was to prevent the District of Columbia from engaging legal church regulations, and from exercising corporate rights in their congregations? Does the Legislature of Maryland believe it is creating a religious establishment when it is occupied in granting charters to the churches of the different sects of Christians as often as they apply? Where all are equally protected and accommodated, where each sect . . . has its own establishment, . . . the best security exists against, 'a religious establishment,' that is to say, one preeminent establishment which is preferred and set up over the rest against which alone the constitutional safeguard was created."[157]

Recent courts seem to have taken similar views. Said Justice Douglas, in an often quoted passage from *Zorach v. Clauson* (1952):

> "We are a religious people whose institutions presuppose a Supreme Being. We guarantee the freedom to worship as one chooses. . . . We sponsor an attitude on the part of government that shows no partiality to any one group and lets each flourish according to the zeal of its adherents and the appeal of its dogma. When the state encourages religious instructions or cooperates with religious authorities by adjusting the schedule of public events to sectarian needs, it follows the best of our traditions. For it then respects the religious nature of our people and accommodates the public service of our spiritual needs. To hold that it may not would be to find in the Constitution a requirement that the government show a callous indifference to religious groups. That would be preferring those who believe in no religion over those who do believe."[158]

A 1956 Tennessee case pointed out that the doctrine of separation of church and state "should not be tortured into a meaning that was never intended by the Founders of this Republic."[159] The highest court of Maryland recently took an expressly favorable view of Bible reading in the public schools, claiming that "neither the 1st nor the 14th amendment was intended to stifle all rapport between religion and government."[160] The Maryland Court was reversed by the Supreme Court,[161] but Mr. Justice Clark, speaking for the majority, was careful to warn against a "religion of secularism."[162] The State

[157] Baltimore Federal Republican & Commercial Gazette, February 26, 1811 (editorial).

[158] 343 U.S. 306, 313, 72 S.Ct. 679, 684 (1952). *See* note 134 *supra.*

[159] Carden v. Bland, 288 S.W. 2d 718, 724 (1956).

[160] Murray v. Curlett, 179 A. 2d 698, 701 (1962) (rev'd, 374 U.S. 203). *See* D. BOLES, THE BIBLE, RELIGION, AND THE PUBLIC SCHOOLS 99ff. (1965). Even the dissenters in the *Murray* case did so because they felt that the required saying of the Lord's Prayer and Bible-reading plainly favored "one religion and to do so against other religions and against nonbelievers in any religion." 179 A.2d 698 at 708. They still do not deny that the First Amendment could involve nondiscriminatory laws without being a violation of the freedom of religion; they still do not insist upon strict separation of church and state.

See also Horace Mann League v. Tawes (Cir. Ct. for Anne Arundel County, March 11, 1965), in Daily Record, April 8, 1965, at 2, col. 1, appellate court decision cited *supra* note 98.

[161] 374 U.S. 203 (1963), *supra* note 138.

[162] See *supra* note 139 and accompanying text.