

BAPTIST FEATURES

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A BAPTIST NEWS SERVICE

Special reports on Baptist programs,
activities, trends, and newsmakers.

FROM WASHINGTON OFFICE
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June 27, 1962

Carlson Calls For Deliberation on Prayer Legislation

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

At the March meeting of the Baptist Joint Committee on Public Affairs the problem of proper religious expressions in the public schools was placed on the agenda for next October. Arrangements were made for the preparation of materials for discussion and action. The Committee may have something to say as a Committee in October. In the meantime, I speak only for myself. Nevertheless, I must urge that we keep the issue clear, and encourage a thoughtful public discussion of it. Out of such a discussion, carried out in a spirit of good will, we Americans may rediscover the nature of true prayer.

In the New York prayer case the Supreme Court has really faced only one issue-- shall government agencies direct the prayers of the American people? This question points to the very heart of the Baptist movement. Present day Baptists will want to proceed deliberately and prayerfully as they formulate their role in this new public debate on an old, old problem. The information service of our office will offer full text of the court's decision and a running account of the discussions. Baptists will be particularly interested because the decision recounts much of our distress in the past. The decision is full of Baptist history, and of Baptist insights.

All friends of genuine prayer experience must obviously be cautious about the devising of prayers by government agencies. Unfortunately, some have thought the question to be whether they were for or against prayer.

Much of the confusion apparently has resulted from the prior arguments used. In the comments of recent months the missing factor was clarity as to what prayer is. When one thinks of prayer as sincere outreach of a human soul to the Creator, "required prayer" becomes an absurdity. The "recitation of a prayer" has been called "morally uplifting" without recognizing that hypocrisy is the worst of moral corrosion. Some have felt that our "national heritage" is in danger, without realizing that the distinctive of our heritage is not legislated prayer but a people praying in freedom under the guidance of their church and of the Spirit of God. The strangeness of the present debate is that the call for "less government" coincides with a public defense for government-formulated prayer. Obviously, we need time to rethink the New Testament premises of our faith and practice, and also to rethink the meaning of American history.

Fortunately there are two provisions in the freedom of religion clause of the First Amendment. There shall be no "establishment," and there shall be no "restraint on the free exercise." I hope the Court will defend both.

During the intense discussions which are probable, Baptists will want to assist the American public come to a true understanding and experience of prayer. The issues of our day, including the problems of communism and of secularization, will not be solved by the prayer formulas set up by official agencies. As Americans we must go deeper than legislation and conformity in order to meet the call of God upon us in our day.

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Prayer By Legislation
Violates Constitution

WASHINGTON (BP)-- Prayer "composed by governmental officials as a part of a governmental program to further religious beliefs" is unconstitutional, according to a decision by the United States Supreme Court.

The Court ruled (6-1) that the so-called Regent's Prayer in the State of New York violates the Establishment Clause of the First Amendment. The prayer says:

"Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers and our country."

The State Board of Regents in New York is a governmental agency created by the State Constitution. It has broad supervisory, executive and legislative powers over the State's public school system.

In 1951 these state officials composed the prayer for use in the public schools every morning along with the Pledge of Allegiance to the United States. The teacher was obliged to conduct this opening exercise, but the pupils participated or refused to participate voluntarily.

The Court presented a 15-page opinion read by Mr. Justice Black. Mr. Justice Douglas concurred with the decision but for a different reason from that given by the others. Mr. Justice Stewart presented a six-page dissent.

In ruling out the Regent's Prayer the Court said; "We think that the constitutional prohibition against laws respecting an establishment of religion must at least mean that in this country it is no part of the business of government to compose official prayers for any group of the American people to recite as a part of a religious program carried on by government."

An officially composed and administered prayer by government constitutes an "establishment" of religion, according to the Court. This is expressly forbidden by the First Amendment.

The Court went out of its way to point out that its action is not hostility toward religion or prayer. It is for the protection of religion and to guarantee its free exercise that the Court arrived at its conclusions, the decision said.

"It is neither sacrilegious nor antireligious to say that each separate government in this country should stay out of the business of writing or sanctioning official prayers and leave that purely religious function to the people themselves and to those the people choose to look to for religious guidance," the Court said.

In its opinion the Court reviewed the struggle for religious freedom in England and in early America. It pointed out the bitter controversies that raged in England over the Book of Common Prayer which was created under governmental direction. Religious groups fought fiercely to gain the favor of the reigning monarch to revise the Book of Common Prayer in accord with their particular viewpoints.

The Court said that the Founders of America and the writers of the Constitution had these events fresh in their minds when they added the First Amendment. "Our Founders were no more willing to let the content of their prayers and their privilege of praying whenever they pleased be influenced by the ballot box than they were to let these vital matters of personal conscience depend upon the succession of monarchs,"

more

the opinion said.

Two purposes of the Establishment Clause of the First Amendment were explained by the Court. The first was "a belief that a union of government and religion tends to destroy government and to degrade religion." The second "rested upon an awareness of the historical fact that governmentally established religions and religious persecutions go hand in hand."

The Court said that one of the reasons that many people fled state established religion and religious persecution in Europe was that they were "filled with the hope that they could find a place in which they could pray when they pleased to the God of their Faith in the language they chose."

It is unfortunate, the Court pointed out that many of these same people established rigid religious regulations when they arrived in America. It is this kind of religious coercion that the First Amendment was designed to prevent. This is the import of this recent decision in the New York prayer case.

The Court recalled the persecution by established religion such as endured by John Bunyan. The battle for religious liberty in Virginia led by the Baptists, Presbyterians and others was reviewed by the Court. Roger Williams was lauded for his contribution to the nature of true religion and the proper relations between church and state.

The Court anticipated misinterpretation and misuse of its ruling on the Regent's Prayer. To answer these the Court said:

"There is of course nothing in the decision reached here that is inconsistent with the fact that school children and others are officially encouraged to express love for our country by reciting historical documents such as the Declaration of Independence which contain references to the Deity or by singing officially espoused anthems which include the composer's professions of faith in a Supreme Being, or with the fact that there are many manifestations in our public life of belief in God. Such patriotic or ceremonial occasions bear no true resemblance to the unquestioned religious exercise that the State of New York has sponsored in this instance."

While concurring with the decision of the majority Mr. Justice Douglas criticized the other judges for basing their opinion on the view that the New York prayer constituted an establishment of religion. He said that "the point for decision is whether the Government can constitutionally finance a religious exercise."

Justice Douglas cited 18 kinds of "aids" from the government for religion now available. He said that there is a long list of additional aids in each state. The context in which he made his remarks would indicate that he considered them all unconstitutional.

The lone dissenting opinion was voiced by Mr. Justice Stewart. He said that he did not agree that the Regent's Prayer is an "official religion." Since he held that New York had not interfered with the free exercise of anybody's religion, he said, "I think this decision is wrong."

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Spain's Protestants Can
Expect More Freedom

(6-27-62)

WASHINGTON (BP)-- An end to restrictions on Protestant worship in Spain was predicted today by Don Antonio Garrigues, Spanish Ambassador to the United States.

Garrigues had declared in an address at the National Press Club that he believed in freedom; adding "not just freedom, and absolute freedom."

In the question period that followed, a newsman asked a question concerning the ambassador's belief in religious freedom and the application of religious freedom to Protestant groups in Spain.

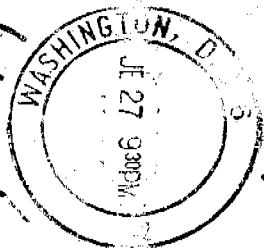
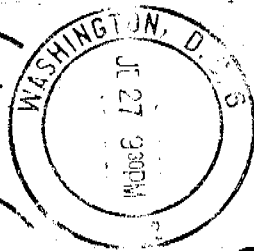
"I believe in religious liberty," Garrigues said unequivocally. "I will tell you very frankly that I am a Catholic, but we believe in liberty for Protestants as well.

"I recognize," he continued, "that we in Spain have committed some errors toward others. We are correcting this, and we are on our way to finishing entirely with it."

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WATCH FOR THE (BP) CREDIT LINE

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Cutlines

Baptist Press Photo

AT WORLD'S FAIR--Horace F. Burns, editor of the Baptist New Mexican, Albuquerque, was one of many who visited the Century 21 World's Fair at Seattle, Wash., in connection with their trip to the Southern Baptist Convention at San Francisco. Burns, a former area missionary in Seattle, recalls barbecuing steaks on the spot where the towering Space Needle, in background, now stands. With him are Mrs. Burns; their sons, Dick, 20, and Donnie, 7. (BP) Photo by Theo Sommerkamp