

FROM WASHINGTON OFFICE
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October 26, 1962

Court Delays Decision On School Religion

WASHINGTON (BP)-- Supreme Court decisions on religious practices in public schools will be delayed until after the first of the year and possibly until later in the spring, according to developments here.

Oral arguments in the Pennsylvania and Maryland cases involving state laws requiring the reading of the Bible and reciting the Lord's Prayer have been delayed until the middle of January and possibly later.

The appellants have been given 60 days in which to file additional briefs, and the respondents will normally be given a further 30 days to reply.

Since the nine Justices usually take two or three months to prepare their opinions in important cases, this means it may be April or May, at the earliest, before the decision can be expected, according to observers at the Supreme Court.

At the same time it appears likely that the Supreme Court will not agree to hear the Florida case on religious practices in the public schools of Dade County along with the Pennsylvania and Maryland cases. There is a technical legal difference in the Florida case, which makes it doubtful that the Justices will hear it with the others.

The Pennsylvania and Maryland cases involve constitutional challenges to state laws. The Florida case, however, started as a petition for an injunction asking the Dade County Circuit Court to prohibit certain practices in the county's public schools. The Circuit Court granted the petition in part, but denied it in part.

The Court may allow the Florida case to remain on the docket until after it has decided the other cases. Then it may be decided without further hearing on the basis of the previous decision.

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Sabbatarian Takes Case To U. S. Supreme Court

(10-26-62)

WASHINGTON (BP)-- Has the state of South Carolina abridged the religious liberty of a Seventh Day Adventist when it denies a member of that church unemployment compensation for refusal to take a job requiring work on Saturday?

The United States Supreme Court has been asked to answer this question and to settle a dispute among various state unemployment compensation commissions as to the right of persons believing in strict observance of the Sabbath to refrain from work on the day their faith requires.

The case is brought to the court by attorneys for Miss Adell H. Sherbert, who was discharged after 35 years of employment in the Spartan Mills, a textile firm at Spartanburg, S.C., when she refused orders to come to work on Saturday after the mill went on a six-day week in 1959.

She appealed to the South Carolina Employment Security Commission for benefits but was denied and then appealed to the courts.

(more)

The South Carolina state supreme court ruled 4 to 1 against Miss Sherbert, holding that since she was "unwilling to accept work in her usual occupation in the usual and customary days and hours under which the textile industry works, ... and restricted her willingness to work to periods to fit her own personal circumstances, she was not 'available for work' within the meaning of our Unemployment Compensation Law."

Judge Bussey, dissenting, took a different view, however, holding that Miss Sherbert was willing to work at the same job and the same hours she had for 35 faithful years and that her discharge was due to a demand by her employer that she either violate her Sabbath or be discharged.

Judge Bussey called attention to the section of law requiring consideration of "risk to morals" before insisting on acceptance of job offers by those drawing benefits and said a sabbatarian would regard requirement for work during hours customarily reserved for religious worship as "morally injurious." He said he felt her constitutional rights were being violated.

Attorneys for Miss Sherbert point out that the North Carolina state supreme court in a substantially similar case ruled that it was unreasonable to require a person to work on his Sabbath. Thirteen other states and the District of Columbia have made similar rulings. While these are not binding on South Carolina's interpretation of its law, the attorneys say that the manner in which it has construed the law deprives Miss Sherbert of her free exercise of religion in violation of the First Amendment.

They also contend that it deprives Seventh Day Adventists as a group of "equal protection of the laws" as required by the 14th Amendment, because they are denied the protection of unemployment compensation unless they are willing to violate their religious conscience.

The appeal has been taken under advisement by the Supreme Court.

In a previous case several years ago presenting a similar issue, the court refused to review a decision. In that case the worker was not willing to go back to his previous place of employment at his former job. In this case, however, Miss Sherbert's attorneys assert that she would be pleased to resume her job.

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Appeal Asks New Test
of Sunday Legislation

(10-26-62)

WASHINGTON (BP)-- Is a Sunday closing law which exempts from its provisions members of religious groups which observe another day as their sabbath unconstitutional? This question is raised in an appeal from Kentucky which has been filed with the United States Supreme Court.

Arlan's Department Store and the Evans Furniture Co., were fined in Louisville Police Court for making illegal Sunday sales. Jefferson County Circuit Court reversed the conviction because it said that Kentucky's Sunday law is primarily to encourage religious observance.

The Kentucky State Court of Appeals overruled the Circuit Court and said that the United States Supreme Court decisions in 1961 settled the issue. The Supreme Court upheld laws setting aside Sunday as a day of rest but not as a day of worship.

The attorneys for the stores argue that exemptions in state Sunday laws for those who observe a different sabbath proves that they are primarily motivated by "observance of Sunday as a religious duty" rather than to establish a community-wide day of rest.

Hence, if the U.S. Supreme Court agrees to hear this case, the central issue will be whether or not a Sunday law that confers a specific exemption on the basis of religious membership and belief is constitutional.

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Baptist Press

Message Reports Cuban
Missionaries Well

ATLANTA (BP)-- "All missionaries well and working," read a telegram from Herbert Caudill, Superintendent of Missions in Cuba who is still in that country.

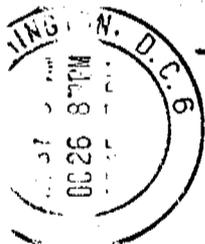
"We appreciate the fact that the prayers of many are going up for our work in Cuba. I believe that the Lord is preparing his people for greater tasks in his name," Caudill said in a letter earlier this month.

The Cuban Baptist seminary opened October 1 with 34 students, he reported, including nine new students.

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