

FROM WASHINGTON OFFICE
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Seeks Church Aid
In War On Poverty

WASHINGTON (BP)-- Brooks Hays, former president of the Southern Baptist Convention, foresees "churchmen enlisting 'for the duration' in the nation's war on poverty."

Hays, a special consultant to President Johnson, points out that "the Economic Opportunity Act passed by the 88th Congress gives unprecedented government support to communities that can organize for action in the fight against poverty." This includes churches and their agencies.

In an interview on the television program "Meet The Press" Sargent Shriver, director of the Office of Economic Opportunity, was asked if the war on poverty provided aid for parochial schools. He answered "yes" provided there is no religious objective or teaching involved.

Before the Economic Opportunity Act was passed, in a "staff report" C. Emanuel Carlson, executive director of the Baptist Joint Committee on Public Affairs, pointed out the major areas of church-state relations involved in the war on poverty. His report made clear the difficult position the churches confront in their concern for relieving human suffering while at the same time holding to their principles of church-state relations.

The Hays statement to Baptist Press followed a meeting of the Advisory Committee on Rural Areas at the United States Department of Agriculture. The committee is composed of 35 citizens in government and civilian life. It is advisory to the Secretary of Agriculture on matters relating to the war on poverty. Churchmen are also on the committee.

Hays said that "the churches can make a unique contribution to the war on poverty." He said that "they have space and facilities and they can enlist volunteers."

Expressing "an urgent need for churches to spearhead community action designed to overcome rural poverty," he pointed out various types of projects open to churches. Among them are, according to Hays, day-care centers, recreation and tutoring programs, homemakers aides, meals for shut-ins and the aged, credit unions, health services, training and placement programs, housing, health and information services.

In his earlier staff report Carlson outlined problems involved in the government's use of the churches for public policy and the churches' use of governmental resources for their ministry of love and compassion.

"This duality of purpose," Carlson pointed out, "holds a potential of major shifts in the working relationships of churches and their agencies on the one hand and governments on the other hand."

"Few if any elements in church programming are such as to be excluded by the term 'in the public interest,'" he continued. "This means that almost any church program which a church has been unable to provide previously could be launched by means of collaboration with the director of the 'work-training programs.'"

Other church-state problems were seen by Carlson in the question of what is or is not sectarian instruction, in collaboration with community action programs, and in the assignment of volunteers to church programs.

Aid To Church Colleges
Being Tested In Courts

By Gainer E. Bryan, Jr.*

ANNAPOLIS, Md. (BP)--A case that may determine the future of state support of church-related higher education in America is now being argued in a small courtroom in historic Annapolis.

The defendants are the State of Maryland and four small liberal arts colleges with varying degrees of church connection. Sponsoring the case is the Horace Mann League of America, and there are 12 plaintiffs, all citizens of the Free State.

Chief counsel for the plaintiffs is the noted constitutional lawyer Leo Pfeffer of New York, general counsel for the American Jewish Congress. Among the opposing attorneys is William L. Marbury of Baltimore, a ^{member of the} ~~trustee of~~ Harvard ^{University} ~~University~~ and a member of one of the most distinguished Maryland families." Marbury has held high positions in the Episcopal Church in Maryland.

Hearing the case in Anne Arundel County Circuit Court is Judge O. Bowie Duckett.

Defendants in the case besides state officials are the institutions aided: Western Maryland College, affiliated with the Methodist Church, granted \$500,000 for construction of a science building and dining hall; Hood College, affiliated with the United Church of Christ, granted \$500,000 for a new dormitory and classroom building; St. Josephs College and College of Notre Dame, both affiliated with the Roman Catholic Church, \$750,000 each for science buildings. All grants are on a matching basis. Granting of the monies has been estopped while the litigation is in process.

Counsel on both sides agrees that the case will be taken to the U. S. Supreme Court regardless of the outcome. Basically at issue is the narrow question of whether the secular aspects of higher education in a church-related institution can be separated from the religious aspects and be legitimately financed by the state.

Attorneys for the plaintiffs in the case of Horace Mann League vs. J. Millard Tawes, governor of Maryland, say they cannot be separated. Counsel for the defendants say they can.

A decision of this thorny issue obviously has applications to the broader question of church-state separation in America. How sweeping these applications are is a matter of disagreement between the opposing sides.

Although technically this is a state case, Pfeffer told the court that its ultimate outcome would determine the constitutionality of the Higher Education Facilities Act of 1963. This act made available federal grants to private and public institutions alike for construction purposes.

A proposal for Wake Forest College to accept funds under this act on the principle of services rendered to the state was voted down last month by the Baptist State Convention of North Carolina.

In order to tie the state and federal issues together Pfeffer, in his opening argument, cited three provisions of the state's Declaration of Rights and two amendments to the federal constitution which he argued were violated by partial support of the four colleges.

Attorneys for the defense said they would challenge the standing of the Horace Mann League and of the citizen plaintiffs to claim injury in the court, a tactic which has in the past discouraged litigation of the federal question in the federal courts.

In his opening argument Pfeffer described the issue as one "on which the future of public education in this country rests." Thomas B. Finan, Maryland attorney general, arguing the state's case in an almost exact reversal of Pfeffer's position, characterized the battle as "the Armageddon...of the private educational system."

Pfeffer contended that the case has nothing to do with schools that are private but non-church-related, such as Harvard University and the University of Chicago. Marbury argued that even such schools as these are involved because their original and current church-relatedness cannot be entirely dismissed. Harvard, for example, has a divinity school, he stated, and Baptists still appoint one of Chicago's trustees.

The New York attorney began by asserting that the current case does not involve the question of government aid to church-related hospitals and other types of welfare institutions. Nor, he said, does it deal with the issue of indirect aid to educational institutions such as loans and scholarships.

His opponent Marbury argued back that such dissociations cannot be made. "You walk into Mercy Hospital (a Roman Catholic institution in Baltimore) and what do you find?" he asked. He answered by describing a statue of the Virgin Mary in the lobby, shrines on every floor, garbed nun nurses moving to and fro. Yet, he declared, "there is direct federal aid to Mercy Hospital." He contended that if church-related colleges are ruled out on grounds that they are places of religious worship and ministry, so must such hospitals.

The Baltimore lawyer noted, "We are not here to consider lower schools. Mr. Pfeffer would say no distinction can be drawn between higher and lower schools." He argued that such a distinction has been made by former President Conant of Harvard and by the solicitor for the U. S. Department of Health, Education and Welfare.

The first week of the trial, which was expected to last two weeks, was devoted mainly to presentation of the plaintiffs' case. In the cases against the two Catholic colleges, documents were introduced that were intended to prove that these schools are saturated with Christian or Catholic aims in origin, nature, purpose, curriculum, etc. They are owned and operated by orders of Catholic nuns.

Although the College of Notre Dame has a few non-Catholic students, St. Josephs College is operated almost exclusively for Catholics, according to evidence presented.

The cases against Hood College and Western Maryland concentrate on required chapel attendance and one or more required courses in religion at each school. It was also noted that both institutions were church-related in their founding and that they have loosely maintained their church connections since.

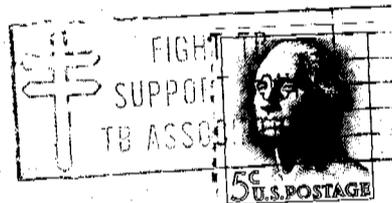
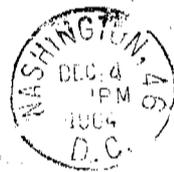
Attorneys for the plaintiffs argued the inseparability of religious instruction from so-called secular instruction in the curriculum of the schools, especially the Catholic schools. They also contended that financing of the so-called secular functions of the defendants cannot be separated from the total financial program of the institution. The defense promised to challenge both contentions.

*Gainer E. Bryan, Jr. is editor of the Maryland Baptist. This is the first of two articles written while the Maryland case was being heard in the Anne Arundel County Circuit Court.

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