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July 7, 1972

**Academy Compulsory Chapel
Rule Held Unconstitutional**

By Beth Hayworth

WASHINGTON (BP)--It is unconstitutional for the government to require church or chapel attendance by cadets and midshipmen at the nation's three military academies according to the majority opinion of the United States Court of Appeals for the District of Columbia.

In a 2 to 1 ruling in the case of Anderson v. Laird, the appeals court found that the Pentagon's compulsory church attendance regulations at military academies violate both the establishment and free exercise clauses of the First Amendment to the U.S. Constitution.

Chief Judge David Bazelon, writing for the majority, issued the opinion, reversing the decision of a U. S. district court judge, Howard F. Corcoran.

In an August 1970 ruling, Corcoran held that compulsory church or chapel attendance at the nation's service academies was "an integral and necessary part" of the military training for future officers. "Its purpose is purely secular, and...its primary effect is purely secular," Corcoran declared.

Joining Bazelon in reversing the lower court decision was Circuit Judge Harold Levanthal who wrote a concurring statement. Judge George E. MacKinnon dissented.

After Corcoran issued the district court decision almost two years ago, the Baptist Joint Committee on Public Affairs filed an "amicus curiae" ("friend of the court") brief when the case was appealed.

In its brief, the Baptist agency charged that the government was guilty of misusing religion by requiring attendance at religious services in the nation's military academies.

The principle of religious liberty and voluntarism in religion as guaranteed by the First Amendment are jeopardized by the decision of the lower court, the Baptist Joint Committee declared to the court of appeals.

The Baptist agency, maintained in the nation's capital by nine Baptist bodies in North America, was one of several religious groups filing "amicus curiae" briefs maintaining that the Pentagon's compulsory church attendance regulations at military academies were unconstitutional.

The American Civil Liberties Union filed the case originally in behalf of six midshipmen then at the U. S. Naval Academy and one West Point cadet. The ruling by the three-judge panel of the Court of Appeals affects both those academies and the U. S. Air Force Academy at Colorado Springs.

Unless a stay is granted, the appeals court decision puts an immediate end to the chapel requirements at the three service academies.

The Pentagon has made no announcement concerning an appeal to the Supreme Court. The government has 90 days for such an appeal, if it chooses to fight the decision.

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In arguments last year before the U. S. Court of Appeals, the government put top military officials on the witness stand who maintained that the compulsory church attendance requirements had "no entanglements whatsoever" with religion.

Admiral Thomas H. Moorer, then Chief of Naval Operations and now chairman of the Joint Chiefs of Staff, testified that the attendance regulations are part of the "whole package" of the military's leadership training for future officers.

The appeals court opinion declared that "individual freedom may not be sacrificed to military interests to the point that constitutional rights are abolished. The military regulations in this case violate the core value of the establishment clause and completely abolish its protection," the majority declared.

The First Amendment provides in part that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof...."

Judge Bazelon described as "bald" the conclusion of the lower court that the compulsory attendance regulations do not interfere with a cadet's free exercise of religion.

"First," Bazelon wrote, "the failure to attend formal, group worship is punished like any other violation of an academy rule. The most devout believer, who may wish just once or always to worship alone, is plainly coerced to attend services.

"The Supreme Court has recognized...that peer group pressure to conform to established practices is a forceful form of coercion," Bazelon continued, citing the cases of Engel and Schempp.

The chief judge was critical also of military regulations permitting cadets and midshipmen to attend only "approved" alternatives to the academy chapels, noting that this left out adherents to minority beliefs and religions.

Bazelon continued that visitation of a variety of religious services, "thoroughly consistent with the search for or exercise of religious beliefs," is absolutely prohibited under the military academy regulations.

Such "manifest restraints on the free exercise of religion can be saved from unconstitutionality only if they were enacted to serve paramount and compelling state interests; and if there are no alternative means to achieve the governments' goals," Bazelon declared for the majority.

In discussing the need for "accommodation" between the establishment and the free exercise clauses of the First Amendment, the majority cited the principle of "benevolent neutrality" advocated by Chief Justice Warren E. Burger in the historic Walz decision handed down by the Supreme Court in May 1970.

"The (benevolent neutrality) principle was mistaken by the district court as authority for its holding that all First Amendment rights must bend when they conflict with military interests," the two judges charged.

"The Supreme Court's interpretations of the establishment clause refer to no overriding secular interest which could ever justify a government's imposition of those religious activities which the clause was written to abolish...to decline to apply the clause absolutely in this case is to create a loophole in the scope of its protection which the Supreme Court simply does not admit," declared the majority.

In the case of Anderson v. Laird, the two clauses "complement each other and dictate the same result," declared Bazelon. "Abolition of the attendance requirements enhances rather than violates the free exercise of rights of cadets and midshipmen."

Leventhal, in an 18-page concurring opinion, took note of the briefs filed by the Baptist Joint Committee and other religious groups in which they maintained that it is unconstitutional to manipulate

religious worship for purposes of the state. Citing a number of references in military regulations, Leventhal concluded that the compulsory church attendance rules did have "an unmistakable religious premise."

However, the "nub of this case," Leventhal said, is "whether the government's use of a practice that bears a religious impress is saved from unconstitutionality because of an overriding state interest in effective training of its military officers.

Leventhal charged that the government was asking the judiciary "to engage in a kind of repair carpentry, to sever out any particular aspects of the regulations deemed constitutionally objectionable.

"The problem is deeper than that," Leventhal maintained. The regulations are "marked by religious character and impact not shown to be unavoidable and imperative"...and "are a violation of the establishment clause."

In a 22-page dissent, Judge MacKinnon declared that the First Amendment effects of the chapel attendance requirements are minimal at best, "and are clearly overridden by their importance to the proper training of our military leaders."

MacKinnon charged the majority with overly stressing the application of the First Amendment and declared that the chapel requirements are "within the military power of the U. S. government.

The majority "apparently assume that the First Amendment has overriding supremacy," MacKinnon said. While admitting that the regulations "may have the effect of advancing or inhibiting religion to some extent," MacKinnon said that "in any event it is clear that the First Amendment is not fully applicable in the armed services.

In reference to a practice which may be judged in the courts in the future, MacKinnon said that "it could be strongly argued that the Chaplain Corps and service chapels would violate the establishment clause if that clause were not modified by the free exercise clause and by the military power which is recognized in the Constitution.

"These religious facilities are saved by reading the military and religious clauses together," MacKinnon maintained.

Throughout the decision of the appeals court, the majority judges quoted liberally from the writings of Thomas Jefferson and James Madison as well as from all major recent Supreme Court decisions concerning religious liberty.

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Missionaries' Son Found,
Apparently Slain, In Alabama

7/7/72

CAMP HILL,, ALA. (BP)--The body of Tom C. Hollingsworth II, son of Southern Baptist missionaries to Argentina, was found in a wooded area near here, July 6.

Hollingsworth, 24, a seminary student working in Alabama for the summer as a Bible salesman, was apparently robbed and slain. He had been missing since June 27.

His automobile was discovered by hunters in a wooded area so dense that search planes flying overhead could not spot it.

His body, found about 200 feet from his car, showed no apparent wounds but James Fowler, Tallapoosa County sheriff, said its decomposed condition could possibly have concealed them.

Fowler said he "suspects foul play" and that toxicology tests and an autopsy are underway to determine cause of death.

Young Hollingsworth, a foreign missions volunteer, was the only child of the Tom C. Hollingsworths, missionaries to Argentina for 22 years.

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A 1969 graduate of Baylor University, Waco, Tex., he was nearing completion of requirements for the master of divinity degree at Southwestern Baptist Theological Seminary, Ft. Worth, his birthplace.

When last seen at 4:30 p.m. on June 27, he was reportedly carrying an undetermined amount of cash. One customer in the area reported she had paid him \$40 that afternoon.

One police source theorized that en route to his residence in Alexander City, Ala., he was abducted, forced to drive some distance, then robbed and killed. Fowler, however, would not speculate on the motive or cause of death.

The victim's parents, on medical furlough from Buenos Aires since November, have been living in Bellaire, Tex., a suburb of Houston.

They had been in Alabama helping in the search for their son, but had returned to Fort Worth when they learned his body had been found.

Funeral arrangements were incomplete, pending release of the body by authorities. Burial was to be in Gatesville, Tex., the boyhood home of the senior Hollingsworth.

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Home Mission Offering
20 Percent Above 1971

7/7/72

ATLANTA (BP)--At mid-year, Southern Baptists have given almost \$5 1/2 million for missions in the homeland in their annual special offering--more than last year's record total.

Arthur B. Rutledge of Atlanta, executive secretary of the Home Mission Board, said the Annie Armstrong Easter Offering for home missions has produced \$5,426,445, through June, 1972.

This figure exceeds the 1971 total offering of \$5,345,551 and is \$941,308--or 20 percent--ahead of where the 1971 offering was in June, 1971.

Rutledge believes the offering goal of \$6 million will be exceeded, the first time since 1966 that a goal has been topped. In 1966, the goal was \$4 million and \$4,033,808 was received.

Both Rutledge and Miss Alma Hunt of Birmingham, executive secretary of Woman's Missionary Union (the agency which promotes the offering) credited the increase in part to the fact that above-the-goal funds will go for television evangelism.

Rutledge explained that \$5.65 million was allocated to the programs and services of the agency, with the next \$350,000 divided between church extension and Christian social ministries.

Funds beyond \$6 million will be used for an evangelistic television ministry scheduled for this spring.

However, Miss Hunt said that while the evangelistic emphasis was a strong factor, other reasons also merit consideration because the offering for foreign missions also exceeded its goal without an evangelistic appeal as such.

She said there was a widespread participation in the emphasis period and this entire past 12-months were good for mission education.

Nevertheless she said that the "wave of interest in evangelism in the convention no doubt accounts for a large measure of the increase."

"People are more aware of lost people in the nation than ever before," she said. "Christians are growing to realize that the lost are not all like ourselves, and they are very responsive to the presentation of new and creative types of approaches now used by the mission agency."

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Rutledge also stressed that there is a growing awareness of the need and opportunity for Christian missions here in the homeland.

He said, "We are greatly encouraged by this outstanding response."

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Sunday School Board Names New Sunday School Youth Consultant

NASHVILLE (BP)--James Lenard Goodson has been named consultant in youth work, Sunday School department of the Southern Baptist Sunday School Board here.

Goodson has served as pastor of the Emmanuel Baptist Church, Cherry Hill, N.J., since June 1969.

He also served as assistant Baptist Student Union director at the University of Texas, Austin, 1968-69. Earlier, he was pastor of First Baptist Church, Trinidad, Tex., and pastor of Yates (Mo.) Baptist Church.

A native of Georgia, he holds a BA degree from Grand Canyon College, Phoenix, Ariz.; a BD degree from Midwestern Baptist Theological Seminary, Kansas City, Mo., and a Th D from Southwestern Baptist Theological Seminary, Ft. Worth.

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Georgia Baptists Celebrate 150 Years of Operation

POWELTON, GA. (BP)--Georgia Baptists were told they must change to meet the demands of a changing world as they celebrated the 150th anniversary of their state convention here.

R. J. Robinson, president of the Georgia Baptist Convention, spoke to more than 700 persons gathered at Powelton Baptist Church for the convention's sesquicentennial celebration.

The Georgia Baptist Convention was founded at Powelton Church, June 29, 1822.

"We need to realize there is such a thing as a living God of history, moving amidst change and shaping change according to His purposes," Robinson said.

"There is abundant evidence that Georgia Baptist churches as we know them must undergo major changes in the near future," he said.

"Some of our churches may not be resilient enough to adjust to the new forms the world is thrusting upon us....," he continued. "But faith demands that we change. Christianity is a changing force--a world-changing....Like the people of Israel after Moses' death, we either go on or we go under," he said.

Reminding his listeners that a changeless God is still in charge of a changing world, Robinson said, "nothing is static in this world. Everything is moving, changing, going somewhere. Something says to every living thing, 'Get up and go on'. We either go on or we go under," said the pastor of Augusta's First Baptist Church.

Other speakers at the sesquicentennial observance were Searcy Garrison, executive secretary of the Georgia convention, and James A. Lester, editor of Tennessee's state Baptist paper, Baptist and Reflector, and author of the new History of the Georgia Baptist Convention, 1822-1972.

The Georgia convention, after 150 years of operation, has 1,007,856 members in 2,974 churches in 93 associations.

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Baptist Press

This year is also the sesquicentennial of The Christian Index, Georgia's state Baptist newspaper, edited by Jack Harwell.

The paper was formed in 1822 in Washington, D. C., by Baptist Missionary Luther Rice as the Columbian Star. Later it moved to Philadelphia and then was brought to Georgia in the 1830s by Jesse Mercer. It is the oldest of the state Southern Baptist news publications.

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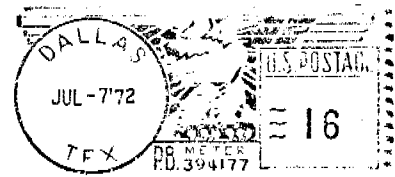
NOTE TO STATE EDITORS:

A photo of Tom Hollingsworth will be mailed to state editors.



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