate the revised amendment was rejected.

Now, what happened prior to the vote on November 8 to kill what otherwise was considered a sure thing on September 21?

As fate would have it, or some would say that it was providential, the prayer amendment proponents did not figure correctly on the timing of their discharge petition. The rules of the House of Representatives require that action on a discharge petition can take place only on a second or fourth Monday following the signing of the petition.

What the prayer amendment people did not figure on was that the next two eligible Mondays were federal holidays and the first Monday available for voting was November 8. This gave the opponents seven weeks in which to rally their forces and to inform the public about the real issues involved in changing the First Amendment.

Immediately a coalition of strange bedfellows was formed in Washington to fight the prayer amendment. Leaders of major religious bodies in the United States joined

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with education and civil liberties groups. These included such diverse groups as Baptists and Unitarians, Jews and the National Council of Churches, the American Civil Liberties Union and Americans United.

The first action was to produce a joint statement of opposition to the prayer amendment which was signed by 38 representatives of national religious bodies. A literature was created and 120,000 pamphlets were distributed to key spots throughout the United States.

A Congressional bi-partisan coalition against the prayer amendment was formed. A press conference with national religious leaders and congressional leaders was held. Weekly meetings of the religious coalition were held to coordinate activities and to make assignments.

Groups were organized for activity on Capitol Hill and other strategy was adopted to produce pressure from the congressional districts.

For weeks prior to November 8, in the absence of public hearings, a lively debate among Congressmen was conducted in the pages of the Congressional Record. The issues were thoroughly aired through this medium.

On the day the vote was taken a "whip" system was organized to assure that all who were against the prayer amendment were present and voting.

The outcome was the defeat of the prayer amendment, which on September 21 was considered a sure success.

Minority Leader Gerald R. Ford (R., Mich.), who favored the prayer resolution, attributed its defeat to the religious leaders of America. All who are familiar with what happened concur with this conclusion.

# The House Vote On School Prayers

The roll call vote by which the House rejected the school prayer amendment was 240 to 162. The 240 yea votes fell 28 short of the two-thirds required.

(Roll No. 366)

YEAS—240

Abblitt	Edmondson	McDada
Abernethy	Edwards, Ala.	McDonald,
Addabbo	Ech	Mich.
Alexander	Bahleman	McEwen
Andrews, Ala.	Fish	McKevitt
Andrews,	Fisher	McKinney
N. Dak.	Flood	Mahon
Arober	Flowers	Mann
Aronson	Flynt	Martin
Ashbrook	Ford, Gerald R.	Mathias, Calif.
Baker	Forsythe	Mathis, Ga.
Baring	Fountain	McIcher
Bennett	Frey	Michal
Betts	Fuqua	Miller, Ohio
Blackburn	Galliganakia	Miller, Md.
Blanton	Garmatz	Minshall
Bow	Gaydos	Misulj
Bray	Gettys	Molohan
Brinkley	Giulmo	Monagan
Broomfield	Gibbons	Montgomery
Brotzman	Goldwater	Morgan
Brown, Mich.	Goodling	Murphy, Ill.
Brown, Ohio	Gray	Murphy, N.Y..
Broyhill, N.C.	Gross	Myers
Broyhill, Va.	Grover	Natcher
Buchanan	Hagan	Nelsen
Burke, Fla.	Haley	O'Konski
Burke, Mass.	Hall	Parkins
Burleson, Tex.	Hammer-	Pettis
Byrnes, Pa.	schmidt	Pike
Byrnes, Wis.	Hanley	Pirnie
Byron	Harsha	Poage
Camp	Hastings	Poff
Carney	Hays	Powell
Carter	Hebert	Price, Ill.
Casey, Tex.	Hechler, W. Va.	Price, Tex.
Cederberg	Heckler, Mass.	Pucinski
Chamberlain	Henderson	Purcell
Chappell	Hicks, Mass.	Quie
Clancy	Hicks, Wash.	Quillen
Clark	Hogan	Randall
Clausen,	Homer	Rarick
Don H.	Hunt	Rhodes
Clawson, Del.	Hutchinson	Roberts
Cleveland	Inchord	Robinson, Va.
Collier	Jerman	Roa
Collins, Tex.	Johnson, Pa.	Rogers
Colmer	Jones	Roncallo
Conable	Jones, N.C.	Rooney, Pa.
Conte	Jones, Tenn.	Rostenkowski
Coughlin	Kazen	Rouah
Daniel, Va.	Keating	Russelot
Davis, S.C.	Kee	Runnels
de la Garza	Kemp	Ruppe
Delaney	Kling	Ruth
Dennis	Kuykendall	Sandman
Dent	Kyl	Sarbanes
Devine	Landgrebe	Saylor
Dickinson	Latta	Scherle
Donohue	Lennon	Schmitts
Downing	Lent	Schneebell
Dulski	Lujan	Scott
Duncan	McClary	Sebelius
du Pont	McClure	Shipley
Dwyer	McCollister	Shoup
		Shriver

Sikes	Tausig, Calif.	Williams
Slack	Tevague, Tex.	Winn
Smith, Calif.	Terry	Wolf
Smith, N.Y.	Thompson, Ga.	Wright
Snyder	Thomson, Wis.	Wyatt
Spence	Thone	Wydler
Springer	Vander Jagt	Wylie
Staggers	Vogey	Wyman
Steele	Waggoner	Yatron
Steiger, Ariz.	Wadswor	Young, Fla.
Stratton	Ware	Young, Tex.
Stubblefield	Whalley	Zablocki
Stuckey	White	Zion
Sullivan	Whitehurst	Zwach
Talcof	Whitten	
Taylor	Widnall	

NAYS—162

Aboutreak	Fraser	Morse
Abzug	Frothinghuyson	Moshar
Adams	Frenzel	Moss
Anderson,	Fulton, Tenn.	Nedra
Calif.	Gallagher	Nix
Anderson, Ill.	Gonzales	Obey
Anderson,	Gramo	O'Hara
Tenn.	Green, Pa.	O'Neill
Annunzio	Griffin	Passman
Ashley	Griffiths	Patman
Aspin	Gude	Patten
Aspinall	Hamilton	Pepper
Baglich	Hanss	Peyser
Bergland	Hansen, Idaho	Podell
Berglund	Hansen, Wash.	Prayer, N.C.
Biaggi	Harrington	Railsback
Bisler	Hathaway	Rangel
Bingham	Hawkins	Reed
Blatnik	Helms	Reid, N.Y.
Boggs	Helstoski	Reuss
Boland	Hollifield	Regle
Bolling	Horton	Robison, N.Y.
Brademas	Howard	Rodino
Brasco	Kangate	Rooney, N.Y.
Brooks	Jacobs	Rosenthal
Burleson, Mo.	Johnson, Calif.	Roy
Burton	Jones, Ala.	Roybal
Cabell	Karh	Ryan
Carney, N.Y.	Kastrometer	St Germain
Celler	Keith	Satterfield
Chisholm	Klucynski	Scheuer
Clay	Koch	Schwengel
Collins, Ill.	Kyros	Seiberling
Congers	Landrum	Sisk
Corman	Leggett	Smith, Iowa
Cotter	Link	Stanton,
Culver	Long, Md.	James V.
Daniels, N.J.	McCluskey	Steed
Danielson	McGormack	Steiger, Wis.
Davis, Ga.	McGullock	Stephens
Dallenback	McHall	Stokes
Dellums	McKay	Symington
DeMolm	Macdonald,	Thompson, N.J.
Dingell	Mam	Ternan
Dorn	Madden	Udall
Dow	Mailhard	Ullman
Drinan	Mayne	Van Derlin
Eckhardt	Masoli	Vanik
Edwards, Calif.	Meade	Waldie
Eilberg	Metcalfe	Whalen
Evans, Colo.	Milva	Wiggins
Evins, Tenn.	Mittler, Calif.	Wilson,
Pascel	Miller, Ark.	Charles H.
Pindley	Minish	Yates
Poley	Mink	
Ford	Mitchell	
William D.	Moorhead	

NOT VOTING—28

Barrett	Erlenborn	Nichols
Belcher	Green, Ore.	Pelly
Bell	Gubser	Pickle
Bavill	Halpern	Fryer, Ark.
Caflery	Harvey	Skubits
Crane	Hull	Stanton
Derwinski	Lloyd	J. William
Diggs	Long, La.	Vigorito
Dowdy	McMillan	Wilson, Bob
Edwards, La.	Matsunaga	

THREE PRIOR VOTES were taken in connection with the debate on the school prayer issue. The first was a quorum call by Rep. Hale Boggs (D., La.). On this roll call 365 members answered to their names, establishing a quorum.

The second vote was on the motion by Rep. Chalmers Wylie (R., Ohio) to discharge the Committee on the Judiciary from further consideration of House Joint Resolution 391 (The prayer amendment). This roll call vote was—yeas 242, nays 156, not voting 33.

The third vote was on an amendment to the prayer amendment offered by Rep. John Buchanan (R., Ala.). The amendment was agreed to by a voice vote.

So (two-thirds not having voted in favor thereof) the joint resolution was rejected.

# INFLUENCING PUBLIC POLICY

By Robert E. Van Druen

In a society as complex as ours, the individual is likely to feel powerless. Decisions affecting every facet of his life are made by people he does not know, as part of a process which he does not understand and cannot control.

Government seems to have a corner on the exercise of power. The making of public policy has an inexorable quality about it which leads the average citizen to stand on the sidelines as an observer.

Yet this feeling of helplessness is the very antithesis of democracy. The genius of government "of the people, by the people, for the people" is its very flexibility, its responsiveness to the will of the people. Somehow there must be a way to influence the formation of public policy toward widely accepted goals.

The answer that has been hammered out on the anvil of experience in the United States is that of representative democracy—the conduct of government by individuals chosen by the people and responsible to the people. The degree of effective relationship between government officials and the electorate measures the extent to which representative democracy is really working.

## Who Makes Public Policy?

The growth of bureaucratic government and the diffusion of power makes it difficult to pinpoint the individuals by whom national policy is made. In general, they fall into three classes, each one larger and with less distinct identity than the one before. They are:

### 1. Those elected by the people

The main people in this group, at the national level, are of course the President and the members of Congress. State governors and legislatures, county commissioners, mayors and city councils, and judges in many localities, bring the group of elected officials in the country as a whole to a substantial number.

What these people have in common is accountability. If they don't measure up to what the people expect of them, if they get too far ahead or lag too far behind, they can be replaced at the next election.

### 2. Those appointed by those elected

Here the principle involved is the delegation of responsibility. The job of governing is so complex and so demanding that it must be shared. Along with responsibility, the appointees are given varying degrees of authority, including the making of policy decisions.

At the national level, this group includes members of the President's cabinet, with several layers of top assistants in each department. It includes the White House staff—an inner circle whose power often exceeds that of the executive agencies. It includes the proliferated array of regulatory and quasi-judicial agencies. Significantly, it includes judges, from Supreme Court Justices down through the federal judicial system, and ambassadors who represent the U.S. in relations with other countries.

Congress has a crucial role in the appointment process. Senators "advise and consent"—or on rare occasions refuse to do so. Members of both houses recommend individuals for appointment, and sometimes succeed in convincing the executive branch of their proteges' merits.

### 3. Those employed by those elected and their appointees

Here you have the army of government employees, from seasoned administrators to specialists in various branches of knowledge to career people to secretaries and file clerks. It is at this level that anonymity sets in, with "government" becoming a sea of nameless faces.

Yet some of the most important decisions of public policy are made by people in federal government service—employees if you will—who are answerable for their decisions only to their supervisor. Accountability goes from there on up the ladder to the politically appointed head of their department, and from there to the President.

## How Policy Is Made

At the heart of this complex of interlocking responsibility and authority are the two houses of Congress. Directly elected by the people, they reflect a cross-section of popular sentiment. Senators and Representa-

tives, collectively and often individually, wield a vast amount of power over the setting of national goals and the achievement of those goals.

The ultimate authority which Congress wields is the "power of the purse"—the levying of taxes and the allocation of tax receipts to the various departments and programs. Laws passed by Congress mark the parameters within which the executive branch must function.

Congressional authority is limited, however, by the practical impossibility of understanding or appraising all the details of executive programs. Legislative proposals drafted in the departments become the basis for a great deal of Congressional action.

Within the executive branch, there are competing foci of power: Defense vs. State, Commerce vs. Labor, Justice vs. OEO, etc. Increasingly, the shots are called by the newest acronymic agency, OMB—the Office of Management and Budget, which is the President's right arm carrying a hatchet for lopping off federal expenditures.

The picture is not complete without noting the power of the courts. The third branch of government, from state courts up through the federal judiciary to the Supreme Court, has a profound influence on the direction of society by articulating the rationale underlying their decisions.

## How Do The People Govern?

Faced by the overwhelming complexity of the structure and function of government, how do the people exercise their prerogative of deciding *how* as well as *by whom* they are to be governed? Much of the time, they don't. They give up, and stand on the sidelines.

But this is not necessary. Built into the system are ways in which the people at the base of the pyramid can exercise substantial control. Here are some of them:

- *The ballot box.* With the entire House of Representatives and a third of the Senate up for election every two years, far reaching changes in policy could be brought about by replacing legislators whose performance is not satisfactory. In the broader arena, the basic direction of national life can be altered by changing Presidents!

- *The nomination process.* Choosing between two nominees is important, but choosing the nominees themselves is more so. In a two-party system, partisan activity is an indispensable prelude to exerting real influence on the nomination process.

- *Communication of sentiment.* The volume and intensity of Congressional mail on a particular issue is often a barometer of home-district sentiment, and Congressmen act accordingly. But letters, telegrams and phone calls need not be limited to legislators. They also register loud and clear at the White House, the executive departments, the specialized agencies, and the regulatory

(Continued on page 7)

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## Principles In November Eighth Debate On The Prayer Issue

**FOR**—The three Congressmen who played prominent roles in the House floor debate on the prayer issue and sought passage of the constitutional amendment proposal on prayer were representatives from Ohio, Michigan and Alabama. Their efforts climaxed weeks of preparation for the all-out effort in the U.S. House of Representatives to amend the Bill of Rights.



*Rep. Chalmers P. Wylie (R., Ohio)* led the fight to bring the prayer debate to the House floor through a petition discharging the House Judiciary Committee from further responsibility for the prayer amendment. His forces mounted a tremendous lobbying effort on congressmen and secured the necessary 218 signatures on the petition by September 21, 1971.



*House Minority Leader Gerald R. Ford (R., Mich.)* gave direction and support to the pro-amendment forces during the House debate. He attributed its defeat to the efforts of religious leaders. Most observers concur that the response of religious groups at all levels across the country against the amendment was a decisive factor.



*Rep. John Buchanan (R., Ala.)* a Baptist minister, was used by the pro-amendment forces to garner additional votes by amending the amendment. He had refused to heed the pleas of the Baptist leadership in his state to vote against the amendment. His effort was ineffective in producing sufficient votes to prevent defeat of the proposal.

**AGAINST**—Three Congressmen who participated in the effort to defeat the constitutional amendment proposal on prayer in public buildings were from California, New York and Iowa. Their efforts were successful in sustaining the adequacy of the First Amendment to provide the free exercise of religion by all citizens of the nation on an equal basis.



*Rep. James C. Corman (D., Calif.)* led in effecting a whip system to enable congressmen to be present for roll call votes on the prayer issue. He rallied congressmen to thoughtful analysis of the so-called "prayer amendment" and urged them to examine the potential pitfalls of the amendment and amendments to the amendment.



*Rep. Emanuel Celler (D., N.Y.)* steered the floor debate by those opposed to the prayer amendment. As chairman of the House Judiciary Committee he had held extensive hearings in 1964 on a multitude of prayer amendments and upheld the position of many congressmen that the United States Constitution should not be amended on the floor of the House.



*Rep. Fred Schwengel (R., Iowa)* served as a catalyst during the past several months in rallying those Congressmen with cool heads who were willing to resist threats of defeat by "prayer" lobbyists and unwilling to be swayed by emotional arguments that school prayers would solve all of the problems of the nation's schools.

### Sullivan Warns Baptists Of Future Church Taxation

Calling taxation of churches "inevitable," the executive secretary of the Southern Baptist Sunday School Board told students and faculty members at Golden Gate Baptist Theological Seminary in Mill Valley, California that the churches might as well get ready to pay taxes.

"Brace yourselves," said James L. Sullivan of Nashville. The time is coming "in the foreseeable future" when churches will have to pay taxes.

Sullivan added that along with taxation, churches will face in the near future the trauma of urbanization and a stripping away of traditional worship and methods, unless they plan "for the foreseeable future."

He predicted that churches will be compacted among business and will have to be built several stories tall.

### Influencing Public Policy . . .

(Continued from Page 6)

commissions. Public opinion, articulately expressed, even helps to establish the milieu in which judicial decisions are made!

- *Formation of public opinion.* This is something different from writing to government officials. This is citizens talking to each other and influencing each other's viewpoint—on the street, in study groups, in church organizations, in listening and reacting to news accounts and TV and radio programs. The media are potent opinion-shapers, but the people at the receiving end are the ones who really decide the direction of public opinion.

- *Group influence.* In our highly organized system, economic and social groups often become the vehicle of political influence. Significant segments of society—labor, management, agriculture, commerce, education—develop coherent viewpoints because

of common interests, and press those viewpoints in the public forum. Lobbying, though often abused, is an accepted and respected pattern of action in Washington, and group influence is a fact of life.

- *Public interest lobbying.* A special kind of influence is exerted by those organizations which take up the cudgels on behalf of humanity as a whole, rather than promoting the interests of a special group. Current examples are the enterprises developed by Ralph Nader, in which governmental weak spots are probed with special expertise, and Common Cause, which has selected a small number of significant public issues and developed real political muscle in seeking constructive solutions. Membership in such a group can multiply an individual's effectiveness in influencing public policy.

*Mr. Van Deusen is Director, Office of Public Affairs, Lutheran Council in U.S.A.*

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ON PUBLIC AFFAIRS  
WASHINGTON, D. C. 20002

## A Word Of Commendation

The Baptist Joint Committee and its staff wishes to express a hearty "Congratulations" and a sincere "Thank You" to all of those individuals, groups and leaders among the Baptist family who communicated their views to congressmen on the prayer issue during the past several weeks.

We were made aware of the many persons and various groups at the "grass roots level" who took time to examine and evaluate the arguments being presented by both sides and then expressed their opinions to their own congressmen. Among these were:

Church members at mid-week prayer services

Sunday school departments and classes

Church study groups

Deacon bodies

Church boards and committees

Church men and women organizations

District Baptist Associations

State Baptist conventions and City societies

Individual pastors, teachers and deacons

Individual Baptist lay persons

Denominational leaders and organizations

These were the ones we heard about. There were undoubtedly others.

Since so many congressmen were under unusually heavy pressure it is valid to point out that your participation in the results of this struggle was exceptionally important. For one thing, it repudiates those who frequently contend that church members are with them and only denominational leaders are opposed to their position.

Those congressmen who heard from a good segment of their own constituents and groups in their districts were blessed. When a good measure of constituents showed evidence of knowledge of the issue and gave them the benefit of their advice, based on a sincere and reasonable approach, it left them free to think through the issue and vote their convictions after intelligent reflection.

## COVER

This facsimile of the Bill of Rights is made from the photograph of the original document which is on permanent display in the National Archives in Washington.

On September 25, 1789, the Congress proposed twelve articles to the Constitution of the United States. Except for the first two, they were ratified by the required number of states by December 15, 1791, and thus became the first ten amendments to the Constitution.

Previous attempts to alter the Bill of Rights have been rare. The only serious threat to the Bill of Rights in modern times was the November 8 vote on the so-called prayer amendment.

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## School Prayer Literature

The following materials are available on the school prayer issue. The six tracts offer a comprehensive literature for those who wish to study the facts and factors involved in this issue which has come alive once more on the American scene.

*Is a Constitutional Amendment Necessary?*

A discussion of the value of the First Amendment in the light of proposed constitutional amendments.

*The Case For Voluntary Prayer*

Voluntarism as a tested precept is examined as it relates to prayer and government.

*The American Tradition and Baptist Insights*

The American tradition of separation is discussed in relation to church-state relations and current church-state problems.

*Premises of the Supreme Court Retraining Government Regarding Devotions*

An examination of the Supreme Court decisions with selections from the text of the Court decisions.

*Questions and Answers On The Supreme Court And Public School Religion*

Twenty-two questions and answers relating to the Court decisions on Bible reading and prayer in the public schools.

*Religion and Public Education*

Some suggested guidelines for discussion regarding the proper place of religion in the public schools.

Single copies of each of the above pamphlets are free upon request to the Baptist Joint Committee. Quantity prices will be quoted upon request.