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WLIB interview regarding public and private schools.

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STERNBERGER: [00:00] Good afternoon, audience. Our nation, and especially our president, are involved in a controversy involving our public and private schools. The point has been reached where parochial schools are appealing for equal consideration with our public schools for appropriations from the Federal Treasury. That appeal is being aggressively resisted by Protestant and Jewish religious forces and millions of unaffiliated citizens who believe that our doctrine of the separation of church and state forbids such federal grants to the parochial schools. To help us view the situations involved in that debate, your commentator has invited Rabbi Marc H. Tanenbaum, director of the Department of Interreligious Affairs of the American Jewish Committee, to answer a few questions. A very hearty welcome to you, Rabbi Tanenbaum. In his book, *Creeds in Competition*, Leo Pfeffer refers to the famous Aragon case of the year 1923, which upset the Aragon law prohibiting a family from sending its children to a parochial school. Now, [01:00] that case raises a question: if our policy favors allowing religious and cultural

pluralism, why does not our government help parents carry out that privilege by enabling the parents of Catholics or any other denomination obtain that education at a satisfactory level?

MARC TANENBAUM: Well, Mrs. [Sternberger?], while I am not a lawyer, I am familiar with a famous Aragon parochial school case known as the case of *Pierce versus the Society of Sisters*. As I understand the United States Supreme Court ruling in that case it made the point as you say that Catholic parents and parents of any group, for that matter, have a right to send their children to private or parochial schools, and are not compelled to send them to public schools. Some have called this Aragon ruling the Magna Carta of cultural pluralism. Now, while it was an important advance in developing our law, the principal that cultural pluralism is constitutionally protected, it did not say more [02:00] than that. Favoring cultural or religious pluralism does not imply subsidizing. If it did, the government could well become involved in paying the salaries of ministers, priests, and rabbis and in building and maintaining churches and synagogues. And there is no surer way to destroy the vitality and the prophetic witness of the religious faiths of America than to render them instruments of government dependent on government handout.

Not to speak of the truly lethal blow that such a dependence alliance between church and state would level our democracy. When I think of the history of the sixteenth century, with its incessant struggles between princes and religious leaders, I shudder over how easily we appear to accept the proposals for government becoming involved in the affairs of religion. Santayana's injunction is an order. People who don't learn from history are destined to relive it.

STERNBERGER: At a recent hearing in Washington, a spokesman [03:00] for Jewish day schools pleaded, as some Catholics do, that the financial burden is becoming too great for these Jewish communities to carry out their right to enjoy separate, private schools to further their religious aims. Now, please tell us, Rabbi Tanenbaum, do most Jews in the United States agree with that plea?

TANENBAUM: Well, Mrs. Sternberger, I would say that the majority of the Jewish people are opposed to federal aid to parochial school, generally, and to Jewish parochial schools, specifically. I haven't taken a poll, of course, but I base my statement on the positions taken by the major national Jewish religious agencies affiliated with the Synagogue Council of America and by virtually all the important national Jewish organizations, including my own,

the American Jewish Committee, and by the 50 local Jewish community relations councils affiliated with the National Community Relations Advisory Council. Now, this is not to say that these agencies are opposed to Jewish all-day schools. On the contrary, increasing support is found for a variety [04:00] of reasons for the Jewish parochial schools among many elements of Jewish life. But most Jews feel that these schools are a Jewish obligation. A Jewish community that can raise literally tens of millions of dollars, each year, over a period of many years for overseas relief, for hospitals, old-age homes, and other community responsibilities can find a way to provide an adequate education for its children, including Jewish day schools. Now, in a number of communities, day schools are beneficiaries of local Jewish welfare funds. In some communities, day schools prefer to raise their own funds because fundraising, with all its pains, represents effective community education. I dare say that the present debate, Mrs. Sternberger, over the federal aid to parochial schools will motivate an increasing number of local Jewish communities to review their responsibilities as Jewish communities to help alleviate some of the financial difficulties [05:00] in which Jewish day schools appear to find themselves.

STERNBERGER: Rabbi Tanenbaum, in his book *America's Way in Church, State, and Society*, Joseph Martin Dawson, in the chapter on relations between church and state, refers to the part Baptists play in our policy of the separation of church and state. Will you, Rabbi, please explain why that role was important?

TANENBAUM: Well, briefly, the Baptists were the most active of all the colonial religious bodies in their unceasing struggle for religious freedom and for the separation of church and state. The earliest Baptists who came to these shores were followers of Roger Williams. As you know, Roger Williams was banished from Massachusetts in 1635 because he upheld, among other doctrines, the doctrine of the two tables. And by that, he meant that it was the business of the civil magistrate to enforce injunctions of the second table of the Decalogue, which concerned man's dealings with his fellow man, but that punishment of offenses against the first table, governing one's relations [06:00] with God, was not within the proper sphere of the state. The most active and effective Baptist follower of Roger Williams was Pastor Isaac Backus. The petitions which Backus prepared in the struggle for religious freedom and the separation of church and state during the period from 1772 to 1806 are basic documents in the evolution of the lively experiment

of American democracy. It should be noted that in Rhode Island religious liberty was not a practice forced on an unwilling people by an isolated leader or by the accident of history, but an ideal founded on the concept what's, a century and a half later, was to achieve its fullest expression in the American Constitution: the concept of the mutual independence of religion and government. And while the Baptists played a major part in the struggle, as you know, other denominations, in particular the Quakers and other non-conformist sects, also made significant contributions.

STERNBERGER: [07:00] Do you, Rabbi Tanenbaum, see any logic in the argument of some Protestant spokesmen that if we want the Catholics denied tax funds from the federal government for the support of Catholic private schools, we should agree to refrain from accepting federal or state funds for colleges, hospitals, and philanthropic institutions governed by Protestant or Jewish groups?

TANENBAUM: Mrs. Sternberger, as you know, this is a complicated question. And the current debate over federal aid to education is already forcing compelling Protestant and Jews to take a long and careful look at this entire area. Leaders in the Protestant community have told me that they are seriously troubled by the church-state

implications involved in accepting grants and loans from the federal government under the Hill-Burton legislation for sectarian hospitals, and under the Lanham Act for building dormitories and other housing facilities at sectarian colleges. Protestant denominations, I am told, are engaged in a serious [08:00] study of this question and Jewish agencies are also beginning to confront the inconsistencies of their position. In terms of the funds involved, this is even a more serious problem, in many ways, than the federal aid to education question. Under the Hill-Burton Act, for example, under that act alone, some 237 million dollars have gone to sectarian institutions. My own view, Mrs. Sternberger, is that the distinction must be recognized between sectarian-sponsored hospitals or other welfare agencies that serve only their own members, and sectarian-sponsored agencies that serve a general community on a non-sectarian basis. I believe that there are formulae which are consistent with the first amendment, and I am confident that the Jewish community, which is so completely committed to preserving the church-state separation principal, will play its role in helping to arrive at a working arrangement. [09:00]

STERNBERGER: You contributed a statement, Rabbi Tanenbaum, on the place of religion in American life, jointly, with

Catholic and Protestant representatives to the *Volume of the Nation's Children* published in January 1960, in connection with the White House Conference on Children and Youth. Would you reject the suggestion of a Catholic that the federal government should extend financial support to further realization of your common aims, as expressed in that statement?

TANENBAUM: Well, let me make clear what that statement was all about. Monsignor Raymond Gallagher, of the National Conference of Catholic Charities; the Reverend Doctor William [Valome?], of the National Council of Churches; and I, at that time, in behalf of the Synagogue Council of America joined as three vice-chairmen of the Whitehouse conference in preparing a common manifesto. As it were, on the broad role that religion ought to play as the prophetic conscience of America. This was intended as a statement of "national religious purpose," as it were. [10:00] It was not a detailed program dealing with specific problems. And therefore, the question that you ask never arose in our discussions. We agreed, for instance, that it is important for American children to receive intensive religious and moral training; that was an objective that we shared and required no debate. We did not discuss the question of religion in the public schools, nor the question of federal



aid to parochial schools. Had we done so, the article would have been of altogether a different character, not the sort of thing called for by the conference.

STERNBERGER: Rabbi, I don't know whether you can answer this within a short time, with less than a minute, what do you think of the plan mentioned by Monsignor Frederic G. Hochwalt of the National Catholic Welfare Conference expressing confidence that they, the Catholic community in the United States, can persuade Congress that the constitution does not bar tax aid to the Catholic schools?

TANENBAUM: Well, Mrs. Sternberger, I would agree with Monsignor Hochwalt that there is a constitutional [11:00] question -- a quite fundamental question at stake -- and that sooner or later, that question will need to be tested by the Supreme Court of the United States.

STERNBERGER: I know that all citizens are grateful for the counsel they are able to receive on this very serious current issue of the legality of proposed federal aid to private parochial schools of any or several denominations. We are therefore deeply indebted to you, Rabbi Marc H. Tanenbaum, for coming to us today in your capacity of director of the Department of Interreligious Affairs of the American Jewish Committee to answer the several questions we had presented. And now, here is Arnold [Jathay?].

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