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The Storm In The Capital

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The lid blew off when the Supreme Court announced its decision, June 25, that official government prayers in the public schools are unconstitutional. Clergymen, legislators and parents throughout the country have poured rivers of venom on the Supreme Court for its decision. Not since the 1954 decision on school desegregation has there been such a public reaction to the Nation's high court.

Shouts against the Court members have been heard across the Nation. "Impeach the Supreme Court!" "Pass a constitutional amendment to reverse their decision!" "Proof that they are Communist sympathizers!" "Another step toward the secularization of America!" "The decision is the most tragic in the history of the United States!" "June 25, 1962 will go down as a black day in our history!"

These and many other bitter reactions fill page after page of the Congressional Record. The newspapers have been full of quotes from the Roman Catholic hierarchy and other clergymen who condemn the decision.

Fortunately, however, emotions are beginning to subside and the public is beginning to ask, "What happened? What was the actual decision? Is there really any cause for alarm?" Common sense is beginning to return. Reason must take over before the Congress or the public does something which would be regrettable.

The Storm Explained

Pent-up Anger: For the past decade feeling against the Supreme Court has been rising. This is natural and in line with the history of the Supreme Court. Major court decisions have always resulted in: (1) moves to limit the terms and powers of the Court members; and (2) efforts to amend the Constitution to reverse the Court's decision. So far neither have been done.

A large part of the explosion against the Court comes from sectional and political differences. Much of the Nation views this reaction as a carry over from earlier historic divisions. Time heals most wounds, but some are slow to heal.

Furthermore, in the system of checks and balances of the American Government there is a built-in tension between the legislative, executive and judicial branches. It is normal to expect each branch to be jealous of its own powers and prerogatives. Much of the fury of members of Congress can be interpreted in this light.

Johnny Didn't Read: Much of the reaction to the Supreme Court decision is irrelevant to what the Court did and said. Plainly, many clergymen and members of Congress have not read the decision. Some have obviously relied on the less competent newspaper reports. They heard a rustle in the bushes and shot before they looked.

When people take time to read the full text with care, most Americans will agree that the Court's decision and the accompanying opinions constitute one of the finest documents in the history of church-state relations in the United States. An almost full text of the Court's opinions was published in the leading newspapers in Washington and in New York. Probably many other papers in the nation did the same thing.

There is no excuse for a member of Congress or for a clergyman to express uninformed and unintelligent opinions in a case as important as this decision on "official" religion in public schools. All have a right to disagree, but they have a responsibility to be informed if they are to be respected leaders.

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Aid to Parochial Schools: The Roman Catholic hierarchy has been bitter in criticism of the Court's decision. This is to be expected. The Cardinals see their campaign for federal aid to parochial schools disappearing as vapor on a hot summer day. This decision makes the Catholic Church's chances for aid from the federal government for its parochial schools almost nil.

Already it has affected the bills on higher education that are tied up in Conference Committee between the House and Senate. A scheduled meeting of the Committee was postponed a week in order for the Court's decision to be studied. Even spokesmen in the House for Federal grants to church-related colleges are pessimistic about their chances. The Court's decision will affect elementary and secondary parochial schools even more directly.

It is no wonder that the Roman Catholic clergy is attacking the decision.

Politics: Congress is tense and nervous. Frustrations over inability to enact a far-reaching legislative program and jumpiness over approaching elections this fall lead Congressmen to grasp at any diverting issue. The Regents' Prayer case is made to order. They are taking full advantage of it.

The play to the grandstand is in full swing. Like love for mother, Congressmen cannot appear to be against God. Little children need religious education, and legislators cannot be against this. Votes are too important for them to take any chance on losing them by agreeing with the Supreme Court.

Prejudice: Nobody will admit it but resentment against Jews, freethinkers, Unitarians and atheists goes a long way to explain the negative reaction of many people against the Supreme Court. While it is true, and perhaps unfortunate, that many of the cases involving religious liberty have been initiated by minority and unpopular groups, it is not true that these groups are imposing their views on the majority of the American people.

Basic policies of American life should be decided on principle. Reactions to decisions should be made on the basis of right or wrong rather than on prejudice.

What Was Not Decided

The Court did not say that children cannot pray in the public schools. It did not even say that classes cannot have prayer nor that teachers must not refer to God.

The Court did not say that Bible reading in the public school is unconstitutional. This problem will come up in the next session of the Court.

The Court did not eliminate "God" from our public life and did not rule out references to Deity in national ceremonies and observances. Prayers on public occasions are unaffected.

The Court did not limit the free exercise of religion, and it did not say that people could not practice their religion in public places and on public occasions.

The Court specifically 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."

What Was Decided

The Supreme Court said that prayer "composed by governmental officials as a part of a governmental program to further religious beliefs" is unconstitutional.

The point of the decision is that the Court said that the Regent's Prayer in New York State was an "official" prayer and thus it violates the rights of the citizens of New York and of the United States under the provisions of the First and Fourteenth Amendments.

The Court said that such an "official" prayer constitutes an establishment of religion, thus violating the Establishment Clause of the First Amendment. Justice Douglas dissented from this reasoning, although he agreed that the Regents' Prayer is unconstitutional.

The Court said that the establishment of religion has a tendency to destroy government and to degrade religion. Furthermore, the Court opined, that governmentally established religions and religious persecution go hand in hand.

Rather than its decision being an attack on religion or a furtherance of the secularization of American society, it was the opinion of the Court that it was rendering a service to religion.

Proposals For Action

The customary types for handling this kind of crisis are now prevalent. Among the current proposals the following are most prominent.

1. Either impeach the Supreme Court justices, or limit their term of office. At present their appointments are for life.

2. Amend the constitution to state specifically that in spite of the First Amendment it is not unconstitutional to have prayer and Bible reading in the public schools. This proposal ignores the fact that such practices have not been ruled out by the Court's decision.

3. President Kennedy said that some will agree with the Court and others will disagree. But as believers in constitutional government we must abide by the decision. Respect for the orderly processes of government must prevail.

4. Teach the true meaning of prayer to our children at home and be faithful to the churches. President Kennedy said that this simple remedy is open to every American. He urged the Nation to avail itself of this opportunity.

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