

FROM WASHINGTON OFFICE
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Powell Favors Aid
To Church Schools

WASHINGTON (BP)-- The chairman of the House Committee on Education and Labor announced that he favored loans for parochial schools for the teaching of science, mathematics, modern foreign languages and physical fitness.

Rep. Adam Clayton Powell (D., N.Y.) said in testimony before a House subcommittee on education that such aid to parochial schools was both constitutional and essential for the national defense. The hearing was on the extension of the National Defense Education Act.

In response to questions from Rep. Frank Thompson (D., N.J.), Powell made it clear that he wanted loans not only for equipment for the special programs but that he would include classroom construction.

Both Thompson and Powell agreed that such aids to parochial schools should be confined to loans and that grants should not be provided. They also agreed that the aid should be provided exclusively for the purposes above stated and that no help should be given for the teaching of religion.

Powell based his position exclusively on the needs for national defense and on constitutional policies that might be permissible for the Federal Government.

He said, "The Federal Government is responsible for the defense of this Nation, and it cannot neglect the specialized training of the individual no matter where he chooses to attend school."

"Constitutionally," he continued, "he (the pupil) is allowed to attend the school of his choice, and when the Federal Government undertakes to aid a particular national need that is assumed by a school, whether private or public, it is duty-bound to support that need in the fullest way possible. The Federal Government is then aiding, not religion, but a continuing program of defense no matter what its source."

Powell quoted the Everson case that allowed tax-raised funds to pay bus fares of all school children to prove that aids to parochial schools to serve the public purpose are constitutional.

He also cited the case of Cochran vs. Board of Education in reference to placing books in private as well as public schools to "refute the popular notion that any form of non-discriminatory Federal assistance applicable to public and nonpublic schools is unconstitutional."

Powell even went so far as to say that "the cases strongly suggest that a deliberate policy of excluding schools with religious affiliations from the benefits of general welfare legislation would raise substantial constitutional questions."

Continuing his argument on the basis of precedents already set Powell said that "at least 20 million dollars of Federal funds were spent in such institutions (private institutions) in 1959 under the National Defense Education Act alone."

He then cited more than a dozen other Federal programs that make no distinction between public and private agencies to prove that "Congress has approved different kinds of assistance to nonpublic schools and colleges for years."

Baptists, Other Groups
Oppose Parochial Aid

WASHINGTON (BP)-- Baptists and other groups are seeking to hold the line of separation of church and state in education legislation now being considered by Congress.

The current debate revolves around the National Defense Education Act which Congress is considering for renewal and amendment. The NDEA expires next year, but efforts are being made this year to extend its life so schools can plan in advance for its benefits.

Controversial features of the NDEA (as far as church-state relations are concerned) are the sections that provide loans for private schools for equipment to teach science, mathematics and foreign languages, that provide forgiveness for student loans for those entering the teaching profession in the public schools, and that provide stipends for public school teachers seeking to improve their education, which stipend is not available for teachers in parochial schools.

It is currently being proposed that the loan provision be expanded to include classroom construction for parochial schools for buildings to teach science, mathematics, foreign languages, English and physical fitness. Also it is proposed that the forgiveness feature and the stipend for teachers be extended to teachers in private schools.

In testimony before a House subcommittee on education, C. Emanuel Carlson, executive director of the Baptist Joint Committee on Public Affairs, opposed extension of loans to parochial elementary and secondary schools and asked for the elimination of such loan provision from the NDEA when it is amended.

Carlson cited resolutions passed by both the American Baptist Convention and the Southern Baptist Convention that declare opposition to the use of public funds for sectarian education.

"We are not convinced that a need for public loans to church schools really exists," Carlson told the committee. He pointed out that the present arrangement for loans under the NDEA has not been extensively used, and quoted Cardinal McIntyre of Los Angeles who said that "there is no need for Federal aid to grade or high schools, either public or private."

Carlson's testimony pointed out the dilemma faced by Congress if it provides public funds for church-related schools. He said, "We would not contest the public's right to regulate labor standards where public funds are used, but we cannot follow the line of thought by which the public disavows this same right regarding the use of the properties constructed by the same public funds."

"In this dilemma," he continued, "we deem it doubtful that full protection of the freedom of the church can be harmonized with fully responsible Government administration in this kind of joint endeavor. We seek an arrangement whereby both the freedom of the churches and a fully responsible public administration are respected."

Philip A. Johnson, executive secretary of the Division of Public Relations of the National Lutheran Council, expressed "vigorous and uncompromising opposition to the proposals to extend public aid to nonpublic schools."

Johnson asked Congress to consider three major questions before changing the national policy in education. They are:

- (1) What is the compelling reason why such a drastic policy change should be demanded at this time?
- (2) What lies at the end of the road, once the principle of Federal and other public aid to parochial education is established?
- (3) What will be the ultimate consequences to our national unity if we abandon or modify, in respect to elementary and secondary education, our traditional policy of separation of church and state?

James Deforest Murch, chairman of the Commission on Evangelical Action of the National Association of Evangelicals, warned against the extension of public tax aid to church-related schools.

Murch said, "We must not allow proposals which threaten certain of our freedoms to be introduced into a bill designed to defend and perpetuate the American way of life in a hostile world."

C. Stanley Lowell, associate director of Protestants and Other Americans United for Separation of Church and State (POAU), strongly protested against any effort to enact "forms of sectarian aid into law by slipping them into the Defense Education Act."

Pointing out the ultimate goal of complete tax support for parochial schools on the part of those seeking such aid, Lowell said "we believe that each of the intermediary steps should be judged in the light of the goal they are seeking and that in that light each of them is in itself unconstitutional."

The POAU official warned against any "political deal" which would "sell out church-state separation" in order to pass the Administration's school aid bill.

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Catholics Seek Public
Aid For Church Schools

(6-8-61)

WASHINGTON (BP)-- Roman Catholic educators, certain members of Congress and some national organizations have joined forces here to obtain Federal aid for parochial schools.

Monsignor Frederick G. Hochwalt, director of the Department of Education, National Catholic Welfare Conference; Andrew J. Biemiller, chief lobbyist for the AFL-CIO; Rep. Herbert Zelenko (D., N.Y.) and Rep. Roman C. Pucinski (D., Ill.) testified before a House subcommittee on education in favor of public aid to church schools through amendments to the National Defense Education Act.

Hochwalt charged that education legislation that did not include private schools is discriminatory against Catholic schools.

He said that "the same financial assistance must be given to private schools as has proven effective for the public schools--matching grants-in-aid for the purchase of laboratory equipment, non-textbook teaching materials, and physical fitness equipment and for the minor remodeling necessary to house the laboratory equipment."

In response to a question from a Congressman, Hochwalt said that the Roman Catholic Church is opposed to the general Federal aid to education bill (which omits aid to parochial schools) even though the National Defense Education Act might be amended to include loans and grants for construction of classrooms for parochial schools to teach science, mathematics and foreign languages.

In appealing to Congress to provide help to parochial schools Hochwalt said, "There is ample ingenuity among our lawmakers to devise ways and means of assistance."

The Catholic educator also said that his position was shared by the American Council on Education, the Association of American Colleges, and other groups of educators.

Previously the AFL-CIO threw its weight in favor of Federal aid to parochial schools. Biemiller testified in favor of an amendment of the National Defense Education Act that would provide loans for buildings at parochial schools to teach science, mathematics and foreign languages.

Later, in a conversation with C. Emanuel Carlson, executive director of the Baptist Joint Committee on Public Affairs, before a gathering of public school lobbyists, Biemiller acknowledged that his position meant that the AFL-CIO was in favor of Government aid to the churches.

Rep. Pucinski took the witness stand before the House subcommittee and pled for loans or grants to parochial schools for the special purpose of teaching science, mathematics and foreign languages. He asked for the same consideration for private school teachers as are available to public school teachers.

During his testimony Pucinski confessed a change of mind from his position of last year. He previously had advocated across the board grants or loans to parochial schools for their general education program. He said, however, that since he studied President Kennedy's position he had altered his view and that he was in full agreement with the President.

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The President's views were expounded fully in a legal opinion produced by the Department of Health, Education and Welfare. This document stated that across the board grants or loans for parochial schools are unconstitutional, but that special purpose loans or grants for projects in the public interest are constitutional.

Rep. Zelenko appeared before the House subcommittee, took virtually the same position as that of Pucinski, and announced that he would have by the end of the week some legislative proposals that would provide aid to parochial schools within the framework of the Constitution and that would maintain the original purpose of the National Defense Education Act.

Zelenko likewise professed complete agreement with the President on aid to parochial schools. He insisted, however, that the public and parochial school systems form an education partnership. He was emphatic that defense education benefits should be made available to all the pupils in the Nation, regardless of the school they attend.

Zelenko advanced a unique view of separation of church and state. He said, "If we are to deny to any private school because it, in addition to secular education, teaches religion or because it provides what is commonly called a God-centered education, then certainly we are preferring irreligion over all religion."

"Then we are breaching the wall of separation," he continued, "because then we are making the teaching of religion the concern of Government so much so that Government is forbidden to lend aid only because the private school undertakes to teach religion. And at that juncture we are at the ultimately fine point not only of secularizing the public school but of constitutionalizing irreligion."

The questions and attitude of other members of the House subcommittee on education indicated that they are greatly in sympathy with the effort to provide Federal aid to parochial schools. There seems to be a stubborn determination on the part of several of the members of the education committee to secure such aid for the church schools in one form or another.

Since it appears that their efforts to include such aid in the general education bill have been thwarted, they are going all-out to include it in the National Defense Education Act.

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Court Action Upholds
Ohio Sunday Law

(6-8-61)

Special to Baptist Press

WASHINGTON ---- The United States Supreme Court has rejected an appeal against the Sunday law of the state of Ohio.

In the first ruling handed down since its historic decision that Sunday laws are constitutional, the Court ruled 8 to 1 against hearing an appeal brought by the Giant Tiger Drug Co.

The drug company complained that the Ohio law, prohibiting the sale of certain commodities on Sunday, was "vague, arbitrary, and discriminatory." The company had been fined \$25 for selling commodities at its Euclid, Ohio outlet that were not exempted from the Sunday sales ban.

So many exceptions have been written into the Ohio law by amendments, the company contended, that it no longer provides a "day of rest" but merely that certain business establishments shall be closed on Sunday and that those which are open be limited to selling certain products like drugs and food.

The Supreme Court, however, in upholding Sunday laws, indicated that states may use their discretion in permitting commercial activity that is in the public interest and that only classifications which are not based on general principles will be viewed as denying "equal protection" of the law.

Without written opinion, the Court turned down the Ohio appeal, with Justice William O. Douglas noting that he would have favored hearing the case. Douglas dissented from all four decisions which earlier upheld the Sunday laws of Maryland, Pennsylvania and Massachusetts.

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Still pending before the high court are five other appeals filed during the time it was considering its major decisions. Three more appeals, on various grounds, have been filed against Ohio's law, another against Pennsylvania's and, probably most significant of all, an appeal by the Carolina Amusement Co., against South Carolina's law prohibiting the Sunday exhibition of moving pictures.

The Supreme Court recently ruled that Sunday laws are legal only if designed to promote a day of rest and recreation, but would be unconstitutional if on their face, or by examination of their legislative history, they are found to be primarily for the purpose of encouraging religious observance and church attendance. In the light of this ruling court observers are of the opinion that South Carolina's Sunday movie law may have trouble meeting the constitutional test.

Evidently, the matter is being debated by the justices in their chambers. They are expected to rule whether they will hear further appeals on Sunday laws before they take their summer recess late in June.

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Private Schools Asked
To Bombard Congress

(6-8-61)

WASHINGTON (BP)-- A national "Get the Picture" campaign is being undertaken by private school interests to pressure Congress to provide tax funds for private and parochial schools.

At a hearing before a House subcommittee on education, Rep. Peter Frelinghuysen (R., N.J.) displayed a stack of post cards that had arrived that day. The cards had pictures of children pasted on them and asking, "Why are we left out?" and "Why doesn't our Johnny (or Jane) count?"

In the publication, Fair Share News, bulletin of Citizens For Educational Freedom with headquarters in St. Louis, Mo., a strategy is outlined for the campaign.

CEF is an organization of parents who send their children to private schools in preference to the public schools. CEF officials vigorously deny that it is a Roman Catholic organization, although more than 90 per cent of the private school pupils in the United States are in the Roman Catholic parochial schools.

The Federal aid to education bills now before Congress, already passed by the Senate and awaiting debate before the House, are exclusively public school bills. However, private and parochial schools probably will receive consideration in the extension of the National Defense Education Act.

The June 1961 issue of Fair Share News fully presents the national "Get the Picture" campaign strategy. An example of a model letter to Congressmen is printed and then suggestions for the national campaign are made.

The "Get the Picture" campaign includes instructions to write to Congressmen, sending a picture of a child or children along with the address, and to ask the school principal in all private schools to make announcements so all the parents of all the children can do likewise.

CEF further suggests private school advocates to place ads in local papers and to alert all citizens to the "pork barrell" provisions of the Federal aid to education bill.

The CEF campaign further calls for rallies throughout the country of thousands of children and parents at school picnics, on school grounds, and in parks. The instructions say, "Take pictures, call your newspapers, TV and radio stations for coverage. Show children putting their pictures in the mail box. Use other publicity stunts."

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