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High Court to Hear Case on N.Y. Aid to Church Schools

WASHINGTON (BP)--The United States Supreme Court has agreed to hear arguments on the constitutionality of a state law compensating parochial schools for part of the expenses incurred in carrying out certain services required by that state.

At issue is New York state's Mandated Services Act of 1970 which was designed to reimburse private and parochial schools for the costs of maintaining attendance records, administering regents' examinations and conducting similar services required of all public and private schools in the state.

In April of this year a three-judge panel ruled two to one that the statute is unconstitutional.

The appeal to the Supreme Court was brought by education officials in New York and five parochial schools. Originally the suit was filed in the U.S. District Court for the Southern District of New York by the Committee for Public Education and Religious Liberty (PEARL).

The case will give the high court a chance to spell out what it meant last year when it said that "secular, neutral and non-ideological" activities by religious schools could receive public subsidy without compromising religious neutrality.

In an opinion written by Judge Morris E. Lasker, the lower court held that the law is unconstitutional on two counts. First, the state cannot administer the act without surveillance and controls which would foster excessive entanglement. Second, without surveillance and controls to see if the money is properly used, the funds would amount to direct aid, which is forbidden.

"The dilemma is insoluble," Lasker declared in ruling the law unconstitutional. Judge Paul R. Hays concurred. Judge Edmund Palmieri dissented.

The majority held further that the program which cost \$24 million the first year would aggravate "divisive political activity...along religious lines." Even if other observations were not true, the district court panel said, the law "would still be flawed" because of this consideration.

"The First Amendment, which has for two centuries assured the individual's right to worship as he chooses, protected the church from the impositions of the state, and immunized the national community against the ills of religious-political divisiveness, must be our guiding star," Lasker declared.

The New York officials maintained before the lower court that the act is constitutional because the programs compensated are services required by the state. With that kind of reasoning, the district judges said, teaching would also be included since the state spells out requirements for teachers in church-related as well as public schools.

"It would be fanciful to suggest...that the state would be free to reimburse the schools for ordinary teaching expenses on the theory that the state 'mandates' such services," observed the court.

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Irwin Sees President Thieu,
Other Vietnamese Officials

SAIGON (BP)--Continuing his mission of calling on heads of state and addressing crowds in the Far East, Former Astronaut James B. Irwin met with President Nguyen Van Thieu here and spoke to officials and groups in three cities of South Vietnam.

Irwin, retired Air Force colonel who explored the moon's surface during the Apollo 15 mission, has been traveling in Asia for a month at the invitation of the Southern Baptist Foreign Mission Board.

While in Vietnam, he also talked with U.S. Ambassador Elsworth Bunker and the mayors of Saigon and Danang.

Thieu received Irwin and Southern Baptist missionary Lewis I. Myers Jr., at the Independence Palace here. Following introductions, Thieu is reported to have said, "I am very busy at this time, you know, but when I heard you were here, I said, 'I want to see what a man who has been to the moon looks like.'"

According to missionary Betty Merrell, Irwin told President Thieu, "I am on a new mission-- a mission of explanation of technological advance and personal spiritual renewal."

Then Irwin showed Thieu the two rocks he uses to illustrate his talks. One is a "worry stone," a symbol of superstition, and the other a facsimile of a moon rock, symbolizing materialism. Then Irwin showed Thieu a Bible, symbolizing the rock of faith in God.

He gave Thieu a Bible in the Vietnamese language, imprinted with the symbol of High Flight, Irwin's independent organization through which he promotes Christian ministries.

Other gifts to Thieu included a Vietnamese flag which had been taken to the moon, a framed photo taken on the moon, and an Apollo 15 suit patch.

Thieu gave Irwin a medallion and two lacquered jewelry boxes, one for Irwin and one "on behalf of Madame Thieu to Madame Irwin." Mrs. Irwin and their daughter, Joy, are traveling with him.

Following the meeting with Thieu, the Irwins and missionary Myers flew to Hue where Irwin spoke to 1,000 invited guests in a theater.

From there they went to Danang for talks to Baptists and their guests at Hope Baptist Church, to Danang city officials at the "Chamber of Commerce" building and to Vietnamese Regional military officials.

While in Danang, Irwin was hosted by the mayor, Col. Nguyen Ngoc Khoi, who has become a key figure in the so-called "Danang rice scandal." According to an Associated Press report, "rice" bought with U.S. aid dollars by Danang officials for refugees turned out to be chicken feed--a low-grade rice mixed with dirt, gravel, styrofoam and nylon slivers. On the day of Irwin's visit, the deputy mayor of Danang and three other officials in the mayor's office were fired over the scandal.

Back in Saigon, Irwin called on the mayor and Ambassador Bunker and spoke to 1,000 invited Vietnamese guests at the Thong Nhat Theater.

He had begun his visit here with an appearance before 800 Americans in the Air Force Chapel at Tan Son Nhut Air Base. He later held press conferences and taped interviews for Vietnamese and U.S. armed forces television channels.

Irwin had talked with Prime Minister Kakuei Tanaka in Japan, President Chung Hee Park in Korea, and Madame Chiang Kai-Shek in Taiwan, and he had stopped in Hong Kong before arriving in South Vietnam.

His Foreign Mission Board-sponsored trip was to end Nov. 14 following appearances in the Philippines, Indonesia, Australia and New Zealand.



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