

FROM WASHINGTON OFFICE
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Sunday Laws Upheld
By U.S. Supreme Court

WASHINGTON (BP)-- Laws prohibiting business and commercial activities on Sunday are constitutional, according to a decision by the United States Supreme Court.

However, such laws are constitutional only to the extent that they are general regulations to protect the health and welfare of the public by providing a "community day of rest," the Court ruled.

If such laws are designed to enforce the observance of a religious holiday, they violate separation of church and state and would be unconstitutional, the Court warned.

The Supreme Court ruling came as it handed down decisions on four cases involving Sunday laws in Maryland, Pennsylvania, and Massachusetts.

By a vote of 8 to 1 the Court ruled the Maryland and Pennsylvania Sunday laws constitutional, but it divided 6 to 3 in two other cases upholding enforcement of the Sunday laws of Massachusetts and Pennsylvania against Orthodox Jewish merchants who close their stores on Friday evening and Saturday and then are prevented by law from being open on Sunday.

Acknowledging that the Sunday laws were originally religious regulations, the Court pointed out that Sunday legislation has undergone extensive changes. The majority held that "as presently written and enforced, most of these laws, at least, are of a secular rather than a religious character and presently bear no relationship to the establishment of religion as those words are used in the Constitution."

Altogether, the Court handed down 60,000 words of opinions, making it the longest legal ruling in recent U.S. history, exceeded only by the steel seizure case of 1950.

Justice Felix Frankfurter produced an 86 page opinion which is one of the most comprehensive documents carrying 112 footnotes to State and Federal court decisions in the field of Sunday legislation and including 20 pages of three-foot charts analyzing in every detail the Sunday laws of every state in the Union. Alaska is the only state having no law respecting commercial activity on Sunday.

Two of the cases, Maryland and Pennsylvania, involved the operation of discount stores on Sunday. According to the Court the states have a constitutional right to enforce Sunday closing of such businesses.

The other two cases, Pennsylvania and Massachusetts, had to do with Orthodox Jews, whose religion requires them to close at sundown Friday and all day Saturday. Unless they could open on Sunday, they said, they will be in operation less than five days a week and be at a tremendous disadvantage.

It was in these latter cases that the Court divided 6 to 3 in upholding the constitutionality of the laws that refused to allow the Orthodox Jews to open on Sunday.

In the Maryland case the Chief Justice Warren said, "We should be clear that this case deals only with the constitutionality of paragraph 521 of the Maryland statutes before us. We do not hold that Sunday legislation may not be a violation of the

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'establishment' clause if it can be demonstrated that its purpose--evidenced either on the face of the legislation, its legislative history, or its operative effect--is to use the state's power to aid religion."

There is another Sunday case now pending before the Court. It has to do with a South Carolina law forbidding the showing of movies on Sunday. This may be the Court's first chance to apply its new standards to other Sunday legislation.

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Battle Continues Over
Parochial School Aid

(6-1-61)

By W. Barry Garrett

WASHINGTON (BP)-- Parochial school interests have been advised that Congress will be given an opportunity to vote on an expanded program of Federal loans for private schools.

Democratic leaders in both the Senate and the House of Representatives have made it clear that they will attempt to pass a general education bill for public schools and then give Congress opportunity to vote on aid to parochial schools in a separate bill.

The Senate has already passed such a "clean" education bill, and debate is scheduled in the House by the second week in June. Although attempts may be made to amend the House public school bill with parochial school aid, it is expected that the two items will be kept separate.

The real test of strength in Congress for parochial school aid will come when the National Defense Education Act is up for extension and amendment. This will probably come during the first session of the 87th Congress, but if it meets with too much resistance it may be carried over until 1962.

Hearings on the National Defense Education Act have been concluded in the Senate, but the House hearings are now in progress. The Baptist Joint Committee on Public Affairs is scheduled to be heard before House subcommittees on education, along with Roman Catholic representatives and other religious groups representing both sides of the parochial school question.

The focal point of contention in the National Defense Education Act is Title III which provides loans to private schools for equipment to teach science, mathematics and foreign languages. This provision is being cited as a precedent for Federal loans for parochial schools, and it is proposed to expand this provision to include classroom construction and possibly other benefits for parochial schools.

The Democratic leadership in both houses has committed itself to this way out of the parochial aid dilemma in order to get some sort of a public school aid bill through Congress and in order to appease the advocates of tax aid for parochial schools.

Opponents of the parochial school amendment of the National Defense Education Act frankly admit that their cause is in trouble. They feel that precedents already set for certain aids to private schools, the frequently expressed opinions that special national interest aid to private schools is unconstitutional, and the commitments of some members of Congress to consider parochial aid, make the outcome of this bill uncertain at the present time.

It appears to be the strategy of the leadership in Congress to pass a public school aid bill before tackling the parochial school issue. However, the opponents of Federal aid to education may attempt to get at least committee clearance of parochial school aid in order to confuse the issue of public schools.

At this point it appears that success has been achieved in keeping the questions of Federal aid to public schools and Federal aid to parochial schools in separate bills. This means that the Nation's public school philosophy may remain unchanged for the present.

However, proper church-state relations are being strained to the breaking point by the insistence of the parochialists for help for their schools. If a substantial

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parochial school loan program can be agreed upon for projects of "special national interest" apart from the teaching of religion, it will not be long until grants for these same purposes will be made available.

If the parochial schools can succeed in getting public support for the "non-religious" portions of their activities, they will have gone a long way in solving their financial difficulties, and a new era of competition between the public and parochial schools will have been ushered in.

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Goldwater Asks Tax Aid
For Parochial Schools

(6-1-61)

WASHINGTON (BP)-- The Nation's leading political conservative has joined forces with those who seek public tax funds for the support of parochial schools.

Sen. Barry Goldwater (R., Ariz.) during the hearings and debate in the Senate made it clear that he is opposed to Federal aid to education, but that if such aid is to be provided for public schools it should also be provided for parochial schools.

Putting his words into action during the Senate debate on education, Goldwater introduced an amendment to the education bill that would authorize \$351 million over three years for loans for construction of private elementary and secondary schools. The proposal was tabled by a vote of 66-25.

Goldwater persisted in introducing his parochial school amendment, even though under questioning he acknowledged that he would vote against the whole education bill even if his amendment were accepted.

During the Senate hearings on the Administration's education bill Goldwater announced his position on tax aid to parochial schools. He said, "I cannot bring my moral senses around to a point where I can deny to a Negro who pays taxes, a return of these tax funds to help educate his children, or can I morally bring myself around to say to a Jew or to an Episcopalian or to a Catholic, that even though they pay taxes they are not going to participate in the return of these tax funds for the assistance in the operation of whatever schools they may run."

On another occasion during the hearings Goldwater referred to his attempt several years ago to procure surplus Indian school land in Phoenix, Arizona, for the purpose of building a Jesuit school. "Unfortunately," he said, "I ran into the Baptists."

(Note: After a bitter fight with the Baptists in Phoenix and with several of the civic leaders, the proposal to give the land to the Jesuits was withdrawn, and there now stands a public high school on the property.)

The 43-page report of the Senate Committee on Education and Public Welfare favorably recommending the Administration's general education bill contains a 12-page dissent by Goldwater in which he used four pages to argue in favor of including Federal aid to parochial schools, if there is to be Federal aid to public schools.

In his arguments the Arizona Senator repeated his previous statements on aid to parochial schools. He argued that the precedents set by the National Defense Education Act and the surplus property utilization program demonstrated the constitutionality of tax aid to parochial schools.

Goldwater continued his argument for the parochial schools by citing the legal opinion of the Department of Health, Education and Welfare that special public interest loans or grants for private schools are constitutional. This would mean that any activities of a parochial school in the national interest and unrelated to the teaching of religion are legitimate subjects for loans or grants.

Citing the opinions of the Supreme Court in the Everson, McCollum and Zorach cases, Goldwater denied that decisions had been reached that ruled out Federal aid to parochial schools if a substantial public interest could be demonstrated.

He concluded that "in the absence of any clear-cut precedents, we must of necessity look to past congressional actions in order to aid us, as legislators, in formulating a policy with regard to any assistance we may give to parochial and other nonprofit elementary and secondary schools as part of a general Federal aid to education proposal."

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In announcing that he would offer the parochial school amendment Goldwater said that his "bill will carry out this congressional intent with respect to parochial and other private nonprofit elementary and secondary schools. The broad public purpose of the committee bill is designed to assist and improve education. This same purpose is carried out in my amendment by assisting sectarian and private schools as schools and not as religious institutions. I urge the Senate to adopt this amendment."

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Catholics Seek Unity
At Approaching Council

(6-1-61)

WASHINGTON (BP)-- Religious liberty will be one of the chief topics of discussion at the Second Vatican Council called by Pope John XXIII.

Thomas F. Stransky, C.P.S., a native of Milwaukee and a staff member in Rome of the Secretariat for Promoting Christian Unity, told the Baptist Press that the position of the Roman Catholic Church on religious liberty was not yet final and that the approaching Council would most surely give it careful attention.

Pope John announced his call for a Council in January, 1959. The date for the Council has not yet been set but it may meet late in 1962 but more probably in 1963.

There have been 20 Councils in the Roman Church's history. This will be the second to meet at the Vatican. Although it is officially the Second Vatican Council, so called because of the place where it meets, the Pope usually refers to it as the Ecumenical Council, because of the emphasis that will be placed upon the unity of the church.

Stransky, who is charged with English-speaking and non-Catholic contacts, is in the United States for a two-month tour. He discussed the forthcoming Council during a press conference in the Bishops' Room of the National Catholic Welfare Conference building in Washington.

In reply to a question on what the Roman Catholic Church is doing about the thinking and desires of non-Catholics in preparation for the Council, Stransky said that the Secretariat for Promoting Christian Unity had been formed. "This is the first time in the history of the Catholic church that there has been an official organization to deal directly with our separated brothers," he said.

However, Stransky made it clear that he thought it would be impossible to have a Council in which non-Catholic Christian religions could participate freely and with the hope of uniting the various segments of Christianity.

In fact, he pointed out, the gulf between the Catholics and other denominations has grown wider, and "it would be impossible to bring about unity now unless it were by an extraordinary miracle of God."

Continuing his discussion of church unity Stransky said that the Roman Catholic Church could in no way compromise its own conscience and that it believes itself to be the one true church that Christ gave to the world. He followed by saying that this did not mean that true unity had been achieved even within the Catholic church.

Stransky reported that suggestions, desires and discussions for the approaching Council had come from all parts of the world. These have been compiled in 10,000 pages in 15 volumes for study in preparation for the Council. They have come from Catholic bishops, universities, colleges, curiae and other organizations. Thus it will be the best prepared-for Council in the history of the Roman Catholic Church.

Suggestions have come to the Vatican from many non-Catholic sources, but Stransky refused to discuss these. He said that if any publicity were to be given to these it would have to be done by those making the suggestions.

In response to a question about non-Catholic observers at the Vatican Council Stransky said that there are difficulties at this point, but that serious study is being given to the problem before any word is given out. He said that the official position of the Church at this time is that there is nothing to prevent non-Catholic observers at the Council.

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One of the objectives of the Council will be to clarify the "image" which non-Catholics have of the Roman Catholic Church. This will be one way of promoting unity, Stransky said.

The Council will undertake studies that may result in the modernization of the church. Stransky indicated that this might take the form of revising the mass in the language of the people, formulating a doctrine of religious tolerance, and clarifying the role of the laymen in the church.

The First Vatican Council ended abruptly in 1870 because of war conditions. It was at that Council that the doctrine of the infallibility of the Pope was promulgated. The approaching Council will take up where the other left off.

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Famed Negro Baptist
Leader Taken By Death

(6-1-61)

WASHINGTON (BP)-- Miss Nannie Helen Burroughs, a foremost Negro Baptist leader in the National Baptist Convention and the Baptist World Alliance, died recently.

She was believed to be the last surviving person who spoke at the organization congress of the Baptist World Alliance in London in 1905. She was only 19 at the time, and her speech was such a sensation the London newspapers lauded her highly.

Miss Burroughs, who held a Ph.D. degree from Shaw University, was, at the time of her death, president of the Women's Convention of the National Baptist Convention, Inc., and the president and founder of the National Trade and Professional School for Women and Girls, Washington, D. C. She had served the Women's Convention as corresponding secretary 45 years before her election to the presidency in 1950. She founded the girls school in 1909.

She was a member of the Baptist World Alliance executive committee 1950-60, and a member of the Alliance's women's committee from 1950 until her death. She attended four of the ten congresses of the Alliance, and was prevented only by illness from speaking at the 1960 congress in Rio de Janeiro.

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