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October 30, 1972

**Supreme Court Asked to Review  
Compulsory Religion Decision**

WASHINGTON (BP)--The federal government has asked the U.S. Supreme Court to hear its complaint against a U.S. Court of Appeals ruling which held that compulsory religion at the nation's three military academies is unconstitutional.

In an appeal for a writ of certiorari (a petition for review), Solicitor General Erwin N. Griswold maintained that the military should have the right to restrict the religion clauses of the First Amendment "to the extent necessary" to ensure effective military training.

"The academies' chapel attendance requirements are a valid exercise of authority by the military over its own personnel; they restrict First Amendment interests only to the extent necessary to vindicate legitimate military need," the Department of Justice declared in its appeal filed with the Supreme Court.

"To say that this is an establishment of religion is to be tyrannized by labels, while unduly denigrating the authority of those responsible for the educational program of the military services..." the government said.

If the supreme court decides to hear the case of Anderson v. Laird, the Baptist Joint Committee on Public Affairs again will be among the list of groups filing amicus curiae (friend of the court) briefs, according to a decision of the committee meeting in semi annual session early in October.

John W. Baker, associate director in charge of research services, said the Baptist Joint Committee sees the compulsory religion regulations as a violation of First Amendment freedoms. In its brief filed with the court of appeals, the Baptist agency charged that the government was guilty of misusing religion by such requirements at the military academies.

A decision on whether to grant the petition for a writ of certiorari, probably will be made by the Supreme Court within the next few weeks.

On June 30 of this year, the United States Court of Appeals for the District of Columbia ruled two to one in the case of Anderson v. Laird that compulsory church or chapel attendance at the military academies violates both the establishment and the free exercise clauses of the First Amendment.

The court of appeals chief judge, David Bazelon, held that mandatory chapel attendance is a violation of the establishment clause on the ground that there are "no overriding secular interests which could ever justify a government's imposition of those religious activities which the clause was written to abolish."

Joining Bazelon in the majority decision, Judge Harold Leventhal, in a separate opinion, found required chapel attendance "invalid" as a measure respecting the establishment of religion. Leventhal said the military failed to show that compulsory chapel attendance is an "unquestioned and imperative necessity" to the effective training of military officers.

In asking the Supreme Court to review the lower court decision, the government complained that the majority opinions of the court of appeals "make constitutionally suspect" any action of the military touching on the religious lives of servicemen.

"In our view, this approach fails to accord proper weight to the special needs and responsibilities of the armed services," declared solicitor general Griswold in the government's petition:

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The government made its case further on the ground that the military should be free "within very wide limits" to determine the "content and details" of the educational program for future military officers.

Griswold explained that the "responsible officers of the government have long held the position that awareness of our moral and religious heritage is an essential part of the education of future military leaders at the service academies.

"No cadet or midshipman is required to believe what he hears. No one is subjected to a catechism by governmental authority. But all students are required to gain an appreciation of our moral and religious heritage," the government spokesmen maintained.

The case of Anderson v. Laird was brought to the lower courts by two cadets at the U.S. Military academy at West Point and nine midshipmen at the U.S. Naval Academy at Annapolis on behalf of all cadets and midshipmen at the three federal military academies. They were represented by the American Civil Liberties union.

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Louisiana Baptist Pastors  
Overwhelmingly Support Nixon

10/30/72

PINEVILLE, La. (BP)--Baptist pastors in Louisiana overwhelmingly support Richard M. Nixon, if a recent survey of 75 Baptist pastors in the state is any indication.

Of the 75 pastors, only two said they supported Sen. George McGovern's bid for the presidency. Seventy-three, or 97.3 per cent, said they would vote for President Nixon.

The survey was taken by the public relations office of the Louisiana Baptist Convention, with offices here.

Two Baptist pastors in each of the 51 Baptist associations in the state were selected to participate. About 70 per cent of those queried responded.

They were asked four questions:

- (1) My choice for president is: (Nixon or McGovern).
- (2) My choice is based upon his position on the Vietnam war, foreign policy, fiscal policy, or a combination of these three and others (mark one or more).
- (3) Do you feel Nixon has done a good job as president (yes or no).
- (4) Are you fairly well satisfied with Nixon's handling of the Vietnam war, foreign policy, fiscal program, and the position of the president, generally speaking (yes or no).

"Nixon supporters were almost unanimous in their strong support of his program, though one did disapprove of his fiscal program," said John W. Green, director of public relations for the convention.

Green added that McGovern's two supporters were not completely dissatisfied with Nixon, saying that one person marked through the word "good" and substituted the word "fair" on question three, and that the other McGovern supporter indicated in question four he was fairly well satisfied with Nixon's handling of the war and foreign policy.

Two Nixon supporters indicated on the survey forms that they were voting for Nixon because of McGovern's stand on the Vietnam war, not because of Nixon's stand.

Pastors participating in the survey were carefully selected so that all size congregations would be represented, Green said. In some cases, pastors of two medium size congregations were chosen, but in most a pastor of a large and a small church were selected in each association.

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