

FROM WASHINGTON OFFICE
W. BARRY GARRETT, REGIONAL EDITOR
1628—16th St., N. W., Washington, D. C. 20009
Telephone: 232-3087

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Church Colleges Deny
Control By Religion

By Gainer E. Bryan, Jr.*

ANNAPOLIS, Md. (BP)-- Officials of four church-related colleges testified in court here that their schools are serving the public need for education and that their educational approach is essentially no different from that of secular institutions.

That was the main line of defense against the suit of the Horace Mann League of America which seeks to stop direct grants of state money to church-related colleges. It is expected to be taken to the U. S. Supreme Court regardless of the outcome in Anne Arundel County Circuit Court. A decision there will affect the future of government aid to church colleges throughout America.

Defendant institutions are Western Maryland, Methodist related; Hood College, United Church of Christ; St. Joseph's and Notre Dame, both Catholic. Maryland state appropriations in matching funds for building construction totaling \$2.5 million have been held up pending the outcome of the case.

Sister Margaret Mary O'Connell, the nun president of the College of Notre Dame, testified that there is "no difference" between her administrative relationships and those of the president of a secular school. She also said that there is "no distinction" in the content of courses at Notre Dame and that at any other liberal arts college.

Hood College has so much academic freedom, President Albert R. Elliott testified, that a professor might conceivably teach that Jesus Christ is not divine or that there is no life hereafter. He concluded that chapel attendance at the girls' school is compulsory but said that there are no penalties for failure to attend.

Brig. Gen. (ret.) Robert J. Gill, chairman of the board of Western Maryland College, said that during his 39 years as a member of the board the Methodist Church has never sought to influence the college in any way.

The testimony of Sister Margaret Mary, of Notre Dame, was subjected to vigorous cross examination by Leo Pfeffer, noted Jewish lawyer who is chief counsel for the plaintiffs.

He noted her statement that she is responsible to her board of directors "exactly as any other college president" but that the chairman of the board is the provincial superior of her order, the School Sisters of Notre Dame. Then he read from the Rule of Order, which owns and operates the school: "In respect to intellect, obedience shall be blind."

"Is that a correct statement of the rule?" he asked.

She replied, "It has never precluded my freedom of action as administrator."

Pfeffer attacked her statement that she consults with the archbishop only on "matters of magnitude," which she specified as finance campaigns. Five times he asked her the question, "To your knowledge does the local ordinary (the archbishop) have the authority to refuse to allow a particular priest to teach at a Catholic college in his diocese?"

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Each time she replied that so far as she knew, in her experience, "we have never applied to the archbishop for these priests to come." However, she had conceded earlier that the archbishop is consulted about appointment of theology teachers. Court testimony brought out that 36 members of the faculty of Notre Dame are religious, 35 are lay, and only 8 (laymen) are non-Catholic.

(Canon Law 1381, Sec. 2, specifies: "The local ordinaries have the right and duty to guard lest in any schools whatever located in their territories anything should be taught or should happen in opposition to faith and good morals." An authority on Canon Law advised the writer, "If anybody does not please the archbishop in these particulars, he has the right to get rid of him.")

President Lowell S. Ensor of Western Maryland conceded in his testimony that an atheist would not be employed at his school, "except in extraordinary circumstances."

"When it comes to whether a man is a believer or a non-believer," he said during cross examination, "I don't think that a college that has any religious connection whatsoever to a church could in good conscience employ someone who admittedly was a non-believer."

Pfeffer responded, "I couldn't agree with you more. That is why we are urging non-acceptance of government funds."

He then asked Ensor whether he knew that the Supreme Court has ruled in a case out of Maryland that one who does not believe in the existence of a Supreme Being cannot be disqualified from serving as an official of a state or the federal government.

"I don't know about that," Ensor replied. "I only know that this morning the court opened with an invocation to a Supreme Being, and I took an oath to tell the truth."

Pfeffer asked, "Do you know that non-believers are employed on the faculty of public colleges?"

The Western Maryland president replied, "That very well may be."

The non-jury trial was not quite complete at the end of two weeks but was expected to end in another day or two. Judge O. Bowie Duckett, who is to decide the case, said that opposing attorneys would be given about one week in which to file briefs and that he would then render his decision about one week later.

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

New Orleans Council
Thanks Denomination

NEW ORLEANS (BP)--A resolution expressing appreciation for Southern Baptists' support of theological education has been passed by the student council of New Orleans Baptist Theological Seminary here.

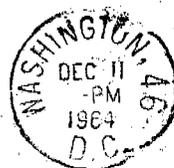
Noting that Baptists have "established some of the world's best theological education facilities and have given every church member an opportunity to financially support seminaries," the resolution gave specific recognition to the Cooperative Program.

Program funds help men and women entering church-related vocations to receive a seminary education without tuition costs. Students still pay matriculation fees, but these are kept to a minimum.

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