

BAPTIST FEATURES

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The Missing Word

By C. Emanuel Carlson
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"...No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

That sentence is quoted from Title VI of the Civil Rights Bill as it was passed by the House of Representatives and acted upon in the Senate. I quote the sentence because of a word that it does not contain. The word "religion" is missing in the sequence of bases which are ruled out in this title forbidding discrimination in "federally assisted programs."

In most of the other titles of this bill, discrimination is prohibited on four bases, "race, color, religion, or national origin." This is true of Title II which proposes "injunctive relief" for persons suffering discrimination in "places of public accommodation."

The same four points are the bases for Title III which looks toward the "desegregation of public facilities," and in Title IV dealing with "desegregation of public education." Title VII, which provides for "equal employment opportunity," forbids discrimination on five bases, "race, color, religion, sex, or national origin." Only in Title VI, dealing with federally assisted programs, does the prohibition of discrimination on the basis of religion fail to appear.

Reports are that the initial drafts of Title VI did include the word "religion" but it was removed because federally assisted church-related programs would find this a difficult principle to accept.

Church-related institutions, such as hospitals, colleges, and homes for the aging, which have been built with some support from public funds may assume that the absence of the word "religion" in Title VI means they may continue to discriminate in admissions, in staff employments, in institutional policies.

Such assumptions, however, ignore the provisions of the Constitution, specifically as it protects the rights of people in the 1st, the 5th and the 14th amendments. The rights of people are rooted in the Constitution rather than in acts of Congress. The omission of a word in a particular bill will not affect the longer term outcome of that legislation.

It was 1946 when the Congress wrote the Hill-Burton Act with its paragraph approving "separate but equal" facilities for various population groups. It was 1962 before that principle was struck down by the Fourth Circuit Court of Appeals as unconstitutional, a finding which in 1964 the U. S. Supreme Court refused to review. The Fourth Circuit Court concluded that two "private" hospitals in North Carolina were too "public" in character to practice discrimination, and the Supreme Court agreed.

The "public" character of the hospitals had been taken on when they were built as part of a state survey of need for health facilities and as part of a federally assisted program to meet those needs. While technically the finding applies only to the fourth district and to the Hill-Burton institutions, it obviously has much wider implications.

How "private" must an institution be in order to properly discriminate between population elements so as to attain its "private" religious goals?

There is no one simple answer to that question. In all probability scores of court cases will deal with the specific issues as they are raised by people who feel the pinch of discrimination. In this process many "private" institutions will undoubtedly find themselves to be primarily "public," and therefore bound by a word that was omitted from Title VI.

Some have urged that the word "religion" should be replaced in Title VI as a "sign" for all to read. Such a sign, they say, would make policy-making easier for college presidents, for school principals, for home and hospital administrators. Others, including most of the congressmen, have obviously felt that this sign is not needed.

Are Baptists for or against religious discrimination in publicly assisted institutions? Only the future can tell!

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Commission Requests
Fund-Raising Consultant

(6-20-64)

BIRMINGHAM (BP)--An "emergency appropriation" is needed, the Education Commission of the Southern Baptist Convention said here, to enable it "to employ a qualified consultant in college development and financing."

The consultant would "assist the Baptist colleges and schools in their programs for keeping abreast of sound educational needs of the day and for meeting the urgent demands of their constituencies."

Addressed to the Convention's Executive Committee, the resolution says such a request is prompted by Congress' passing the Higher Education Facilities Act of 1963. The act, according to the commission, "for the first time in the history of our nation makes substantial direct grants of Federal funds available for all colleges and universities of our country, including church-related schools."

When schools and colleges of other denominations rush to accept these federal grants--which Baptist principles "make it inconsistent" for Baptist colleges to accept--it will "push our Baptist schools relatively farther behind in the academic market place," the agency said. Baptist schools need help in finding alternate sources of income to keep from falling behind, it was explained.

Passage of this act "has created a crisis and an emergency unparalleled in the history of Baptist higher education," the commission continued.

The commission's resolution was one of two questions it will present to the SBC Executive Committee. The other deals with the program of Baptist student work in the Convention (see separate story).

The Southern Association of Baptist Colleges and Schools, which convenes following the Education Commission's annual meeting each spring, also voted its support of the "emergency appropriation" request.

The Education Commission, an agency of the SBC, has commissioners elected year by year by the Convention. The association, bearing no formal connection to the SBC, includes Baptist college presidents, deans, business officers, Education Commission members, and others, and sets its own membership standards.

Explaining the need for an expert in fund-raising, Commission Executive Secretary Rabun L. Brantley of Nashville told the Baptist Press:

"Many presidents of Baptist colleges need help in knowing where to turn to find funds. Such a fund-raising associate on our commission staff would be a specialist with much previous experience in the field."

As commission executive secretary, Brantley also is coordinator for the Southern Association of Baptist Colleges and Schools.

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Student Ministry
Study Requested

BIRMINGHAM (BP)--Please "determine whether the student ministries are now administered by the most appropriate agency of the Convention," the Education Commission of the Southern Baptist Convention asks the SBC Executive Committee.

Baptist Student Union work, nationwide, is now a program of the SBC Sunday School Board. Classed by the Executive Committee as a "church assistance program," it requires \$292,230 a year to maintain the board's part of it. Student work is jointly supported by the Sunday School Board, state Baptist conventions and local Baptist groups.

The request came to the Executive Committee "with an awareness that Southern Baptist agency programs are now being studied," the commission said.

The commission's own program has already been written up by the Executive Committee and passed by the Convention. The Sunday School Board's program description is being drafted at present to put before the Convention.

Even though the Education Commission's program structure has been adopted, the commission's executive secretary, Rabun L. Brantley of Nashville, stated "it was clearly understood that all agency programs would be subject to necessary and desirable revision."

Commission Chairman John A. Fincher, dean of Howard College (Baptist), host to the commission's annual meeting, explained:

"In every other major denomination except Southern Baptist, student work is under their education boards. The Education Commission of the Southern Baptist Convention was chartered to handle all matters related to higher education."

The commission said it makes its request "without prejudice or criticism" of the current manner of carrying on the Convention's program of student ministry.

The student work program is one of five areas in which the Sunday School Board contributes funds to state Baptist conventions. In this area it helps provide Baptist Student Union direction on college campuses.

The board has a nationwide department of student work; state Baptist conventions have departments of student work for their own states. The state conventions employ men and women to direct student work for Baptists on campuses in their states.

Churches in college communities sometimes also help to direct Baptist Student Unions on the local campuses, offering space for student activities and paying part of the directors' salaries.

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College Groups
Elect Officers

(6-20-64)

BIRMINGHAM (BP)--An Alabaman, a Virginian, and a Kentuckian will head groups of Southern Baptist educators and college officials during the coming year.

The Education Commission of the Southern Baptist Convention reelected Dean John A. Fincher of host Howard College (Baptist) here as chairman. Coleman Raley, professor of psychology at Oklahoma Baptist University, Shawnee, will be commission vice-chairman.

Recording secretary of the SBC agency is Hayward Highfill, Nashville pastor. Rabun L. Brantley of Nashville is its executive secretary, the top administrative position.

Curtis V. Bishop, president of Averett College, Baptist junior college for women at Danville, Va., was elected president of the Southern Association of Baptist Colleges and Schools. The meeting of the association immediately follows the commission meeting each year.

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Carey T. Vinzant, president, Tift College (Baptist), Forsyth, Ga., was elected association vice-president, and H. I. Hester of Liberty, Mo., continues his long-term service as secretary. Hester is vice-president of Midwestern Baptist Theological Seminary, Kansas City, Mo.

Heading the group of deans of Southern Baptist colleges is Carl R. Fields of Georgetown College, Georgetown, Ky. Vice-president is Howard E. Spell of Mississippi College, Clinton. Charles W. Whitworth of Shorter College, Rome, Ga., is the group's secretary.

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