



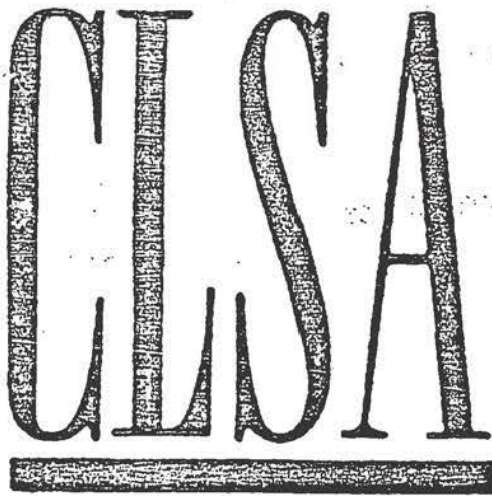
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Reports

COMMISSION ON LAW AND SOCIAL ACTION

of the AMERICAN JEWISH CONGRESS

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INFORMATION BULLETIN

March 1, 1964

Protestants Look at Church and State

Recent important events in church-state relations (see Information Bulletin No. 32 "A Momentous Year in Church and State") have impelled the major faiths as well as smaller religious groups to consider anew the manifold implications of their relationships to the state and the positions they have taken or should in the future take in respect to such relationships. This reexamination is, of course, a continuing process which has been going on for years within all religious groups. Within the past few years, however, the major faiths have each undertaken efforts to achieve a larger if not all-encompassing consensus of policy in this area. Nor have these efforts been limited to the United States. One of the most important items on the agenda of the Vatican Council has been the proper relationship of the Roman Catholic Church to the state and to other faiths.

In this country, the Protestant Churches, acting through the Department of Religious Liberty of the National Council of Churches of Christ, conducted a national study conference on church and state at Columbus, Ohio, during the first week of February, 1964. In this Bulletin we will summarize briefly the background, structure and conclusions of this study conference.

Purpose of the conference.

The conference was not intended to be nor was it legislative in character. Its purpose was not to establish policy for the National Council but only to serve as an instrument for study and reexamination. It was, however, assumed that at its end some consensus would emerge, in the form of a report (called "General Findings") which the delegates would take back to their respective denominational bodies (not to the National Council) for such consideration and action as they might deem appropriate. In addition to these "General Findings" emanating from the entire assembly, there were also to be reports from the twelve sections into which the delegates were divided, each considering a particular issue. The conclusions of these sections were to be read to the assembled delegates (but not voted upon by them) and were likewise to be sent to the respective denominations for study and consideration.

Who attended?

Some four hundred delegates from 24 denominations registered and attended the four-day conference at least part of the time. However, by the time the final vote was taken on the "General Findings" the number had dwindled to 115. Those who attended represented the Protestant organizations and institutions rather than the rank and file of the clergy. This, though certainly unintended, was probably inevitable, since Protestant clergymen receive notoriously low salaries and not many congregations are able or willing to assume the expenses of sending a representative to such a conference.

The general chairman of the conference was Dr. Eugene Carson Blake, executive head of the United Presbyterian Church and one of the staunchest advocates of strict separation of church and state in the nation. It is quite possible that had Dr. Blake been able to participate actively in the conference, the tenor of its proceedings and of its outcome would have been substantially different. He was, however, committed to a meeting abroad of officials of the World Council of Churches and therefore had to leave almost immediately after opening the conference.

Intellectual leadership in the conference appears to have been exercised primarily by Dr. W. Astor Kirk, director of the Department of Public Affairs of the Methodist Board of Christian Social Concerns. The final "General Findings" seems to approximate rather closely the proposals which he presented on the opening day. Significant intellectual leadership was exercised also by a number of professors of constitutional law, notably Paul Kauper (Lutheran) and Wilbur G. Katz (Episcopalian). An active and conspicuous, though not particularly effective, role was played by Bishop James A. Pike of San Francisco.

Reflecting the ecumenical spirit of the times, 12 Roman Catholics and 12 Jewish observers were invited to attend the conference. While they did not speak at the general or plenary sessions, they participated actively in the 12 sectional meetings.

The work of the sections.

Section One: Christian Faith and the Worship of "Our Way of Life." "The Church of Jesus Christ must always regard with suspicion the real or imagined necessity that constrains a culture to articulate a universally accepted religious foundation for itself...."

Section Two: Legal Definition of "Religion," "Minister," "Church." "Ministers should have the same privilege of business tax deductions in the practice of their profession as any other citizen.... Ministers deriving income from sources not related to the profession should not be subject to special tax allowances. Indeed there should be no special privileges granted to ministers as a class of citizens."

Section Three: Race Relations. "The present crises in race relations - a struggle for human dignity - has lifted up with new urgency the question of disobedience to civil authority. In an intolerably unjust state, as in a totalitarian society, where no legal or open organizational means for securing change exist, the Christian may be called to resist the existing civil authority. In a state in which redress for wrong exists, and legal and organizational means for change are normally available, the Christian may nevertheless find certain laws and customs intolerably unjust. When the governmental processes are not realistically adequate to correct them, resistance to civil authority is a valid course for Christians to take."

Section Four: Religion in Civil Life and Public Policy. "The church should responsibly influence public opinion on such issues as the right of access to housing, fair employment, more adequate education, concerns of elderly citizens; more effective services for the underprivileged, more adequate resources for human welfare, and civil rights.... While recognizing the validity of diversity in electoral slates, churchmen de-emphasize the importance of religious background as a test for office, and lift up such qualifications as integrity, political philosophy, experience and competence. If, however, a candidate's religious tradition includes beliefs which seem not to be in the public interest, it is important to consider how his adherence to such beliefs might affect his performance in office.... Churchmen need to be aware that every culture needs certain rites and symbols which express the essential meanings of its heritage. In our country some of these symbols of culture religion will have Christian origin. Christians should make every effort to prevent the coercive power of the state from projecting such symbols, and to avoid the use of symbols especially offensive to religious minorities."

Section Five: Public Schools and the Moral and Religious Training of Children. "We believe, therefore, that Christians should welcome the Supreme Court's decisions (against public school Bible reading and prayer recitation). Christians do not believe that the question of authentic religion can ever be decided by formal rites and words alone. Neither is the presence of God in His world nor valid Christian

service to Jesus Christ dependent upon a formally-Christian observance. In addition, the decisions are consistent with our concern for the religious liberty of all men and our unwillingness to coerce in any way a person's response in faith to the gift of God's grace in Jesus Christ. Far from being anti-religious, these decisions offer us a real opportunity to explore in a new way the relationship of religious values to the total program of the public school."

Section Six: Taxation, Exemption and Deduction in Relation to Churches. The following practices were found to lack theoretical justification (1) the exemption from taxation of religious institutions to the extent of the cost of government services (such as police and fire protection) received by them. (2) "the preferential treatment of any or all religious institutions over other institutions which primarily function charitably or in the cultivation and transmission of ideas and values."

Section Seven: Military and Institutional Chaplaincies. "The structures of the chaplaincy as currently organized and administered in our country are in general a viable response to the common need of both religious bodies and the government to provide for the free exercise of religion without an establishment of religion."

Section Eight: State Aid to Church-Related Institutions. On the subject of governmental aid to parochial schools, the section, by varying majorities, opposed (1) transportation, (2) books and other school supplies, (3) tuition, (4) tax exemption for tuition costs, (5) aid for teaching secular subjects, (6) buildings used for secular subjects, (7) teachers' salaries. The section favored (1) lunches, medical and dental care, (2) shared time, and (3) released time. On church related colleges or universities, the section opposed financial grants to those in which the relationship between the church and college is active, rather than merely historical, but approved loans, student aid and research contract financing.

Section Nine: Sunday Closing Laws and Religious Holidays. "We recommend that wherever the principle of a common day of rest remains established in the law, thus tending to create an inequitable situation for those who keep another day of rest, such law be so rewritten or construed as to seek to remove such inequity."

Section Ten: Religion in Family Law, Adoption and Custody of Children. "When substitute family experience is required, the state should consider the adoption of children on the basis of the welfare of the child; of the family by which the child is being adopted; and if necessitated by circumstances, of the natural family. While the state may as a general policy place children in homes of the same faith as that of the natural parents, no child should be disadvantaged or penalized by such practice. Except where demonstrably pertinent to the above test, no consideration of race, color, status or economic circumstance should enter into the process of adoption either through restrictive laws or by discriminatory exercise of discretion by judges. Legal prohibitions against impartation of [birth control] information and counsel violate the civil and religious liberties of all citizens including Protestants."

Section Eleven: Churches and Their Place in the Modern Urban Community. "The modern urban community continues to encounter problems in education, employment, crime, delinquency, health and housing.... The church is called upon to awaken and sensitize the conscience of all the people, and to support the state and those proposals and projects that promote and enrich the common welfare."

Section Twelve: Church-State Problems in American Foreign Relations. "In view of the constant danger inherent in identifying the mission effort with national policy, every appearance of dependence upon U. S. governmental support should be carefully scrutinized and avoided. The government may properly be expected to protect and help its citizens, but not to extend special privileges to missionaries. [The] proclamation of the Gospel should not be, and in the end is not, advanced effectively by the power or prestige of the state."

The General Findings.

The "General Findings," adopted at the conclusion of the conference with but one voiced dissent, probably reflects faithfully the tenor of the conference. On the whole it gives the appearance - and has so been widely interpreted - of representing a "softening" by Protestantism on church-state separation. This impression is based largely on the following statement (reflecting the beating which the term "absolute separation of church and state" took at the hands of many speakers during the conference): "In the American experience, relations between church and state have generally been affirmative, friendly and marked by mutual respect. In view of the nature of these relationships any attempt to express church-state relations in terms of an absolute and complete separation or of a wall of separation between church and state serves only to obscure the fullness of their relationship rather than offering a fruitful basis for an understanding of the present situation. The history of church-state relations in the United States refutes such a rigid conception."

A closer examination indicates, however, that this impression of "softening" may be substantially exaggerated. In the first place, the "General Findings" has also these friendly words to say on the principle: "Recognition of the separate functions of church and state finds expression in the principle of separation of church and state. As a constitutional principle it serves the great and central objective of preserving, protecting and promoting religious freedom for all, churches and individuals. At the same time, it assures the freedom of the state in exercising its secular authority to promote democratic values and to sustain essential political institutions."

More important are the specifics, and here there appears to be no substantial retreat from past positions. Indeed, in respect to Bible reading and prayer recitation there was a substantial advance. The conference voted "acceptance and support of Supreme Court decisions insofar as they prohibit officially prescribed prayers and required devotional reading of the Bible in public schools." A motion by Bishop Pike to delete the word "support" (on the ground that "we may 'accept' a misfortune but we need not 'support' it") was overwhelmingly defeated.

On aid to parochial schools, the conference by a very narrow margin (85-79) voted down a complete ban on all aid of any kind for parochial schools. The statement adopted was that since "religion permeates the entire atmosphere" of parochial schools "government funds should not be authorized or appropriated for overall support of such schools as distinguished from aid in support of specific health and welfare programs conducted by such institutions to meet particular public needs." A motion by Bishop Pike to approve aid for non-religious educational programs (on the ground that "arithmetic is arithmetic whether taught in public or parochial schools") was overwhelmingly rejected.

Finally, while the conference approved government support of church-related health and welfare agencies it conditioned the approvals on nondiscrimination "on the basis of race, color, creed, or national origin." A motion by Professor Kauper to delete the word "creed," on the ground that denominational agencies should be permitted to prefer members of their own denomination in admission or employment, was defeated.

The conference voted support of the shared time experiment as "the most creative measure" for solving the problem of aid to parochial schools. It avoided any position on aid to church-related colleges and universities, saying that the problem should be "explored."

Leo Pfeffer

March 23, 1964

Max Birnbaum
Murray Friedman

I am enclosing a copy of a wire service story on Bible as a Cultural Aid to High Schoolers. As you know, the Pennsylvania Council of Churches has been interested in something like this. On the basis of this newspaper story, could we go along with this kind of program?

Regards.

LF:d
encl.

cc: Judy Hirshcopf

Pittsburgh Catholic Paper

Thursday, March 12, 1964

Bible as Cultural Aid to High Schoolers Cited

CHAMPAIGN, Ill. (NC) — The Bible is an invaluable means in making high school students aware of their cultural and literary traditions, according to a public school teacher who used the Bible in class.

Writing in the English Journal, a national publication here for English teachers, Thayer S. Warsaw explained how he introduced the Bible to his class at Newton (Mass.) High School after first testing their knowledge of Biblical stories and quotations.

Some of his students thought Sodom and Gomorrah were lovers; that the four horsemen appeared on the Acropolis; that the Gospels were written by Matthew, Mark, Luther and John; that Eve was created from an apple; and that the stories by which Jesus taught were called parodies.

The vast majority of the students could not complete such quotations as "Many are called but few are (chosen)," "The truth shall make you (free)," and a full 93 per cent could not finish "The love of money is the root of all (evil)."

The public school student is able to follow the adventures of Ulysses by reading the Odyssey and may come to know Brutus by reading Julius Caesar, but he will not find out about King David or Joseph's coat or Paul of Tarsus by reading the Bible in school, simply because the Bible is rarely studied there," Warsaw writes.

He said the religious clamor over the reading of the Bible

in public schools has drowned out the voice that pleads the cause of the humanities.

"The Bible is indeed a religious book, but it is also a part of our secular cultural heritage. To keep it out of the public schools because it is controversial and because the public cannot trust the good sense of both the teacher and the pupil to treat it as part of the humanities is a simple but questionable judgment," says Warsaw.

His 41 pupils in two eleventh grade classes, which included Catholics, Jews, Protestants of several denominations, and non-believers, used the King James Version of the Bible in class because that was the form in which they would most often meet Bible quotations in everyday life, he said.

Not one complaint was heard from the community or from parents. And the students were enthusiastic.

Nearly every day, writes Warsaw, some pupil made a discovery of a Biblical reference in a book he was read-

ing, or a movie, or in a song or political cartoon. For the first time they understood references to the Old Testament, such as the names of Ishmael and Ahab in Melville's "Moby Dick," or William Faulkner's novel "Absalom! Absalom!"

"At the outset," Warsaw writes, "we came to an understanding that we would not discuss meaning or interpretation. The pupils were made to realize that such questions as how to reconcile the two versions of the story of creation in Genesis could not be brought up in class. Pupils were to take such questions to religious authorities."

At the end of the nine-week course, the students themselves were asked to comment on the value of the Bible classes. One pupil wrote: "Today especially, when the Bible — and whether or not to read it in schools — is seemingly forever in and out of the courts of our country, how can a person form an intelligent opinion if he doesn't even know what is inside the covers?"

Another noted that while the rules against interpretation were strictly adhered to, it was "inevitable" that the students were exposed to some Christian doctrine. But he added: "I do not condemn this added knowledge; in fact, I greatly value it. I do not consider it necessary to discuss the merits for one living in the midst of a predominantly Christian country to have some understanding of Christianity."

THE AMERICAN JEWISH COMMITTEE
MEMORANDUM

To Murray Ortof
From Sydney Kellner
Subject Becker Amendment - a Report on Action in New Jersey

Date April 17, 1964

Background: For a number of years church-state matters have been among the top priority concerns of AJC in New Jersey. Over the years we have held educational meetings, worked with other community groups and conferred with the State Board of Education on the subject of religion in the public schools.

At our recent AJC State Conference we alerted our members to the fact that public reaction to the Supreme Court ruling banning prayer in the public schools was gaining alarming dimensions. We reported that several states were defying the Supreme Court and in many New Jersey communities overt resistance was being expressed in a variety of ways. Protests by individual churchmen and others was stimulating grass roots reactions and petitions signed by hundreds saying that the decision handed down by the Supreme Court is "unjust to the God-fearing majority". Editorials and letters to newspapers reiterated these feelings with considerable emotion. A New Jersey official of the National Federation of Women's Clubs initiated a movement calling on "8 million women to support school prayer".

Chapter Leadership: We are fortunate in having in the AJC membership a group of young men who are sensitive and knowledgeable in church-state matters. Foremost among them is John M. Kaufman, a brilliant attorney who is vice chairman of the Essex County Chapter and who heads the Civil Rights committee. He is also chairman of the CRC Committee on Church and State. On a number of occasions we have arranged for Kaufman to speak to Jewish organizations and others on the dangers of the proposed constitutional amendment.

The Becker Amendment: Roy H. Millenson's Washington Newsletter of January 24, 1964, on "The Drive For a School Prayer Constitutional Amendment" called dramatic attention to the impending action in Congress to override the Supreme Court's decision. The Washington report further alerted us to the tremendous pressures being brought to bear on Congressmen, to the avalanche of mail demanding a constitutional amendment, and to the fact that the Discharge Petition, initiated by Representative Beck to bring the Bill (HJRes 693) to the House floor for a vote, had already garnered some 125 of the 218 signatures required. It also noted that those who oppose such action have been virtually silent.

I discussed this with John M. Kaufman and with the Essex County CRC director and we agreed that immediate action had to be undertaken to mobilize counter opinion and pressure in opposition to the Becker Amendment.

In New Jersey, we have maintained over the years an informal state committee made up of representatives of CRC's, local affiliates of national organizations, Jewish Community Councils and federations. This group is generally convened by the CRC of Essex County. It was our recommendation, in view of the need for speedy

state-wide action, that this group be brought together to consider appropriate action.

In helping to plan the meeting I recommended that John Kaufman be asked to make a background presentation on the entire issue.

At the meeting, held in Newark, AJC was well represented. Kaufman made an excellent presentation on the constitutional issues and he stressed the dangers to the Bill of Rights. I reported on the kinds of activities being carried on in New Jersey to stimulate grass roots support for the Becker Amendment on the part of religious and secular organizations, individual clergymen, women's groups, politicians and Boards of Education. I called attention to the fact that a number of counties had already passed resolutions in favor of a constitutional amendment and that the State Assembly had passed a similar resolution. In the discussion we agreed to coordinate our efforts and that all organizations, rabbinical groups and congregations would initiate action among their members. This would include sermons, letters to memberships, articles in bulletins and other means to stimulate a flow of communications to Congressmen urging them to oppose a constitutional amendment and also asking them to withdraw their signatures from the Discharge Petition if they had already signed.

The danger of polarizing the issue into a Christian-Jewish conflict was recognized and we recommended that allies be sought in the non-Jewish community among the clergy, Christian lay leaders, in bar associations and elsewhere, so that a significant group of opinion molders might be brought into active opposition to the Becker Amendment.

(For additional details see minutes of N. J. CRC meeting, ^{Feb. 27} ~~March 5~~)

On my suggestion, the CRC reproduced our Washington report by Roy Millenson and it was distributed, together with other background material, in large quantities to other organizations.

AJC Membership Involvement: At Chapter executive committee meetings during the past few months detailed reports have been presented by John Kaufman and myself.

Letters urging individual action have been sent out to all AJC members in New Jersey by Chapter and Unit chairmen. (See letter from Bernard Samons).

In addition, every New Jersey Congressman received a letter from AJC in which our position is clearly stated (See letter from John Kaufman).

Among the responses already received by us was one from Florence P. Dwyer, Member of Congress from Elizabeth, N. J. who said, "Let me assure you that I recognize and am concerned about the potential dangers involved in taking any action which would change the meaning of the First Amendment. This would be especially true should the proposed amendment receive less than thorough consideration. For this reason, I have consistently refused to sign the discharge petition in the House which would have the effect of bringing Congressman Becker's Constitutional amendment directly to the House floor for action without committee study or consideration.

The Jewish Community: Most Jewish organizations in all parts of New Jersey were prompt in their cooperation. Communications have been sent to members of most groups and the Anglo-Jewish press and synagogue bulletins have carried editorials and news articles covering the subject effectively. As of this moment I have reason to believe that New Jersey members of Congress have received a substantial flow of letters from their Jewish constituents.

One of our objectives has been for local people to stimulate their national organizations to more intensive action.

Among those present at our meetings of Jewish organizations was the New Jersey director of the United Synagogue of America. On our recommendation, he initiated the publication of an editorial in The Record, issued nationally by his agency. (See editorial attached) He brought this to one of our report meetings to demonstrate results.

Christian Involvement: In view of the fact that I had stressed the need for reaching out into the non-Jewish community, I accepted the responsibility of undertaking this job. My objective was to see that the issue was properly interpreted to Christians; to secure the cooperation of clergy and laymen, to involve them in expanding these contacts into a state-wide network and to get commitments from individuals to testify at the hearings of the House Judiciary Committee in Washington.

I started by calling a number of Christian leaders with whom I had worked closely in the preparations for the N. J. Conference on Religion and Race. It is worth noting that, as a member of the planning committee for that conference, I found that many new avenues of communication and opportunities for personal relationships with clergy had been opened for me. Among those whose cooperation I sought and secured was the executive secretary of the N. J. Council of Churches, the executive of the Greater Newark Council of Churches and a number of individual Baptist, Presbyterian, Methodist, Episcopal and Unitarian clergymen.

New Jersey Law Journal: One of my objectives has been to interest the legal profession and the bar associations in the constitutional issues endangering the Bill of Rights.

In my approach to Christian leaders, I discussed the matter with C. Willard Heckel, a Moderator in the Presbyterian Synod and dean of the Rutgers Law School. Dean Heckel is also an outstanding scholar on constitutional law. Knowing his views on Church-State, I suggested that he write an article for the New Jersey Law Journal on the Becker Amendment pointing out the dangers of tampering with the First Amendment of the Bill of Rights which guarantees Freedom of Religion. Dean Heckel agreed to do this.

It was then my task to get the approval of the editor of the Law Journal to publish it.

With John M. Kaufman, who is also an authority on constitutional law, I met with the editor of the New Jersey Law Journal at a luncheon in a private club to discuss this problem. The editor, who was formerly chairman of the N. J. Bill of Rights Committee, unfortunately did not see the danger of having "a harmless prayer" said in the schools. We confronted him with all the arguments regarding

religious freedom, the assault on the Bill of Rights and the rationale behind the separation of Church and State. These did not seem to change his view. It is an indication of how some so-called civil libertarians can fail to understand this issue in its practical dimensions.

Quite by chance, the Attorney General of New Jersey, Arthur J. Sills, who was dining with a group at a nearby table, joined us later and became quite involved in our discussion. The Attorney General, who is a Conservative Jew, told us a story of the confusing impact of public school prayer on his young daughter and how difficult it was for his child to distinguish between public school prayer and Judaism because of the pressure to conform. He warned against the danger of any encroachment on the basis of principle and practice. The Attorney General was not familiar with the latest development regarding the Becker Amendment and he asked to see a copy of the bill. I had with me and gave to him a copy of the AJC report, "The Drive For A School Prayer Constitutional Amendment" which also contains the text of HJRes 693. He expressed appreciation and promised to study it.

The upshot of our meeting: the article was published in the Law Journal. (See attached.)

David Satz, Jr., U. S. Attorney for New Jersey and a member of our State AJC Advisory Council, is serving as Law Day chairman in Newark. I have consulted with him about including in Law Day programs the need for defending the Bill of Rights from unwarranted and dangerous constitutional amendments. He will discuss this with some of the speakers in New Jersey programs and make available copies of the Law Journal article which I provided.

At the same time, John M. Kaufman will head a committee of lawyers to explore the possibilities of stimulating interest among their colleagues. The question has been raised about the precariousness of asking Bar Associations to take a position on the Becker Amendment because of the likelihood that they may support it. Consideration is also being given to the suggestion that an educational approach on the subject of the constitutional amendment be made at the Annual Convention of the New Jersey Bar Association in Atlantic City next month.

New Jersey Committee in Defense of the First Amendment: In order to formalize and consolidate action in the non-Jewish community, I arranged for a meeting of several clergy and laymen. At this meeting the New Jersey Committee in Defense of the First Amendment was created. Dean Heckel accepted my request that he serve as Convenor.

The function of the new group will be to reach the general community through the pulpit, ministerial associations, church bulletins and other means. It aims to stimulate overt group and individual action to make an impact on Congressmen. (See summary of formation meeting)

The article by Dean Heckel has been reproduced and will be given wide distribution by this Committee.

Action by Clergy: A number of significant steps have already been taken by Christian clergymen as a result of forming the State Committee.

The Executive Secretary of the New Jersey Council of Churches agreed to express himself publicly in opposition to the Becker Amendment and to testify in Washington.

The Executive Secretary of the Greater Newark Council of Churches took a similar position.

I have discussed the issue with the president of the New Jersey Baptist Convention and top leaders in the N. J. Presbyterian Synod and they are reviewing the matter within their councils. To supplement my conversation with them I have followed up with materials secured from AJC and other sources.

Among the Catholic clergy I found greater resistance. One priest, who personally expressed the hope that the Becker Amendment would not pass, told me that he thought the American Bishops might come out with a statement. Until then he could not act. Another priest said that although he saw the danger in terms of the Bill of Rights, he felt there was greater danger from the "secularization" of America. However, I found genuine support from a leading Catholic layman with whom I had been discussing the question of religion in the public schools on and off for over a year. Through our association he had become convinced that the Supreme Court ruling was good for religion because it placed the responsibility where it belongs - in the home, the church and synagogue. He agreed to work with me in lining up other Catholic support in opposition to the Becker Amendment and he brought into the picture the president of the local Council of Catholic Men. Since then he has attended meetings in New York, New Jersey and Washington of Catholic laymen and has talked to a number of friends about expressing opposition directly to Congressmen. He agreed to testify in Washington.

Among the suggestions made was the use of church bulletins for editorial articles alerting congregation members to the dangers of the amendment and urging letters to Congressmen. Several Churches have already done so. (Attached is an example from the First Baptist Church, Montclair.)

Another minister called to tell me he had spoken on the subject at Sunday morning church services. In addition to requesting individual letters to Congressmen, he circulated petitions for them to sign as they filed out of church.

In telephone conversations with ministers around the state, several agreed to take the matter up in their local ministerial associations.

A Unitarian minister, whom I had contacted on the recommendation of the State PTA president, consulted me about the details of the proposed amendment and recommendation which he wished to take up at a 3-day Church Conference at Princeton.

Contacts with Congressmen: Direct, personal conversations with local congressmen have been encouraged whenever possible.

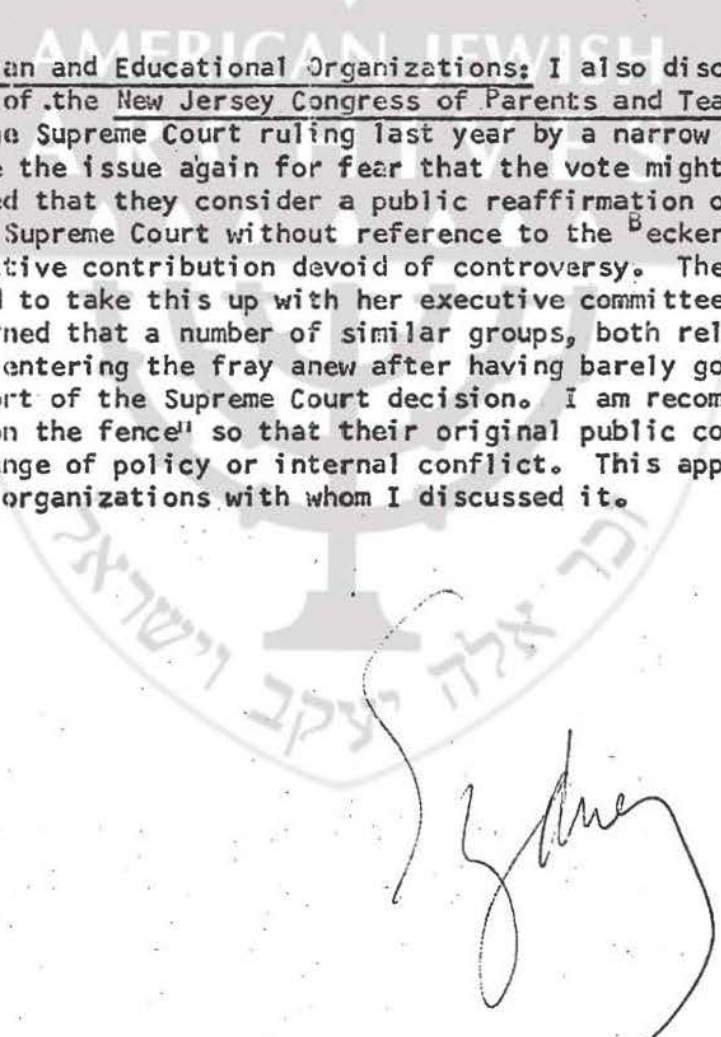
I was advised by the director of the Federation of Jewish Agencies of Atlantic City that, as a follow-up of our alerting them, a small committee representing the Federation CRC, a rabbi and two Protestant ministers met with Congressman Milton W. Glenn. On the basis of their confrontation, he agreed to withdraw his name from the Discharge Petition and oppose the amendment if it should come up for a vote.

On my request, an AJC member in Paterson met with Congressman Charles Joelson (a Jew) who had not only signed the Discharge Petition but also introduced a bill of his own, identical to the Becker Amendment. He said he did this because of pressure from his constituents for purely political reasons. He was told, in no uncertain terms, how AJC and the other Jewish organizations felt about this action. I wish I could report that we were successful in persuading him to change his position. Unfortunately, as of this writing, his position remains the same.

Additional contacts are being planned so that most New Jersey Congressmen can be reached in person by local delegations.

Negro Civil Rights Groups: Because of the Bill of Rights implications I find this is an issue that Negro civil rights leaders can become involved in. I have discussed the amendment with heads of the Urban League and the NAACP. Both have agreed to work within the Negro community to stimulate opposition to the Becker Amendment.

Non-Sectarian and Educational Organizations: I also discussed the matter with the President of the New Jersey Congress of Parents and Teachers. This organization endorsed the Supreme Court ruling last year by a narrow margin. They are reluctant to debate the issue again for fear that the vote might go the other way. However, I suggested that they consider a public reaffirmation of their original endorsement of the Supreme Court without reference to the Becker Amendment as this might be a constructive contribution devoid of controversy. The president of the PTA Congress agreed to take this up with her executive committee. I mention this because I have learned that a number of similar groups, both religious and ^{non-}sectarian, are hesitant about entering the fray anew after having barely gotten approval of a resolution in support of the Supreme Court decision. I am recommending this approach to organizations "on the fence" so that their original public commitment can be invoked without a change of policy or internal conflict. This appeared reasonable to the heads of a few organizations with whom I discussed it.



New Jersey Law Journal

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THURSDAY, APRIL 16, 1964

A Bad Amendment

By C. Willard Heckel

Dean of Rutgers Law School and Professor
of Constitutional Law.

The Judiciary Committee of the House of Representatives will hold a public hearing this month on proposed amendments to the Bill of Rights of the Constitution of the United States. The Amendment with the most support is known as the Becker Amendment. This Amendment represents a serious threat to our basic civil liberties and should be resisted by all of those who are concerned about preserving the fundamental individual rights of every person from governmental impairment. Since the proposed Amendment deals with prayer and scripture reading it will arouse deep emotional responses and much misunderstanding of the historic relationship of church and state in our land. It will be very difficult for a legislator to vote against the Amendment without being accused of opposing God. This poses a serious problem for every elected official who has to take a stand. Our New Jersey Legislature has already gone on record as favoring the ideas set forth in the Amendment.

The Becker Amendment reads as follows:

"ARTICLE --

"SECTION 1. Nothing in this Constitution shall be deemed to prohibit the offering, reading from, or listening to prayers or biblical scriptures, if participation therein is on a voluntary basis, in any governmental or public school, institution, or place.

"SEC. 2. Nothing in this Constitution shall be deemed to prohibit making reference to belief in, reliance upon, or invoking the aid of God or a Supreme Being in any governmental or public document, proceeding, activity, ceremony school, institution, or place, or upon any coinage, currency, or obligation of the United States.

"SEC. 3. Nothing in this article shall constitute an establishment of religion.

"SEC. 4. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress."

It is obvious from a reading of the Amendment that it is the purpose of its supporters to reverse the decisions of the United States Supreme Court in the cases of *Engel v. Vitale* and *Abington Township School District v. Schempp* of the last two years. In the first case the Supreme Court held that the gov-

ernment could not validly write a prayer and use it in the public schools. In the second case the holding was that the Lord's Prayer and Bible reading had no place in a public school when part of a devotional program. There was no prohibition of the use of the Bible when it was approached from a literary as distinguished from a devotional perspective.

Man's faith in God is his most important possession. It is what sustains him in adversity and gives meaning to his life. Government can not constitutionally interfere with man's relationship with God or require that man establish such a relationship. Man's noblest aspirations soar when he reaches out to God and prayer is the priceless privilege man has to communicate with God and God with him. We are, as the Supreme Court has said more than once, a theistic people whose lives center about God.

However, government has no constitutional power to concern itself with religion except to make sure it does not prohibit its free exercise. In this respect government differs from the individual people who are governed. Prayer and scripture reading belong in the home and in the church and in the synagogue and not in public life. Unfortunately they are too often not found in the home. Jesus said to render to Caesar the things that are Caesar's and to God the things that are God's. Surely prayer and scripture reading are not in Caesar's area. We are a people of many faiths and religious prac-

tices. To seek the spiritual expression that could be introduced into public life would require government to find the lowest common denominator, creating a sterile kind of public religion which would satisfy the spiritual yearnings of no one. The tensions and religious strife that would be aroused would deeply rend the fabric of our democratic society.

The adoption of the Becker Amendment should be resisted because of the precedent it would create in altering the Bill of Rights which has stood unchanged for almost one hundred and seventy-five years. The whole purpose of the first ten amendments to the Constitution was to insure the protection of the minority, even though a very small group, from the crushing oppression of the majority. Human freedom will not last long if an unpopular Supreme Court decision is overturned by a constitutional amendment because the majority of the electorate are displeased. Only a few years ago the Supreme Court's interpretation of the Fifth Amendment's protection against compulsory self-incrimination brought the Court under bitter attack and there were audible rumblings that favored repealing that important guarantee of individual freedom. Today it is the First Amendment's clause prohibiting an establishment of religion that is threatened with an amendment that would sap its virility. The Becker Amendment must not be added to our Constitution.

A BAD AMENDMENT

Under the above title, Dean Willard Heckel of Rutgers Law School in other columns sets forth arguments against the so-called Becker Amendment which would overrule the Supreme Court's decision in the School Prayer Case. There are many libertarians who deem it regrettable that the questionable issue involved in this case was accepted for decision by the Court. Regardless of what leanings, slight or strong, one may have on the subject, the serious step of amending the Federal Constitution on this specific issue is not warranted. Professor Arthur E. Sutherland, Jr., who teaches constitutional law at Harvard Law School has stated:

"Whether in the School Prayer Case the game was worth the candle is a question on which differences will arise among reasonable men as well as those not reasonable. . . .

"A constitutional amendment drafted specifically to change the rule in the *Engel* case does not belong in a charter of great national liberties. If *Engel* is to be modified, judicial reshaping would be a better method. Perhaps time will bring a cautious limitation on the application of some of the Court's opinion. . . .

"Constitutional existence is a complex process. If it is to prosper, the Supreme Court is only one of the agencies of government which does well to exercise self-restraint. . . .

"Conversely, self-restraint by ordinary citizens is a virtue essential to life in a democratic society — a virtue as essential to minorities as to majorities. Unless some person is substantially hurt or oppressed, the judicial systems of the states and of the United States are not often wisely besought to intervene among differing social groups, even when difference is impelled by strong emotional urges. Perhaps the abiding lesson of *Engel* is the necessity for us all to feel, and demonstrate, much cheerful tolerance of one another. We must school ourselves in this if life in the United States is to be as pleasant as it ought to be." 78 Harvard L. R. 25 (Nov. 1962).

Additional Copies Available From
New Jersey Committee in Defense of the First Amendment
32 Central Avenue Newark, New Jersey 07102

FOR IMMEDIATE RELEASE

ANNOUNCES FORMATION OF N.J. COMMITTEE
TO DEFEND FIRST AMENDMENT

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Dean Heckel, Rutgers Law School, Calls "Becker
Amendment" Threat to Civil Liberties

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NEWARK, N. J., April 21 --- The formation of the New Jersey Committee in Defense of the First Amendment was announced here today by Willard C. Heckel, dean, Rutgers Law School. The new organization of clergy and church laymen will actively oppose the proposed Becker Amendment to the U.S. Constitution, designed to upset the Supreme Court ruling against prayers and scripture readings in public schools.

The announcement followed closely publication in the New Jersey Law Journal this week of an article by Dean Heckel attacking the amendment as "a serious threat to our civil liberties."

The former moderator of the Presbytery of Newark declared that the amendment "should be resisted by all of those who are concerned about preserving the fundamental individual rights of every person from government impairment." The government, he asserted, has no constitutional power to concern itself with religion except to make sure it does not prohibit its free exercise.

Dean Heckel warned that "since the proposed amendment deals with prayers and scripture reading, it will arouse deep emotional responses and much misunderstanding of the historic relationship of church and state in our land."

The proposed amendment, on which the House Judiciary Committee will open public hearings in Washington tomorrow, has elicited large amounts of supporting mail directed at Congressmen in recent months. "It will be difficult, Dean Heckel pointed

out, "for a legislator to vote against the amendment without being accused of opposing God."

Calling man's faith in God "his most important possession," the Rutgers dean said that prayer and scripture reading belong in the home, the church and the synagogue. "To seek the spiritual expression that could be introduced into public life," he declared, "would require government to find the lowest common denominator among this country's many faiths and religious practices, creating a sterile kind of public religion which would satisfy the spiritual yearnings of no one."

4/21/64



April 23, 1964

Area Directors
Murray S. Ortof

Becker Amendment

Sydney Kallner has been doing some very interesting work on the Becker Amendment. His report to me is an example of what can be done in local communities. I know that many of you are doing some of the same things. However, I think this material will be helpful to you, and might give you some additional ideas.

I'd appreciate hearing from you about some activities in which you are involved that can become part of our resource file.

MEG:rp
Encls

cc: Judith Hersheonf
Edwin J. Lukas
Roy Millenson
✓ Marc Tannenbaum
Ann Wolfe

THE AMERICAN JEWISH COMMITTEE

57th Annual Meeting: April 30-May 3, 1964

Community Program Workshops
Thursday, April 30: 3:00-5:00 P.m.

Background

The purpose of the Community Program Workshops is, as their name implies, to examine major aspects of our domestic community relations program from the point of view of what the chapters are doing and can do in each of the areas scheduled for discussion. These sessions should give AJC members an opportunity to exchange experiences, to learn from each other's successes - and failures, to explore new program techniques, and to project new activity and fresh ideas for program that seem logically to flow out of present concerns.

The sessions should seek to address themselves to such questions as the following:

- What kinds of issues have arisen locally in connection with programs under discussion?
- What kinds of activities have been undertaken or can be undertaken in the communities in any of these areas?
- If the chapter has done very little or nothing, is there a reason? Can more be done? What resources are available for a particular local activity?
- What special problems have been encountered? What techniques have been most successful? Least successful? Why?
- Do existing national policies on any issues under discussion need changing? Should new program be devised to meet specific new situations?
- What special responsibilities do chapter leaders have?

The objective in these workshops, of course, is not to make or listen to speeches but rather to encourage the maximum participation by all those present, in order that they might be the more helpful to one another for the advancement of AJC program in their communities.

The printed program lists the subjects of the workshops together with the names of the Chairmen and the Reporters, and the hotel room numbers where the sessions will be held. Attached herewith is additional supporting material, consisting of the suggested agenda of the sessions as well as brief background memoranda.

THE AMERICAN JEWISH COMMITTEE

57th Annual Meeting: April 30 - May 3, 1964

Community Program Workshops
Thursday, April 30th: 3:00-5:00 p.m.

AGENDA

I. Improving Understanding Between Christians and Jews

1. To examine some of the major interreligious issues of the past year such as the Ecumenical Council draft decree and "The Deputy," from the point of view of the deeper anxieties and tensions they produced and of their impact on the interreligious relations in the communities.
2. To explore interreligious conflicts in the communities around the questions of shared time, parochial school bussing, prayer in the schools, etc. and possible programs for resolving such conflicts.

Chairman: Melvan Jacobs, Chicago
Reporter: Herbert Ringel, Atlanta
Reports from Communities

Phila - Matthew Weinstein

II. Resolution of Church-State Conflicts

1. The agitation for the adoption of the Becker Amendment, and what is being done and can be done to counteract it.
2. The handling of local situations where the Supreme Court decision on school prayer is disregarded or attempts are made to introduce substitute practices.
3. Other issues such as parochial school bussing, federal aid, etc.

Chairman: Arthur M. Oppenheimer, Chicago
Reporter: David Ziskind, Los Angeles
Reports from Communities:

Newark - John M. Kaufman
Newton, Mass. - Harold S. Goldberg
Washington, D.C. - Roy Millenson

III. Discrimination Against Jews in Executive Suite Employment

Discussion of recent activities connected with executive employment in the Public Utilities industry, the result of our discussions to date, chapter involvement in this program, and the future course of action.

Chairman: James H. Scheuer, New York

Presentation: Edwin J. Lukas, New York

Reporter: Richard H. Davimos, Essex County, N.J.

Reports from Communities

IV. Race Relations Problems

Discussion of local program for the promotion of job integration, open occupancy housing, and the involvement of Jewish communal agencies in race relations.

Chairman: Avern Cohen, Detroit

Reporter: Stanley Gewirtz, Los Angeles

Reports from Communities

Atlanta

Cincinnati

Cleveland

Dallas

Detroit

New York

V. Solution of Pressing School Problems

The growing crisis in school desegregation in northern cities -- bussing, boycotts, demonstrations, rezoning, etc. -- and AJC's program.

Chairman: Mrs. Charles Finkelstein, Coral Gables, Fla.

Reporter: George M. Szabad, Scarsdale, New York

Reports from Communities:

THE AMERICAN JEWISH COMMITTEE

57th Annual Meeting; April 30-May 3, 1964

Community Program Workshop I

Improving Understanding Between Christians and Jews

Thursday April 30th: 3:00-5:00 p.m.

BACKGROUND MATERIAL

Agenda

I. A brief review of key interreligious issues during the past year, seen from the national perspective. Rather than providing well-known facts, which we assume our members will already be familiar with, this review will emphasize the deeper responses, anxieties and conflicts of religious communities with regard to the following three basic areas:

A. Ecumenical Council

The introduction of draft decrees dealing with religious liberty and Jewish-Christian relations had an invigorating effect on interreligious relations in the United States. The documents were warmly greeted by all religious groups. The subsequent tabling of the two documents has created mixed reactions. Among Jews, some spokesmen have publicly expressed a certain bitterness and mistrust regarding the intentions of the Church, and have recommended that Jews withdraw from dialogue. Others, while disappointed, remain optimistic about the future of Jewish-Catholic relations.

B. "The Deputy"

Long before its actual production in America, this play, attacking the late Pope Pius XII, touched off profound interreligious tensions. Many Catholics, feeling outraged and betrayed by the playwright's indictment, turned to the Jewish community for a repudiation of the play and a vindication of Pius XII. Jewish groups and individuals responded in different

ways. Underlying much of the debate was Jewish resentment against Catholic pressure, a certain satisfaction in seeing the policies of the Church exposed to criticism, and also a certain amount of irrational anti-Catholicism. While the public furor over "The Deputy" has died down, the underlying tensions and anxieties between Catholics and Jews triggered by this episode will be with us for a long time.

C. Issues Involving Religion and Public Policy

Questions such as shared-time, parochial school bussing, federal aid, prayer in the schools, etc. continue to stimulate interreligious debate and sometimes interreligious tension. Shared-time is increasingly put forward as a possible solution to the problems of the parochial school. In contrast to their general opposition to Federal aid to parochial schools, Protestants are accepting and welcoming shared-time. The unanticipated support for the Becker Amendment indicates the widespread Christian support for some form of religion in the public schools.

II. Report from Communities

How have the above issues affected interreligious relations in the community?

Which issues were the major sources of debate, conflict or tension?

How did various AJC chapter groups deal with these issues?

What positions were taken?

What programs and activities were undertaken by AJC to advance understanding and dialogue?

What were the results?

(This will consist of 3 or 4 minute reports from AJC members in various communities: Philadelphia, Miami, Cleveland, Los Angeles, etc.)

III. Open Discussion

What do our workshop participants see as the key interreligious issues?

Are they satisfied with AJC's position?

Do they recommend a changed position on such questions as shared-time, bussing of parochial school students, etc.?

Can they benefit from the experiences, programs and activities of AJC groups in other communities?

Do they have recommendations and suggestions for AJC policy or program?



THE AMERICAN JEWISH COMMITTEE

57th Annual Meeting; April 30-May 3, 1964

Community Program Workshop II

Resolution of Church-State Conflicts

Thursday, April 30th; 3:00-5:00 P. M.

BACKGROUND MATERIAL

The goal of this workshop is to review those issues in communities around the country that have a bearing on church-state relations, and that cause or create interreligious tensions. It has been noted that the major church-state issues are centered around the schools. Although of local origin and impact, these situations have relevance on the national scene.

It will be the purpose of the workshop to analyze the activities undertaken by various chapters, to evaluate what seems to be promising directions, and to clarify steps that are still to be taken.

Below are the statements and positions taken by the American Jewish Committee on the items on the agenda.

1. School Prayer Amendment (Becker Amendment)

The agitation for an amendment grew following the Schempp-Murray decision by the Supreme Court in June 1963. In that decision, the court ruled that the recitation of the Lord's Prayer and Bible Reading as devotional exercises are unconstitutional, violating the Establishment Clause of the First Amendment. AJC had prepared an amicus brief jointly with the ADL in this case.

The Becker Amendment consolidates all similar amendments introduced in the House. In effect, it would set aside the Schempp-Murray ruling. It states that nothing in the Constitution could be construed to bar the offering of reading from or listening to prayers or Bible scriptures, providing this was done on a voluntary basis.

AJC is already on record before the Senate as opposed to a Constitutional Amendment permitting Bible reading and prayer in the schools, having submitted a statement to this effect at a hearing before the Senate Judiciary Committee in 1962.

2. Shared Time

The "shared time" plan would enable children in parochial schools to study some subjects in the public schools, thus easing the financial burden now carried by parents of parochial school students. Experimentation with this plan is now being conducted in a number of communities and considered by others.

A proposal submitted to the Administrative Board on November 12, 1963, that it approve experimentation with "shared time," was turned down. The Board voted against AJC's becoming concerned with this issue.

Since November 1963, there have been a number of developments, including projected hearings by the House Education Committee, and the possibility of a Congressional grant to study "shared time."

Does this change the situation, and should AJC review its position on "shared time" as it impinges on the church-state question?

3. Federal Aid to Education

"In order to equalize educational opportunities throughout the nation, Federal aid should be extended to the states for tax-supported, publicly-controlled elementary and secondary schools. Extension of such aid to non-public schools, either directly or indirectly, is opposed. Likewise opposed is the use of tax funds to supply textbooks for children in non-public schools. However, lunches and medical and dental services should be available to all children at public expense, regardless of the school they attend, provided there is public supervision and control of the program.

"The question of free bus transportation for children attending non-public schools should be considered on its own merits in separate legislation, and should not continue to retard the extension of Federal aid."

From: Religion in Public Education -
A Statement of Views
The American Jewish Committee

4. Bus Transportation for Parochial School Students

In April, the Administrative Board approved the following policy recommendation:

"In 1947 the U. S. Supreme Court in the Everson decision held that the use of state funds for the bus transportation of parochial school students was a form of aid to the child rather than direct aid to the parochial school, and as such did not contravene the Federal Constitution. Therefore, the American Jewish Committee does not oppose such aid.

"In communities where free bus transportation for parochial school children is not prohibited by law or state constitutional provision, the chapters should likewise not oppose such aid."

The issues of shared time, federal aid to education, and bus transportation for parochial school students are not new issues. They are, however, always with us and are charged with a great deal of potential for community conflict. A review of the experience in communities will therefore be helpful at this time.

THE AMERICAN JEWISH COMMITTEE

57th Annual Meeting; April 30 - May 3, 1964

Community Program Workshop III

Discrimination in the Executive Suite

BACKGROUND MATERIAL

Only a negligible number of Jews hold upper management positions in major American corporations. Based on surveys sponsored or conducted by AJC we find that, while 8 to 10 per cent of the college trained population is Jewish, and while the managerial staffs are recruited almost completely from the ranks of college graduates, nevertheless, Jews make up less than one per cent of the total executive personnel of America's major corporations.

Research

The research we are conducting at major American universities --soon to be completed--confirms the presence of discrimination in a number of critical areas:

- The Harvard Graduate School of Business study has demonstrated the broad use by American industry of religious criteria in college recruitment.
- The University of Michigan study has established the key importance attached to non-ability factors, including the fact of religion, in executive promotion.
- The UCLA study has established that the criteria of "social acceptability" is important in promotion to upper management positions, which means that a person must belong to the "right" club before he is deemed to merit high office in a corporation.
- The Cornell research has demonstrated the falsity of the stereotype that Jewish university graduates are not interested in corporate careers or when they are, have aspirations that are different from those of non-Jews.

Action

In the past few years we have begun to apply this research to programs to change existing patterns in leading industries. Such programs have been conducted in banking, life insurance and most recently in the public utilities. The last-mentioned --currently under way, will be discussed at this session. The stage we have reached in this activity provides an excellent opportunity for an assessment of our successes and difficulties and for a consideration of the possibility of extending our program to other industries through national and chapter programming.

THE AMERICAN JEWISH COMMITTEE

57th Annual Meeting, April 30-May 3, 1964

Community Program Workshop IV

RACE RELATIONS PROBLEMS

Thursday, April 30th; 3:00-5:00 P.M.

BACKGROUND MATERIAL

On June 18, 1963 the American Jewish Committee's Administrative Board considered the deepening race relations crisis in the United States and instructed the Steering Committee to set up a program for a more intensive mobilization of AJC community relations resources to help our country meet this grave problem. The Steering Committee adopted a comprehensive program to be implemented under the guidance of a Special Committee on Race Relations, of which Irving M. Engel is chairman.

Employment

One of the first major efforts of this special AJC program was the convening in Washington, D. C. last July 24th of an emergency conference of more than 100 Jewish leaders of business and industry across the nation. At the conference, many gave reports of successful efforts in their respective enterprises and communities to overcome racial discrimination and minimize intergroup tension. Regional follow-ups were proposed and a variety of meetings have been held in some key cities, including New York, Cleveland, Pittsburgh, Milwaukee, Dallas and Atlanta. In New York, the meeting consisted of leading Jewish retailers; in Cleveland, the meeting of leading Jewish businessmen was sponsored by the AJC chapter and the Jewish Community Relations Council; in Pittsburgh, the meeting of Jewish businessmen was sponsored solely by the AJC chapter. The objective of all three was to involve the participants in programs for the hiring, training and up-grading of Negroes plus an exchange of ideas and experiences. All three were seen as forerunners of community-wide efforts. In Dallas, a Conference on Employment Opportunities in February 1964 was attended by 50 white key industrial, government and civic leaders and 300 representatives of Negro groups. The focus was to facilitate matching job opportunities with the available manpower from minority groups. Our Dallas chapter was involved in the planning and conduct of the meeting. We now are concerned with considering what additional steps AJC members and chapters can develop and carry out to promote this program.

Housing

More fair housing laws have been enacted in a shorter period of time than was the case with legislation covering other areas of civil rights, such as employment and public accommodations. Within the short space of six years, 28 governmental jurisdictions have adopted measures affecting private housing -- 13 states, 14 cities and the Virgin Islands. Four additional states and at least 50 cities prohibit discrimination in government-aided housing. Over 40 per cent of the total population of the United States, at least one-fourth of the nation's non-white citizens, and about three-fourths of all American Jews live in the 13 states which prohibit discrimination in private housing.

At the same time a growing movement has developed among opponents of open occupancy legislation to seek referenda on such laws, thus removing one of the

most complex and crucial issues from the nation's regular legislative processes. Fair housing ordinances have been rejected by referenda by Berkeley, California and Seattle and Tacoma, Washington. Similar attempts to defeat fair housing ordinances are underway in the states of California, Illinois and Michigan.

AJC Statements on Agenda Items

1. "Conduct special campaigns to encourage AJC leaders (and other leaders of the Jewish Community) South and North, to greater community activity to ameliorate the race relations problems. Among specific recommendations to be provided would be those relating to what the individuals can do in their own businesses to open employment opportunities for Negroes." -- Adopted by the Steering Committee, June 26, 1963.

"Employment - The enactment of federal and state fair employment practices legislation to ban discrimination in public and private employment; intensification and expansion of apprenticeship and training programs -- both by management and unions -- in order to increase the reservoir of trained Negro and white manpower; assumption by employers and unions of greater responsibility for making all categories and levels of employment available to qualified Negroes and other minority workers without discrimination." -- Adopted by the Executive Board, November 2, 1963.

2. In November 1963, the Executive Board received a report from a conference section on "Race Relations Problems Confronting Jewish Communal Agencies" which recommended that greater study and concern be given to ways by which AJC may assist communal agencies, as well as AJC members who sit on the boards of such agencies, in dealing with the variety of problems in this area. It also recommended that AJC endorse, as a model for communities, a program plan adopted by the Jewish Community Relations Committee of Cincinnati for furthering equality of opportunity. That plan called for local Jewish organizations and institutions to take steps such as: investing or depositing agency funds only in institutions with non-discriminatory lending, borrowing and service practices; sale or rental of property owned by the agency on the basis of freedom from any form of racial discrimination; refusal to be party to any restrictive covenant or agreement; inclusion of non-discrimination clauses insuring equal employment opportunities in all contracts for the repair or construction of buildings or the purchase of supplies; and refusal to hold public functions in places which discriminate against Negroes. Lack of time barred Executive Board adoption of the report.

3. "Housing - The extension of the President's Executive Order on discrimination in housing to cover all existing public and publicly assisted housing, and housing covered by mortgages of lending institutions supervised or chartered by the Federal Government; the adoption of fair housing laws and ordinances by states and cities; and the assumption by builders, developers and real estate operators of responsibility for building and operating open occupancy developments and promoting racial diversity in communities throughout the country." -- Adopted by the Executive Board, November 2, 1963.

THE AMERICAN JEWISH COMMITTEE

57th Annual Meeting, April 30-May 3, 1964

Community Program Workshop V

Solution of Pressing School Problems

Thursday, April 30th; 3:00-5:00 P.M.

BACKGROUND MATERIAL

This session will deal mainly with the most pressing school problem in Northern cities -- that of de facto segregation.

This subject was last discussed at the Executive Board meeting in Chicago last November. Since then the issue - always a potentially explosive one - has erupted in many cities. Opposition to the so-called Princeton Plan for the pairing of schools in New York, which involves compulsory transportation of students, has been intense. Thousands of white citizens have organized themselves for mass action against forced bus transportation. On the other hand, militant civil rights advocates have staged two school boycotts in recent months protesting against inaction by the school authorities. They do not regard the Princeton Plan as going far enough. The New York chapter of AJC has publicly opposed these boycotts. Cleveland has had serious riots and demonstrations, and communication between school officials and the Negro community seems to have seriously broken down. In Chester, Pa., the schools were recently closed because of demonstrations there.

There are two schools of thought on this issue among civil rights supporters. The one looks upon the schools as instruments of social change and believes that the responsibility of the schools is to bring about integration regardless of the causes that bring about segregated schools, such as ghetto neighborhoods. They believe that segregated education must necessarily be inferior, no matter how good it might otherwise be. They believe, furthermore, that the inferior ghetto schools will never be materially improved so long as they are segregated.

The other, while recommending that segregation caused by school gerrymandering or faulty zoning should be corrected, realizes that most of the present patterns of school segregation in the large cities will continue even after these schools are corrected, because of the heavy concentration of Negroes in large ghettos of the cities. Therefore, they believe that mass transfers are un-realistic. They believe the first requisite is to launch massive projects for improving the quality of education in the inferior schools of the ghettos. They also stress the importance of the neighborhood school, especially on the elementary and secondary level, as it has positive values that should be preserved. They are not against transfers to more distant schools, or to reverse bussing, but would want to keep this voluntary.

The above roughly describes some of the views advanced by civil rights supporters. The chapters of the AJC have reacted in different ways depending on their local situation, and the emphasis placed by the members on one or the other aspect of the problem. There has been a good deal of diversity in their approaches as national policy is a flexible one, leaving a great deal of autonomy to the chapters on the handling of local situations. This workshop offers an opportunity for an exchange of information on how the chapters have reacted and on the extent to which they have been involved as well as the causes of action they deem advisable for the future.

Following are pertinent extracts from recent AJC national policy recommendations on this subject:

1. "A special effort must be made to assure equal educational opportunity for all children in all the schools in a board of education's jurisdiction. Presently inferior schools will require greater educational assistance -- in the form of more money, more and better equipment and even more able teachers -- than they have received to date. This may in many cases mean a higher educational cost per pupil in deprived areas than in more culturally favored neighborhoods.

Intergroup education should be provided for teachers. Programs of intergroup education for children should include opportunities for wholesome intergroup experience, including common activities for students of schools with differing populations. Diversity of teachers, in the school system as a whole and in each school, should be encouraged.

When drawing school district lines, in addition to the established criteria for such procedure, school boards should seek to bring about a heterogeneous school population to the utmost extent. Those school districts which were originally drawn so as to result in the exclusion of members of minority groups should be changed to conform with legally acceptable criteria for school zoning. Whenever the school board in selecting school sites has a reasonable choice, in accordance with acceptable criteria, between a location which would further integration as opposed to one which would create a homogeneous school population, the school board should decide for the former."

[Adopted by Administrative Board, April 1962]

2. "The present Guide for Community Activity on Integration of Northern School Systems issued in April 1962...is all right as far as it goes, but should be strengthened to expand and clarify the concept of the program to achieve meaningful integration...With respect to strengthening the proposed guide for community activity, the group was unanimous in approval of the suggested program for aid to culturally deprived schools...The objectives of the Civil Rights Movement should be supported and that they can best be accomplished by improving the educational opportunities of the disadvantaged child."

[Workshop Recommendations, adopted by Executive Board, Nov. 1963]

3. "AJC, if it wishes seriously to engage in an educational program of the type indicated, will not only have to work with Boards of Education to stimulate them to undertake crash programs for the improvement of the slum schools, but it will also need to interpret the need for such special educational efforts to a wide variety of community organizations. AJC must also anticipate the need at times to deal with the extreme resentment of some segments of the community which will oppose what they consider to be "favoritism" to the Negro. There are, to sum up therefore, at least two sets of intergroup problems

which need to be confronted:

- (1) The need for extraordinary educational measures for the education of the Negro child in Northern slum schools.
- (2) Maintaining continued support for public education by those segments of the white community which will have the greatest difficulty in accepting unequal expenditures for the education of the Negro child."

[Workshop Recommendation, adopted by Executive Board, Nov. 1963]



ADDRESS TO HILLCREST LODGE NO. 1318, A.F. & A.M.,

May 7, 1964

To understand the significance of the Supreme Court rulings on school prayers and Bible reading, and what was really held in those cases, I think it might help to refresh our memories of the background of the movement for separation of church and state. This principle did not originate in the United States, as some people think, but was first successfully applied here.

In ancient times people did not think of the Church and the State as separate entities, with different aims, duties and powers. There was no organized church, as we know it today. Religion was simply one of many aspects of community life, all of which were governed by the then prevailing civil authority. Moreover, it was generally considered that uniformity of religious belief was essential to social stability. It was easier for the ruling monarch or chief to control the religious life of his realm if there were only one religion and one set of priests. Also, he would probably consider it an affront if some of his subjects insisted on a form of worship different from his own.

Then along came Christianity, and for about three hundred years the clashes between the Christians and the pagans of the Roman Empire became more frequent and more annoying to the government. Jesus had spoken out for the doctrine of separation when he said, "Render unto Caesar the things which be Caesar's, and unto God the things which be God's." (Luke 20:25). His followers refused to participate in emperor worship, and numerous persecutions resulted. At that time the emperors were fairly tolerant of the various religious sects, including the Christians, so long as they submitted to the imperial decrees; but as Christianity grew the clashes increased. However, Christianity thrived on persecutions, and by the fourth century it had achieved such importance and prominence and had so many members that the Emperor Constantine recognized it as a religion equal to all others. By the end of the fourth century, it had become the only legal religion in the empire.

Once persecuted, the church now turned persecutor and called on the state to crush all religions that differed with it. There developed in the Roman government a department or "bureau" known as the Holy Office, dedicated to the suppression of all heresy and the forcible conversion or extermination of all heretics. The Holy Office established the inquisition to run down heretics, charge them, extort confessions from them by the most brutal tortures and punish them, not according to any certain code of laws or rules, but according to the whims of those in charge at the time. This disreputable institution probably reached its low point of degradation in Spain under Ferdinand and Isabella. And here let me point out that, contrary to popular belief, these nefarious institutions -- the Holy Office and the Inquisition -- were products and departments of the state, not of the church.

But the church had fallen on evil days -- its spiritual mission was shoved aside to make room for its new-found temporal power. It was no longer necessary for the bishops and priests to persuade the people to walk in Christ's footsteps -- to choose the right because it was right -- to live by a moral code because it was God's way -- they could now require the people to carry out their orders, calling upon the government to punish those who disobeyed.

Then, several hundred years later, the powerful Roman Empire disintegrated, and as it did so the then highly organized Roman church moved into the vacuum and assumed many of the functions of the state. This led eventually and inevitably to the corrupt practices, the sale of indulgences and the general debauchery of the papacy as well as the priesthood, which gave rise to the Reformation movement and the birth of Protestantism.

I remind you of these highlights of history merely to point up a great lesson -- a lesson which Thomas Jefferson, James Madison and other founders of our nation understood so well -- and that is, for any religion to be free it must be separate from the government; it must not be dependent on government in any way; and government must in some way be prohibited from controlling religion in any way.

This idea was not always popular in this country. It did not prevail originally in the American colonies. We are told that most of the colonists who came to America were motivated to do so by a strong thirst for religious freedom -- but only for themselves; they had no intention of tolerating competing religions. I shall not impose upon your time to dwell on the church-state relationship in each colony -- that could be the topic of another talk. There were many differences, but one common thread ran through all the fabrics -- the church was dependant on the state for protection, for its finances and to outlaw other forms of worship. In one colony it was a criminal offense not to believe in the divinity of Jesus. In another, Baptists and Quakers were jailed simply because they were Baptists and Quakers. In still others it was a crime not to believe in the Trinity. Puritanism soon became synonymous with intolerance. There was no freedom of religion in any of the colonies save one, -- tiny Rhode Island, which, under Roger Williams, welcomed dissenters and exiles, even Catholics and Quakers, and definitely separated church and state.

Shortly after ratification of the Constitution itself, the Bill of Rights was adopted, consisting of the first ten amendments thereto. In the first of these appears this significant language: "Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof...." These sixteen words became the Magna Carta of religious liberty in America. They erected, Jefferson said, "a wall of separation between Church and State." There have been many controversies and much litigation over the effect of this first amendment on many different aspects of life in America, but tonight I intend to discuss only the two recent United States Supreme Court decisions concerning prayer and Bible reading in the public schools.

The first was *Engel v. Vitale*, 370 U.S. 421, in 1962. The Board of Education of a certain public school district in New York State directed that the following prayer be said aloud by each class in the presence of a teacher at the beginning of each school day:

"Almighty God, we acknowledge our dependence upon Thee,
and we beg Thy blessings upon us, our parents, our teachers and
our Country."

Now, how could anyone object to that prayer? How could it possibly offend anyone, be he Methodist, Presbyterian, Catholic, Baptist, Quaker or Jehovah's Witness? Well, the parents of ten pupils in that school district were offended by it and brought suit in the New York courts. I do not know of what religious faith those people were, if any, and it doesn't matter. No one would question their right to go to court and attack the constitutionality of the state law authorizing the School District to direct the use of the prayer in the schools. The New York courts upheld the power of New York to use the prayer so long as the schools did not compel any pupil to join in the prayer over his or his parents' objection. The United States Supreme Court took the case and, after reviewing the history of the various religious movements of the colonies and their relations with the governments of those colonies, held that "by using its public school system to encourage recitation of the Regents' prayer, the State of New York has adopted a practice wholly inconsistent with the Establishment Clause" (referring to the first clause of the First Amendment).

The court pointed out that it was "a matter of history that this very practice of establishing governmentally composed prayers for religious services was one of the

reasons which caused many of our early colonists to leave England and seek religious freedom in America." Also that one of the purposes of the Establishment Clause "rested upon an awareness of the historical fact that governmentally established religions and religious persecutions go hand in hand." It is a very interesting opinion. I have it here if any of you would care to see it.

I remember the outcry that appeared immediately in the press. The court was accused of being against God, and of encouraging atheism. It was even suggested that the decision was part of a Communist conspiracy to destroy religion in America. The bumper stickers urging the impeachment of Chief Justice Warren reappeared. People who hadn't darkened the door of any church in years bleated that the Supreme Court was trying to take their religion away from them.

The other cases were School District of Abington Township, Pa. v Schempp, and Murray v. Curlett, decided together in 1963 (374 U.S. 203). A Pennsylvania law required -- note the word "required" -- that "At least ten verses from the Holy Bible be read, without comment, at the opening of each public school on each school day. Any child shall be excused from such Bible reading, or attending such Bible reading, upon the written request of his parent or guardian." The Schempps, who were Unitarians, attacked this statute as being unconstitutional. In the other case, arising under a somewhat similar Maryland law, the Murrys, who were atheists, asked the court to rescind a school board rule requiring the reading of the Bible and recitation of the Lord's Prayer. The cases reached the Supreme Court, which in one opinion held unconstitutional the laws requiring these religious practices.

In my humble judgment both of these decisions were correct. Since very few, if any, of you are lawyers, I shall not attempt to demonstrate their correctness by the legal reasoning and many legal precedents used by the Court, but by an appeal to your reasonable common sense. In doing so, I shall have to assume that you are reasonable and that you have some degree of common sense. I also assume that you are religious men, because less than three percent of our people profess no religion whatever.

It will be necessary for us to bear in mind that we are not talking about whether any actual harm was done to the Schempp children or the Murray boy by the Bible reading or the recitation of the Lord's Prayer, or whether the nondenominational little prayer involved in the Engel case could in itself possibly "establish" a religion or a religious sect. What we are talking about is a big, important principle; because if we ever recognize a right in any branch of our government to require our public school children to engage in any religious activities, then we must recognize the right of government to determine exactly what those activities will be.

What may be an innocuous and unobjectionable prayer today may next month become one which is very obnoxious to many people. If government can prescribe the inoffensive prayer involved in the Engel case, then on principle cannot that same government require school children to pray for the extermination of all Masons, or all Catholics, or all Baptists? Who will there then be to regulate the matter?

If we ever give to the government this right, it will probably very quickly become a sort of "local option" affair. In communities where Catholics were in the majority, Catholic prayers would doubtless be required. Fundamentalist Protestant ceremonies would prevail in the schools where this group were in the majority. So, in communities predominately Buddhist, or Moslem, or Liberal Protestant. But what about the minorities in those communities? Of course, these laws involved in these cases carefully provide that children may be excused from these exercises if they or their parents object. But if the right of government to require these exercises is ever

established there is no guarantee that the children will always be excused if they or their parents object. And, moreover, those of you who are parents know how brutal children can be to each other and can easily imagine the ridicule and name-calling that a child would be subjected to if he asked to be excused.

A government that can require Bible reading in public schools can require any particular passages to be read. As you of course know, all portions of the Bible are not exactly suitable for reading to the cradle row at Sunday School; there are recitals of bloody murder, intrigue, fornication, adultery and homosexuality. Many parents would prefer that their small children not hear such things until they are more mature. You may reply that it is unreasonable to think that such things would be read to first- and second-graders. Perhaps so, but their parents now have a guarantee under the Constitution. Why take it away from them?

If government can require religious exercises in public schools, candidates for public office will probably be called upon to announce the type of prayer they favor; also whether they favor readings from the King James Version of the Bible used in most Protestant churches, or the Jewish Holy Scriptures, or the Douay Bible used in the Catholic churches, or perhaps the Revised Standard Version. Thus religion will be tossed into the middle of political controversy — controversy in which free religion as we know it will probably be greatly weakened if not destroyed.

An effort is being made in Congress now to submit an amendment to the Constitution to legalize these religious activities in the public schools. At least 35 Congressmen, including two Texans, have introduced such amendments. One said he offered such a measure "because I believe in separation of church and state, but I do not believe in separating children from God." I call this pure political hogwash! And I hope that, if you agree with me, and if you feel so inclined, you will let your voices be heard. Our Founding Fathers sought to keep this book of sectarian controversy closed forever in this country. What can we possibly hope to gain by opening it now?

Harold A. Bateman

FREEDOM AND CONSCIENCE - A JEWISH PERSPECTIVE

An address by Rabbi Arthur Cilbert, Staff Consultant, National Conference of Christians and Jews, 13 West 57th Street, New York City, delivered before the World Catholic Press Association, May 18, 1965.

Allow me to begin with an expression of my sincerest appreciation for the privilege granted me to address this historic gathering. I am mindful of the importance to the ^{Catholic} Church of this meeting that has assembled editors of the religious press from all corners of the earth.

On Controversy Within the Catholic Press

As an avid reader of Catholic publications, and as one who has written for your columns, I bring testimony that the Catholic press has demonstrated a vitality that portends well the readiness of this great Church to confront man's [human] problems with resourcefulness and courage.

There are some in the hierarchy who have been disturbed by lay-edited Catholic publications that have criticized long standing traditions and have challenged the wisdom with which some of the hierarchy have exercised their teaching authority, particularly in relation to the Church's role in the social order. Similarly there are some among the laity who have been disturbed, as they have seen clergy-directed Catholic publications open their columns to Jews and Protestants as well as to Catholics who differ one with the another and some with the Bishop of the

Diocese. For there are some Catholics, just as there are some in all faiths, for whom controversy among the religious is hard to endure and differences between clergy and laity produces anxiety. Such persons cling desperately to the stereotype of the Church as a perfectly redemptive society where all is sweetness and light. And, in the name of the perfection of the past tradition they suppress human striving and cause the spirit to shrink. However, the Church in its human manifestation is neither perfect, nor free from sin. Rather the Church is an exile in history. Its faithful wander through time striving after an at-oneness God, prayerfully seeking the fulfillment of His promises.

Allow me then as an outsider, particularly on this evening when we discuss conscience and freedom, to reassure you that I, for one, have been thrilled to find within much of the Catholic Press a sensitivity to issues, and an openness to new ideas, that demonstrates health and growth and relevance. We ought be reassured by the truth long ago declared by Rabbi Mendel of Kots that "controversies in the name of Heaven, spring from the root of Truth".

Drawing further upon Jewish Biblical and Rabbinic insight, I suggest when the Catholic press responsibly welcomes and indeed stimulates inquiry into Church policy, allows for freedom of dissent, encourages laity and clergy to speak their minds, and invites even the non-Catholic to add his perspective,

then the press is demonstrating that God's covenant is not with the hierarchy alone, but rather with an entire people, and that God's People are not only those in the Church, but all in the world who seek after Him. The truth is that God's People are not yet all of one mind and thus, we cannot know God's truth unless we are willing to hear what it is the other has to say. I believe with the Jewish mystics that God's revelation is continuous. The sparks of His divinity are to be found among all peoples, nations and colors. His truth is not confined to any one religion, race or class of men. Rather, God speaks to all of us through man and in history. The living God speaks to our human condition through the words and deeds of all humankind. Only if we hear the other can we know what it is that The Holy One, blessed be He, might be trying to tell us through the other.

In Appreciation Of Father John Courtney Murray

Secondly, I hasten to express my gratitude at being able to share the platform this evening with one of America's ^{and indeed the world's} most distinguished religious ^{thinkers} leaders. Father John Courtney Murray has shed a light on the path the Church must follow and in so doing he has also pointed the way for many of us who are not in the Church. The sharpness of his disciplined mind, tempered by the enormous ^dbreath of his human compassion, has provided those of us who have read his writings ~~and~~ with a tool by which to probe our own way through Church-State problems of enormous complexity. He has helped us to realize that freedom ^{may not be} ~~is not~~ license, but neither can faith be coerced. Church and State need not be antagonistic to each other,

but on the other hand they must ever be mindful of their separateness in function and purpose. Individual conscience must be respected, but the fulfilling of human rights must involve us in social responsibilities.

In the light of a long history of oppression inflicted by man on his brother in the name of Religion, Father Murray's call to the Church to respect conscience and to assure liberty truly combines the paradoxical prophetic elements of judgement and healing, both in one word. If the Church cannot demonstrate to a shrinking world how man can live in peace despite differences, then it will have nothing more to say to this world! Yet, at the same time, the call to responsibility comforts. For we know that when the Church acts in history it has available to it a power that can transform and provide new purpose to human effort. I am humbled, therefore, to be in the presence of this great teacher of man.

The Blessing of Religious Differences

There is an advantage I bring into this discussion, as a Rabbi and as a teacher among the Jews, that derives from the sad fact that through most of history Jews have been the victims of the Church's arrogance and intolerance. *triumphant*
of many who were identified with Christendom.

2. In the past centuries Jews were compelled by the Churchmen to engage in disputations, to hear preaching derogatory of their faith, to pay tax in support of the Church. Jews were restricted in their right to study Holy Texts and to build and repair their synagogues. Finally, zealous Christians were misled by a distorted conception of their faith into believing that they were acting out God's will when they brought untold harm and suffering upon the persons of Jews.

It is possible for us to participate in this evening's session only because we both realize that the Constantinian Age is dead, never again to be revived. We both know that religion cannot be coerced and that the Church ought not cajole the State into sanctifying by law its sectarian morality. The Church suffers when it permits its sancta to become tools of secular power. Because we know all this, we can now talk to each other about the problem that both of us need to face, i.e., how to achieve in society God's justice and yet at the same time to respect the freedom of the individual to act in society in accordance with his own best wisdom.

I do not contend that the Jews have a peculiar wisdom with regard to this problem, nor a superior virtue. Jewish history both in ancient times and in this day suggests ^{contradiction} confusion and uncertainty. It is recorded in our annals, and in yours, that our Kings once joined together both ^{Priestly} Sacerdotal and ^{princely} secular functions - and this was displeasing in the eyes of God. We wreaked violence upon our prophets, we forcibly converted the Idumeans, we excommunicated those whose philosophic views were considered heretical. Even in this day, Jews in such contrasting countries as the United States, England and Israel have approached the juridical problem of the establishment of the Church or the relation of the Church to the State, or the role of religion in education, in sharply different ways. History and sociology explains these differences better than theology or Jewish religious law.

Nevertheless, the one overriding factor in our experience - and it is this that explains the contemporary posture of the Jew on Church-State issues more than anything else - is the fact that we have been the consistent

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stiff-necked No-sayer to the imperialistic efforts of Christians to
christianize all of society. ^{by force & law} ^{refer to} This evening I hint at the past in our
own histories ^{not} to provoke your guilt, for it is not your guilt I want,
but rather your responsibility.

That which Jews have suffered because they have insisted on their free-
dom and individuality must never again be visited on any person or
group!

Whatever else I say this evening, I want at least this to be remembered:

^{would like}
We Jews, a small people who have outlived mighty kingdoms and celebrated
the defeat of countless tyrants, have been preserved by God to this day,
so that we might stand in judgment against any and all who think that
Power alone makes Right. Furthermore, our presence in every part of the
world, our exile as it were, coupled with our insistence on our right
to our own integrity as Jews wherever we live, suggests that it might be
God's will that men fashion their society in such ways, so that freedom
of conscience be guaranteed, religious differences be permitted and civic
loyalty be sought only at the highest order of commitment to the public
good and not through the imposition of a spiritual uniformity.

Perhaps what God is trying to tell us in this history of the Jewish en-
counter with other religions and civilizations, is that it is not necessary
for all men to worship God in the same fashion. What God may require of men
is not that they offer their sacrifice at the same altar, nor in the same
fashion, but rather that they live their lives in relation to each other
in His spirit of service and sacrifice.

The Scriptural passage in Malachi 1:11 - "For from the rising of the sun even unto the going down of the same, My name is great among the nations; And in every place offerings are presented unto My name, Even pure oblations; For My name is great among the nations, Saith the Lord of Hosts" has been interpreted by the Council of Trent as a reference to a contemporaneous sacrifice of the Type of the later New Testament sacrifice of the mass (page 1497, The Old Testament-Confaternity Version, Guild Press). In contrast, however, it is understood by Jewish commentators to mean that when offerings are brought by the heathens to their gods in purity of devotion they are in reality intended for God. As the revered ^{late} Chief Rabbi Hertz ^{of England} explained, offerings which the heathen present to their gods when animated by a pure spirit, are offered indirectly to the God of Abraham, for the Lord of the world looks to the heart of the worshipper (page 339, The Twelve Prophets, Soncino Press).

The name by which we call upon God ought to remain, therefore private and ineffable. Civic authority need only be concerned with our behavior toward each other, whether we act as brothers or as enemies.

It is interesting and instructive for me to know how you worship, but more important to the world will be an inquiry into how your liturgy shapes and forms the quality of your life and your relations to other men. My presence as a Jew in your midst provides the occasion to ask these questions:

In what ways do I, as a Jew, and you as a Christian, make a unique contribution to the quality of human society because of our differences?

^Q ~~But~~, on the other hand, what are the inevitable consequences for society

that derive from our differences? Is religious pluralism a scandal or the occasion for spiritual enrichment?

If there were no Jews, what would the world be like; and if the world were all Jewish, what is it that we would miss because of your absence? And what is our responsibility to each other as long as you are to remain Christian and I Jewish?

Putting the questions this way, I intend to suggest that each of us as individual persons and as ~~a~~ member of a distinctive religious community have some special gift we can make to life. Yet, at the same time, we must be honest enough to recognize our own human finitude, imperfection and incompleteness. We must be humble enough to believe that the other also may have an ingredient to add to the quality of human existence and finally that our own lives can be enriched through communication with and involvement in the life of the other.

I am intending to suggest that the issue of conscience and freedom involves more than a juridical discussion of the "rights" of the "person" in error as against the rights of that "error" itself to be institutionalized in society. This indeed is a most significant issue; but through the example of the conflict between Jew and Christian I am trying to raise in question whether it may not even be God's will that He be understood and worshipped differently by men: so as to compel all of us to have to contend with each other in such spiritual fashion as to deepen our moral sensitivity; to restrain ourselves in such disciplined fashion as to strengthen the quality of self-sacrifice; to extend ourselves beyond our sectarian community in a purposeful fashion as provide women

to the virtue of human service. In all this, to recognise that differences among men may not necessarily be scandalous, but rather may testify to God's grandeur. How manifold are thy works, O Lord!

Martin Buber, in his address of acceptance of the Peace Prize of the German Book Trade, confirmed his belief that "the peoples in this hour can enter into dialogue, into a genuine dialogue, if each of the partners, even when he stands in opposition to the other, hears, affirms and confirms his opponent as an existing other. Only so, added Buber, "can conflict be humanly arbitrated and led toward its overcoming".

I choose to believe that once we can affirm and allow for the other, even while witnessing to our own truth, we set in motion that process that enables us to speak, teach, and learn from, and thereby to enrich each other. I do not consider it an obligation to overcome all human differences, nor am I certain as to how and in what ways God intends men to remain different throughout history, but of this I am certain:

I must live by God's truth according to my ability to comprehend it.

I must recognize that neither man nor society--and that includes the Church and the Synagogue - have yet been redeemed from the capacity of sin and error; therefore I must be humble and not arrogant. I must make room for the other even when his conception of truth offends me.

I must seek the peace of my neighbor, despite his error. I must remain open to new revelation and to new understandings of God's word.

I must trust God to vindicate my service as I seek to know Him through fellowship with other human beings whom He created in His image, even though they be different, unique and individual.



Some Specific Problems Touching Upon Religious Freedom

Having suggested a particular attitude toward religious pluralism, allow me briefly to apply these insights and to expand upon them by confronting them directly with four concrete issues upon which there is tension in Jewish-Christian relations.

(1) The relation of Church and State

I am mindful that American Catholics from their very first participation in the life of this country affirmed as a matter of church policy the wisdom of disestablishment, separation, religious freedom and equality under the law.

John Carroll, first Bishop in the United States in 1784, seven years before the adoption of the First Amendment said: "We have all smarted heretofore under the lash of an established church and shall therefore be on guard against every approach to it ... Freedom and independence acquired by the united efforts, and cemented by the mingled blood of ... fellow citizens, should be equally enjoyed by all!"

When John Purcell, Archbishop of Cincinnati, left Vatican Council I in 1870, he commented on the remarks he had planned to deliver at the Council: "I said that our civil constitution grants perfect liberty to every denomination of Christians ... and I verily believe this was infinitely better for the Catholic religion than were it the special object of the State's patronage and protection; all we want is a free field and no favor..."

Finally, I recall the statement of the American hierarchy in anticipation of the Second Vatican Council, "... we know, first of all, the advantages which have come to the church from living and growing in an atmosphere of religious and political freedom. The very struggle which the church here has had to face has been responsible in large measure for the vitality which it has developed as it grew to maturity, unaided by political preference but unimpeded by political ties."

Nevertheless, many Catholics in this country and certainly in other parts of the world are heir to a history and a tradition that suggests that the State fulfills its obligation to God by maintaining a society, culture and public morality under the spiritual authority of the church; and particularly in countries where Catholics are the significant majority the State is also expected to protect the catholicized culture from encroachments or corruptions that may derive from competing religious revelations.

Jews, on the other hand, have ^{traditionally} found their freedom restricted in such an environment. They have insisted, therefore, upon as absolute a separation as possible between the secular instrumentalities of the State and the authority of the Church. And in fact they have welcomed political authority that eschews any obligation to religion. Such is the position of most American Jews.

I believe that both positions paradoxically contain elements of truth and yet both are subject to error. The vision of Zechariah 4:1-6

is corrective and informing. In that great vision, you will recall, the prophet sees a seven-branched golden candlestick which has an unfailing supply of oil. Above the candelabra is a bowl and to the right and left of it stand two olive trees. These trees feed the bowl with oil through two spouts, and the bowl supplies the oil to the candlesticks through seven pipes.

According to Jewish commentators, the menorah represents the community of Israel, which receives its Divine grace through the prince and priest, the civic and religious leaders of the community symbolized by the olive trees. They note that the olive trees produce oil without human labor and provide an inexhaustible supply of oil to the lamp. Thus, it is made clear that God acts upon His people with munificent love, both through political and religious instrumentalities. Both are vessels of His will and come under His judgment. Thus, the American Jews are wrong who believe that the so-called "secular" is separated from a responsibility to God and His word, or that State and Religion can ever be arbitrarily separated from each other.

Significantly, there were two olive trees, not one. Thus Catholics who fail to distinguish between the unique duties, powers and purposes of the State as against the Church are also in error.

Finally, the Zechariah records God as declaring, "This is the word of the Lord unto Zerubbabel saying: Not by might nor by power, but by My spirit saith the Lord of Hosts". Jewish commentators suggest that God is here warning the political authority that He cannot establish the Kingdom by force or coercion. Or to put it into

contemporary terms, the establishment of a society where justice prevails and human kindness is practiced, cannot be achieved by coercion, but will result only from that degree to which the participants in society permit God's grace to shine forth in their behavior. If the prince is cautioned against the use of violence to achieve righteousness, how much more so is the priest to be warned against coercion as a method for achieving religious commitment!

Zechariah teaches, therefore, that the role and authority of the prince and the priest are distinct, but that both are intended to serve God's will. May I be so bold in this ecumenical age as to suggest further that God's grace in history can be and in fact is mediated directly and very frequently outside of the Church's instrumentality. In a society where there are many churches, it is arrogant for any one church to believe that it is the only "olive tree" through whom God spiritually replenishes "the lamp of the community".

(2) The problem of state support for religious education.

The responsibility of the state to support financially the church's right to educate is a problem that has provoked severe conflict among religious groups in many countries. Interestingly, almost all religious groups, when they have achieved power, have accepted the largesse of the state. None of us has been consistent in this regard.

If the Jewish community in the United States has bitterly opposed the use of tax funds in support of any religion, it is also true that in Israel religion has been encouraged and all religions have been supported through public funds with equal regard. It is not out of

religious conviction, therefore, that American Jews have opposed the granting of public funds in support of church activity. Rather their position represents a prudential judgment that the well-being of religion itself requires such a prohibition. American Jews have come to the conclusion that the church is most vital when it must depend upon the resources of its own membership for its financial support. When parishioners, themselves, must give sacrificially of themselves in order to maintain the church, then they will involve themselves more intensively in their religion. In America religion has achieved a stature in society and has become a force in our lives of profound significance, perhaps, in great measure, because we have had to support the church ourselves, rather than hand over that responsibility to government.

I hasten to offer my own opinion that orthodox Judaism in Israel is sure to suffer, so dependant has it become on state favor.

Yet, on the other hand, in our ever-growing, more complex, urban, technological, soon-to-be-computerized society, it is impossible for religion to play the role it must within society without entering into cooperative relationships with the state. An absolute separation of church and state is impossible, and where it is practiced, as in Communist Russia, separation merely serves as an extension of the government's policy of hostility to religion.

I look with favor, therefore, and with great anticipation at that new experiment in which America is presently engaged; whereby the state

provides services and materials to all its citizens without discrimination, and enlists the support of all institutions, including the Church, in the battle against poverty and in equality and for excellence in education. In providing these services, the State - by law - restrains itself from giving the Church any direct financial grant, or gain of property, or control over public policy, nor does it assist the Church in its sacred function.

This new policy, in my view, is not just a compromise worked out by politicians to overcome religious obstacles in order to unfreeze public funds for social welfare. It holds the promise of being the ideal way by which Church and State can help each other and cooperate with each other in the effort to achieve justice in society, and yet maintain in significant ways their separateness and individuality.

Certainly the lesson we must have learned from all of history, including too sadly the experience of the Church in Nazi Germany, is that when the Church becomes too closely identified with the political organs of the society, when it becomes dependent financially on that society, it is bankrupt. It is silent when it should be prophetic. Therefore, even as the Church cooperates and takes assistance from the State, it must do so with restraint and self-discipline, and only to that degree that it is serving the public purpose.

(3) Religious morality and public law

I believe it proper and right for the Church in the exercise of its prophetic function to seek changes in the social order, to

to make pronouncements, to inspire its faithful and itself to act in corporate fashion in order to achieve just law. Indeed, I applaud those churchmen who, in the name of a Higher Law, have been willing to suffer abuse, face imprisonment, even risk death, as they protest local and state statutes that are patently unjust and inhuman.

■ Yet, the Church is not a political organization. It ought not be a political party. Whenever the Church, as Church, has attempted to wield a political power on a sustained and institutionalized basis, the consequences for freedom have been disastrous. State power sanctified by indiscriminating corporate Church support produces the vilest form of spiritual corruption.

Where else will the State in an unredeemed and corruptible world find the resources to correct itself and to advance freedom if the Church becomes an active partner in maintaining the status-quo arrangement? The Church needs to be ever alert to act upon God's word of judgment on man's creations; and so, even though we are in and of society, we must self-consciously direct our eyes and hearts to the eternal Master of the World.

It is this realization that revelation is continuous, that justice needs ever to be advanced, that life is dynamic and requires always new law, new understanding, that the Word itself demands new interpretation and new application, that ought inhibit us against presuming at any one time, that civil laws of morality can be legislated in

in final and fixed form. Particularly when men, in good conscience through various religious commitments, disagree sharply with each other in their conception of morality, it behooves the Church to restrain itself in the use of coercive state authority in order to impose as law its own sectarianism.

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I wish to commend to your attention and heartily applaud the policy suggested by Cardinal Cushing of Boston with regard to a controversy there over the right of physicians and pharmacists to furnish birth control devices. He testified: "It does not seem reasonable for me to forbid in civil law a practice that can be considered a matter of private morality." Cardinal Cushing's insistence that there is a distinction between civil and moral law, between public and private morality, his repudiation in principle of "a resort to the coercive instrument of law to enforce upon a whole community moral standards that the community does not commonly accept" is worthy of serious consideration by churchmen everywhere and by all religious groups.

2 Themo

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view*

Scripture offers us guidance here also. The prophet is to be known not by his claim to revelation, but rather by the truth of his works. This suggests to me that in a pluralistic society the Church must make its case for law in the civic order, not by invoking its spiritual authority or by exercising secular power. Rather through persuasion and reason it must demonstrate the consequences of its position and that of the alternative proposals, and through such demonstration win the free consent of the citizenry.

Furthermore, Scripture calls upon Israel to be a "light unto the nations" by accepting for itself the yoke of Torah. Through self-discipline, through the adherence of the Israelites to God's Word, the Holy People will demonstrate that God's Word is a law for all men. Thus, they will set an example for others to follow and inspire men to call upon God's name.

that

I am suggesting/the Church seek first the loyalty and discipline of its faithful; secondly, that it be ready to join with all others in the repair of the world; but thirdly, that where men in good conscience differ with each other, it be careful only to use the weapons of the spirit as example and witness, rather than the coercive power of the State.

(4) On the relations between Jews and Christians

This leads me at last to the fourth issue and that is, our relations towards each other as Jews and Christians and our hope for each other for I believe that our eschatological vision will determine significantly the character of our contemporaneous relationship and influences the degree to which we can live and work together in trust or suspicion. Time does not permit me to say all that I wish, or ought, before such a distinguished gathering, but allow me please these concluding words:

There is no doubt in my mind that the overwhelming majority of the world's Catholic hierarchy repudiate anti-Semitism in all its

forms and eschew any restrictions on the liberty of Jews. Most particularly I commend the leaders of the American Church for their vigorous and forthright action at the Vatican Council. Patriarch Maximos has unfairly maligned the American Church when he suggested that the American prelates voted for the Declaration on the Jews "for personal reasons", that is, as he explained - out of "a sentiment of pity due to the massacre of millions of Jews by Nazism" and "due to the fact that the great number of Americans have commercial interests with Jews". This is a calumny, if not anti-Semitism, and it should be loudly repudiated! I am satisfied that American churchmen have acted out of conviction and in proper understanding of their own faith commitment.

But I must add, sadly, by reason of the doubt that still exists concerning the ultimate wording of the Statement that Jews everywhere will be sorely distressed if the Church does not at long last issue a word of reconciliation.

Jews do not ask for, nor will we accept your "forgiveness" for having rejected Jesus as the Christ. Without raising in question the correctness or error of your interpretations of the promises of the prophets, it is enough for me to assert that in our view we believe we have been faithful to God's law. Indeed, He has been our savior and protector through a long and brutal history. We have suffered not because we are "accursed" or "rejected of God" nor as punishment for the sin of "deicide". Rather, we have endured

oppressive Church legislation, murder at the hands of the Crusaders, exile and torture from the inquisition and anti-Semitism in its most barbaric and cruel form because we have courageously and faithfully insisted on our right to serve God according to our best understanding of His will for us.

Not only do we not seek your forgiveness, but neither can you "absolve" us of the crime of the crucifixion. For the Jews collectively of that day, and certainly of this day, bear no special guilt in that regard.

Yet distressing assertions are still to be heard from Catholics. Patriarch Maximos declared: "There certainly remains on the forehead of the Jewish people, as long as it is far from Christ the Redeemer, what the prophets of the Old Testament prophesied: A stain of shame." And even more provocative was the declaration of the Bishop of Signe, Luigi Maria Carli, who asserted in his review for the Italian Catholic clergy, "I consider it legitimate to affirm that the entire Jewish people at the time of Christ was responsible collectively for deicide, although only the leaders, together with a section of their followers, materially committed the crime ... In this sense and according to the Biblical way of thought, Judaism after the time of Jesus has also, objectively, participated in the responsibility for deicide, to the extent that this Judaism constitutes the free and voluntary continuati of the Judaism of those times. For these same reasons, states Bishop Carli, the Jews can be called "reprimanded" and "accursed of God".

Confusion over the theological teaching of the Church on this issue will be resolved only when we hear from Rome a word of contrition and reconciliation, acknowledging that men have misinterpreted and misused Christian teaching and repudiating all those who still do. I would not wish to dwell on the past at all except to warn you that how the Church confronts its own past contribution to the creation of a climate in which anti-Semitism could have flourished and still exists, will determine in great measure how well you will root out of your own soil the stinking weed of Jew hatred. The honesty with which the Church confronts its own shortcoming and error will determine the degree to which the Church can be a healing and reconciling influence in civilization.

In the meantime, it is clear that Catholics and Jews have already begun to talk to each other and to work together for justice and peace, and this is good. For indeed God has promised that He will be present when men gather together to do His work.

Yet I must confess that there are some Jews who are wary of too intimate an involvement with Catholics. Some Jews remain uncertain to what degree the Catholic's cooperative and friendly demeanor masks an intent to convert us and to bring us to the Christian's truth. This returns me, you see, to my introductory remarks. For I raise in question whether one can maintain sincerely and firmly a commitment to religious liberty, if he does not allow for the grounds and the truth of the other.

When the Jews invoke Zephaniah's dream that God in His time "will turn to the peoples a pure language that they may all call upon the

the name of the Lord, to serve him with one consent" (Zephaniah 3:9), we do not understand this to mean that the distinctiveness of peoples will disappear, nor that all men will become Jews. Rather we hope that all men, brothers in spirit, will engage together in the work of righteousness, thus serving God with one shoulder, as it were, as though joined to one yoke.

Not all Jews accept this interpretation. There are some Jews of exclusivist bent of mind - just as there are exclusivists in the Church - who have defined their existence as Israel or as the New Israel in such delimited terms as to prohibit all others from the promises and responsibility of God's election, unless they fulfill certain racial or creedal qualifications.

I prefer, however, those Rabbinic masters who recognized that he is worthy to be called Israel who has these three signs: "Being compassionate, humble and charitable" (Yebamoth 79A).

I invoke the Rabbinic commentary on Psalm 146:8, "The Lord loveth the righteous", where the sages explain, "The Lord loves the righteous because righteousness is not a matter of heritage or family". He adds, "You will find that the priests form a caste, as it were, and the Levites form a caste. For it is said, 'Oh House of Aaron, bless ye the Lord; Oh House of Levi, bless ye the Lord (Psalm 135:19-20)' "

A man may wish to become a Levite and yet he cannot. And why? Because his father was no priest or no Levite.

"But if a man, Jew or Gentile, wishes to be righteous, he can

be this because the righteous cannot form a House. Therefore it is said: 'Ye that fear the Lord, bless ye the Lord (Psalm 135:20)'. It is not said House of those that fear the Lord, for the righteous form not father's house. Of their own free will they have come forward and loved the Holy One, blessed be He, and that is why He loves them (Numbers Rabba 8:2)".

I suggest that if we but recognize that righteousness is within the capacity of all men, whatever their house, their station in life, their color, their nationality, even their religion, if we but fear God and live our lives as a blessing to God, then we will have discovered that answer to the theology which justifies and explains the importance of conscience and the value of religious freedom.

THE VALIDITY OF TAX EXEMPTION OF RELIGIOUS PROPERTY

A Draft Background and Position Paper for Presentation to the Commission on Social Action of Reform Judaism

May 24-25, 1964

by Marvin Braiterman

I. Introduction

Church-State issues are occupying one of the center stages in our national life. This paper is written in the writer's calculated opinion that the tax exemption of religious property is about to become a serious constitutional and religious controversy, involving questions as fundamental to the relationships of church and state as any which have yet come down the pike.

Not only will this question present a controversy in the community at large; it will also present for religious liberalism a vexing problem that will test our philosophy, our integrity and our common sense. Madelyn Murray has filed suit to declare such exemptions unconstitutional under the First and Fourteenth Amendments. The case is tentatively scheduled for trial in Baltimore on June 2, 1964. She seeks to end the material aid to religion that she finds in these exemptions. Later in this paper her case is discussed in more detail. This suit raises fundamental and complex questions that need our serious thought before the issue explodes on the national scene, so that we are not unprepared or uninformed.

In the past, wherever we have seen an issue involving or tending toward the creation of an establishment of religion through material aid from government, we have been counted in opposition to such programs. We have denied the opinion of those who have opposed our position that the stands we have taken are hurtful to religion in America and to the proper interpretation of church-state relationships and the First Amendment.

Query: Does moral and logical consistency compel us to oppose continued tax exemption of religious property? Further query: Can we support continued tax exemption without becoming hypocrites, opportunists or worse?

II. The Murray Case on Tax Exemption

Madelyn Murray, avowed and militant atheist, who was a successful litigant in the 1963 school prayer and Bible reading case in the Supreme Court, has filed suit in Baltimore on this issue. She seeks to invalidate that provision of Maryland law which exempts from taxation or assessment for taxation property "used for public worship, which is to say, for public religious services, or where they are being used as parsonages in connection with places of public worship and whatever grounds may be appurtenant to such places or parsonages...purportedly granted by authority of Article 81, Sec. 9(4) of the Annotated Code of Maryland (Michie, 1957)." This quotation is from her pending Bill of Complaint in Murray vs. Goldstein, Comptroller of the Treasury, et. al. (Circuit Court No. 2 of Baltimore City, 72 A/343/38851A). Her suit complains further that, as a taxpayer, the burden of her property taxes is increased by this exemption "for the sole purpose of aiding and supporting the religious practices and religious institutions of others, since a decrease in the taxable base does by law require an increase in the rate of taxation of those taxed." She claims that these exemptions are unconstitutional under the State and Federal Constitutions for the following reasons:

(a) That they compel her to maintain an contribute to a place of worship or ministry, in violation of the Maryland Declaration of Rights (an organic part of Maryland constitutional law).

(b) That they violate the provisions of that Declaration of Rights requiring uniformity of assessments to impose taxes for public purposes only, the furtherance of religious worship in a public place not being a valid public purpose.

(c) That they violate the Declaration of Rights by depriving her and others of property "otherwise than by a judgment of their peers or by the Law of the land." (This is a provision roughly comparable to "due process of law" in the Fourteenth Amendment to the United States Constitution.)

(d) That they violate the First and Fourteenth Amendments to the United States Constitution by constituting a law respecting the establishment of religion and prohibiting the free exercise thereof.

(e) That they violate the Fourteenth Amendment to the United States Constitution by depriving her of property without due process of law.

Of these complaints against tax exemption, (d) and (e) represent Mrs. Murray's potential federal questions, and (d) represents the particular grounds of decision which resulted in all of the school prayer cases and other decisions of the Supreme Court on separation of church and state and religious liberty. With these federal questions, Mrs. Murray seeks to convince the Maryland courts that, by the Supreme Court's decisions in the school prayer cases particularly, federal constitutional law now requires that the states eliminate religious tax exemptions. This is a result which she could not likely obtain under state law alone.

It is important to note that while she brought her suit only against the public officials involved in the assessment and collection of property taxes for the State of Maryland and Baltimore City, the Roman Catholic Archbishop of Baltimore and the Protestant Episcopal Diocese of Maryland have both been allowed to intervene as defendants because of the substantial property interest that each has in the outcome of this litigation.

If Mrs. Murray ultimately wins in Maryland, some or all of the defendants will undoubtedly appeal to the Supreme Court. And, of course, if she loses in Maryland, Mrs. Murray, who has a love for litigation that would make the most rabid strike-suitor seem like a shrinking violet, admittedly intends to carry the case as far as it will go.

Will the Supreme Court hear such a case, and if so, with what result? In Church, State and Freedom, 1953, Leo Pfeffer predicted that the Court would not strike down tax exemptions. Since 1953, the Court has, on two occasions dismissed similar cases on grounds that the issue lacked a substantial federal question. But, having since heard a number of church-state cases involving federal questions of no greater significance, and having let loose a whirlwind in the school prayer cases, one cannot expect the Court to indefinitely defer dealing with this issue.

III. A Concise (and Sketchy) Background and History

Exemptions of religious property from taxation develop out of state and local laws. Their details reflect that disuniformity and variety of treatment that is to be expected in dealing with any subject that touches on fiscal, political and philosophical history of separate state sovereignties in our federal system. But there is an overriding uniformity in principle (as compared with detail) which finds every state in America recognizing the exemption of certain property owned and/or used by religious institutions from that area of taxation that is most directly related to the private ownership of property -- the tax which is levied at a given rate upon the assessed valuation of real estate and/or chattel (personal) property.

Within this uniformity of principle, the legal and historical sources and coverage of these exemptions differ. Some are written into state constitutions; others arise out of state or local statutes or both. Some are limited to property held for direct and present use in religious functions, such as worship, education and administration; others are more liberally bestowed upon any property owned by a religious institution, regardless of its use (or non-use), and regardless of the religious, social or financial function which its use involves. Some states extend the exemption of property owned by religious institutions to property owned or used by the functionaries of such institutions, so as to include such things as parsonages of the clergy.

The location of the exemptions in the statute books is often a reflection of their history or rationale. Some states include religious exemptions from property taxation with similar exemptions granted to other eleemosynary institutions on an anomalous theory that the functions of religious institutions resemble quasi-public activities that government would presumably be required to perform or assume in the absence of such private philanthropic effort. And, while this may well be true when a religious body operates a hospital, a college, a children's camp or a social welfare agency (particularly if it does so on a non-sectarian basis), the most common and widespread exemption of them all extends to property used directly for public worship -- the sanctuary and all that is contained therein. Obviously, public worship and its most immediately related auxiliary facilities, used for sectarian religious education, assembly and administration, are not activities in which government would be either required or even allowed to substitute itself in the absence of activities of private religious institutions.

Partly in recognition of this anomaly, other states do not include these religious exemptions with those of general educational, welfare, health and other eleemosynary institutions, but treat them separately, out of a special and purposeful understanding of their singularity. (The narrow political motive is a factor in the treatment of these exemptions, but an easy, cynical judgment would be less than accurate if it assumed that religious tax exemptions have their only source and justification in either the politics or the religious values of only the least common denominator of society.)

In our history, religious bodies have had, as one of their purposes, the promotion (in common with government) of "morals, virtue and intelligence". Mill, Locke, Jefferson and others have described religious and civic goals in these or similar terms. The road by which we ultimately decided in the United States to develop the distinct but dual functions of state and church was through their strict separation. It was expected (and in large measure this occurred) that the courses of state and church would parallel each other at times and move apart at other times, and that each would function best and with greatest integrity if each could remain free of dominion or control of the other. The free exercise of religion was recognized as an inherent private prerogative of church and people; separation of church and state was recognized as an inherent prerogative of state, church and people.

To this end, there remains a rationale of tax exemption of religious property that is handed down to us in this country from the most impeccable sources of Eighteenth Century enlightenment, and which, in the opinion of the writer, continues to speak forcefully to us in very pragmatic and principled terms today. Exemption of churches from taxation was, in this historical tradition, an important element in both the separation of church and state and the free exercise of religion.

Taxation itself -- that dullest mumbo-jumbo subject of contemporary law, politics and public policy -- was at one time a colorful standard around which man's loftiest aspirations could be rallied. The abuse of the taxing power was often regarded as a graphic symptom of social decay.

The American urge to achieve popular government was never better expressed than with the cry that Americans would not any longer be subjected to "taxation without representation". The Boston Tea Party was neither a party nor a protest against an English drink. It was a profound act of civil disobedience protesting the invasion of an inalienable popular right. What form of state action did Madison and others seize upon to make their most earnest "remonstrances" in favor of religious liberty, disestablishment and freedom of conscience? The Assessment Bill, by which Virginia sought to obtain tax support of the established church, became Madison's prime target. The power of taxation was early recognized as a vital instrument of civil government, whose absence could be its downfall, as The Federalist explained in very emotional terms when it advocated the adoption of the Constitution and the initiation of our federal government. At the same time, the misuse of the taxing power was early recognized as the most efficient and devastating tool of state tyranny. The power of taxation was here called the "power to control" and there called, perhaps with less precision, but with a sure germ of ultimate truth, "the power to destroy". We close in on the nub of our problem when we ask ourselves if the past is dead, memorialized only by quaint rhetoric, or whether the past is prologue.

IV. Further Analysis of the Issue

Obviously, a religious institution which is a property owner but which is also concerned with preserving the integrity of the separation of church and state and of religious freedom faces very serious consequences in the determination of this problem. We must be concerned with the result of the controversy as well as with the reasoning that may bring about the result.

Mrs. Murray's 1963 case was supported by some religious organizations (including our own); the decisions and opinions of the Court have found approval by still more religious organizations; efforts to amend the Constitution to override the Court have been opposed by still more religious groups who like the present wording of the Bill of Rights more than they dislike the Court's decisions. However, practically all of the religious support of the school prayer cases and the religious opposition to constitutional amendment have been offered in the name of the preservation of religious integrity. We did not identify ourselves with Mrs. Murray's theology (or "atheology") in the school prayer cases. The question before us now may well involve whether history, logic, consistency and integrity require us to identify with her ideology in the present case.

What we are called on to decide is which of two views we take of the property tax exemption of religious institutions. Admittedly, there is a financial benefit to such institutions by the absence of taxation. But is that its determining characteristic, or is it merely incidental to a larger objective?

While the full weight of his argument shows opposition in principle to tax exemption, even while he admits as a practical matter that it will likely remain with us, Leo Pfeffer in Church, State and Freedom, says that this field--exemption of church property--"presents another instance of an apparent conflict between the 'establishment' and 'free exercise' aspects of the First Amendment. Taxation of religious activities constitutes an unconstitutional abridgement of religious liberty, whereas exemption from taxation of property owned by religious groups is at least arguably that type of material aid to religion that is barred to government as a law respecting an establishment of religion." (p. 183)

However, the "activities" which Pfeffer regards with concern where the abridgement of liberty is concerned are primarily directed to such things as licensing requirements for the itinerant preacher, permit requirements for the religious parade of an off-beat sect, the solicitation of religious contributions and the sale of religious

tracts in the street and at the household door. In short, he is concerned, where freedom is involved (and properly so), with those sects outside the power structure of established communities. There has been litigation in this field on behalf of groups such as Jehovah's Witnesses and their continued right to speak, to assemble and to worship in their particular sense is worthy of serious concern.

But as Jews, we must not forget that freedom, like justice, is for the rich as well as for the poor, and its protections must be accorded to the religious power structure of society as well as to the weak and the dissident. The best that Pfeffer concedes to religious property owners is (p. 603) that the exemption from taxation of their property is "a fairly universal practice throughout the United States", and that while the exemptions constitutionality is "arguable", it is too well established to be disturbed. Further, and significantly, Pfeffer insists that such exemptions be regarded only as a "matter of grace, not of constitutional right."

This is no longer necessarily true. The Murray case on tax exemption has great potential for mischief in this field. The exemption may, in fact, be "disturbed" if Mrs. Murray convinces the Court that its prior decisions in her favor inevitably require it to make a substantive decision in the issue, and further require that the Court find for her again. Or, if the Court adopts the conviction of the defendants in the Murray case that the prayer decisions were in some way wrong or extreme, it may use the Murray case on tax exemption to step back from the positive religious and social values which are inherent in the language and opinion in the school prayer cases.

Either of these results would, in the opinion of the writer, be a misfortune for those of us who approved of the Court's decisions in 1962 and 1963 and of the reasons that the Court gave for them. We have taken a position in favor of the First Amendment as interpreted by the Court on the ground that this is the best verdict for religious integrity in America, that religious life in America is a uniquely private, voluntary expression of conscience which is beyond the capacity of government to participate in, that decisions of the Court represent a limitation on the state which leave our people and our churches and synagogues freer than ever to speak to their faith. In supporting these decisions, we denied, as did the Court, that they represented hostility, either to organized religious activity or to sincere religious expression. We did defend Mrs. Murray's atheism, but only her right to live in peace with civil and political equality with others in our land, regardless of her religious beliefs or disbeliefs.

That case was easy compared to the present one. We opposed prayers and Bible reading in public schools, not out of any material or financial self-interest, but out of genuine civic and religious concern. How easy it would be to support Mrs. Murray again if only to show that we have the material courage of our moral convictions -- that we are willing to put our money where our mouths and hearts have been. Her suit is a challenge to us to do this very thing.

How embarrassing and difficult it may be to stand up and say that non-establishment and religious freedom require that the same valid principle that mandates government to keep prayers from its public schools is also a mandate that it keep its tax assessors and collectors out of our religious sanctuaries.

Which brings us to Pfeffer's other point -- that the exemption is not a constitutional right. Why not? In what respect is a property tax on church, synagogue or religious institution less of an act abridging freedom of religion than is the imposition of a license requirement on a peddler of religious literature in the public streets? The motive for the tax or license may be a factor -- the tax on the church may be a part of a non-discriminatory effort to raise revenue for public purposes, while the tax on the itinerant minister may be an effort to drive him away. But this is not necessarily so, and neither principles nor their application can be dependent on such pre-suppositions.

Pfeffer says, "In a democratic society, the tax burden should be borne by all segments of the community, in proportion to their ability to pay. When, therefore, a substantial segment of the community claims the right to share in the benefits provided by the community, but to be excluded from sharing in the economic burden of providing these benefits, that claim requires careful scrutiny."

By all means, let us scrutinize carefully, and if the consequence of that scrutiny require us to oppose taxation of religious property, let us have the moral courage to oppose it. The consequences of the writer's scrutiny of the religious community, as it has been developed by study of this very subject, indicates that this community does stand in a different position than other "segments". It alone is enjoined from seeking tax support for its activities, precisely because of its religious nature. It alone is required to refrain from the misappropriation of public facilities for sectarian indoctrination. On the other hand, it alone is free of certain restraints and processes that government may lawfully require of other segments of society. The place of religion under our dual system of separation and free exercise is unique. In the private, voluntary marketplace, it is the recipient of incomparable liberty and opportunity. In the compulsory arena of state activity, it is incomparably foreclosed from entry.

The singular role of religion in American life is the best illustration available that the phrases of our history are still vital and meaningful. Implicit in this singularity is a recognition that the power to tax really remains the power to control, just as surely as the power to receive tax funds ultimately represents the transfer of the power to be controlled. Viewed in this perspective, Mrs. Murray's analysis of tax exemption is a doctrinaire sophistry. The Court may not have been hostile to religious liberty in the prayer case, but she is hostile to that principle in her present case.

Let us examine the process and application of property taxes in an effort to determine this basic issue:

Query: Is this exemption a subsidy by government to religion, or is it a recognition on behalf of religious freedom of a particular area where government is inherently prohibited from taxation in the first instance?

We must, on this question, distinguish the issue of tax exemption of religious property from related questions in this field. Tax exemption of commercial property owned and rented or held for investment by religious bodies is a separate subject, as are income tax exemptions of religious bodies where income is earned in commercial activities unrelated to religious functions except in the use of such income. So, also, is the question of the validity of the income tax deduction allowed to individuals or corporations for contributions which they make to religious bodies a separate issue. It is essential that we confine ourselves to the narrowest and most basic tax question of all -- the exemption of property taxes.

Without this exemption, religious bodies would be brought into fiscal relationships with government in two processes, the assessment process and the collection process. The tax assessor would be required to fix an assessment upon real estate or personal property, usually in terms of fixing a market value on the property or some predetermined percentage of its market value. Not basic in principle, but an important factor in application, would be this assessment process. Large areas of judgment, opinion and discretion are involved. Perhaps there is a formula for assessing a religious building, or one could be developed. Assessors have plenty of experience with buildings, even with rather unique buildings. But how would an assessor evaluate a collection of religious art, or a priceless collection of ceremonial objects, or a valuable library. As surely as a public school classroom under the authority of a teacher is not the place for prayer, just as surely is the county tax assessor and his office the wrong person and place for appraisal of religious property.

With unevenness in assessment, which is inevitable, would come a certain possibility of polite corruption on the one hand and discrimination on the other -- or supposed corruption or discrimination. What is the assessor's religion? Who in the church can talk to City Hall? What of the church that advocates an unpopular cause in the community? The quickest way for government to "deal with" the churches and synagogues in its bailiwick, for good or for ill, could be through the tax assessor's office -- a potential illustration of the power to control in very realistic terms.

The other process, after assessment, is tax collection. Property taxes constitute a lien--a kind of first mortgage--on the property. If government is our creditor, the ultimate remedy for non-payment is seizure and sale. The spectacle of such a disposition of religious property would be ugly. It would threaten the most impecunious of our religious institutions--not alone their independence, but their very existence. For the wealthier, more propertied institutions, the cost of property taxes would become a major expense--perhaps resembling the budget for its clergy or its religious school. If this is an expense which they must in principle, be required to bear, so be it. But the best principle seems to be in the other direction...an exemption that preserves the practical right and ability of a religious institution to teach, to preach and to act free of material considerations involving its own, direct, financial self-interest. Such self-interest might cause some, for example, to remain silent or speak out against necessary public expenditure. This could represent the ultimate loss of control, the ultimate corruption of religious resources and religious relevancy in our society. The American church and synagogue must speak to taxpayers; it cannot preserve its integrity if it becomes one, just as any other "segment of the community".

Are there not excuses enough, impediments enough, delays enough, in the achievement of authentic religious integrity in America without adding to the moral and spiritual burden of our religious institutions that of overcoming additional banal needs as big taxpayers? None of this is to advocate heedlessness of the financial burdens of state and local government, itself a social problem of significant importance. Nothing would be wrong in working out a voluntary system of contributions by religious bodies in lieu of taxes. Such proposals have been studied by some groups and they should be pursued much further. Nor should government necessarily be foreclosed from making charges for direct and specific services and utilities furnished to churches, synagogues and the like. Such charges are common in certain areas, and in newly growing suburbs these charges are rightly being increased. However, neither of these methods must be allowed to involve the synagogue in the regular assessment and collection of taxation used to support the general and overall costs of state and local government.

Our religious institutions are, or they should seek to become, the conscience of society. They cannot do this without the widest possible freedom that they can obtain. They are entitled to this freedom, both by the laws of our land and the laws of God.

Their obligation, in return for this freedom, is not to furnish taxes as a kind of conscience money. Taxes are not the legal tender with which religious institutions can or should repay the obligations which they have for the freedom and opportunity that has been bestowed upon them in this country. We have a debt and a far road to go in repaying it. But the debt is of a different kind, and the Obligee is not the tax collector.

MEMORANDUM

THE AMERICAN JEWISH COMMITTEE
INSTITUTE OF HUMAN RELATIONS
165 East 56th Street, New York 22, N. Y. • Plaza 1-4000

from the desk of DR. S. ANDHIL FINEBERG
Community Relations Consultant

June 19, 1964

THE SCHOOL CONTROVERSY IN MOUNT VERNON, N.Y.

A Case Study in Human Relations

In brief: Mount Vernon has come successfully through a very difficult phase of interracial controversy. There was fear of violence and protracted disorder. This is an attempt to explain why except for one unruly public meeting, February 25, there was no turmoil and why tranquility prevailed. Police relations were exemplary. This is also an attempt to look at desegregation plans in perspective as they are likely to affect other communities.

Change and Potential Change

Mount Vernon (where I have resided for 35 years) is a fluid community adjacent to New York's Bronx. Its total population is 77,500. It is one of the most densely populated towns in America. The city's four square miles include no vacant land. Its population was over 70 per cent white Protestant thirty years ago. Now it is about 20 per cent white Protestant. The Catholic segment of Mount Vernon (nearly 40 per cent of the total) has become the largest and a politically powerful element. The Negro population which was 20 per cent of the total in 1960 is increasing more rapidly than the white. A public housing project opened with 400 white and 100 Negro families about five years ago and is now 98 per cent Negro.

The residents of Mount Vernon may well regret failure to enforce housing laws. Negroes crowded four families and even five into houses previously occupied by one or two. A large part of the area south of the New Haven railroad tracks has become a slum. Jewish population rose to 17,500 but is now declining. The Jews are highly active in civic life and some are very influential. The six Jewish congregations rank among Mount Vernon's most important institutions.

The North Side has substantial areas of good housing, occupied almost entirely by whites. There is also on the North Side a large deteriorated section, marked for urban renewal. If and when this area is rebuilt with public

financing, it may be occupied mainly by Negroes who will attend schools now predominantly white. Mount Vernon's interracial difficulties are due solely to the residential housing patterns. The only high school - a magnificent one, built three years ago - is completely integrated.

People of other ethnic groups in lower economic brackets replace the outgoing Jews and white Protestants. Racial tensions would hasten the change and might bring within a decade a Negro public school population of well over 80%. The elementary school enrollment is now 43%, - double the population rate.

The School Controversy

Mount Vernon's racial imbalance in the schools is one of the nation's worst among unsegregated school systems. The New Haven railroad tracks separate white and Negro sections. Five of the eleven elementary schools are 93% white, three of the schools are 83% or more non-white. In June 1964 when the New York State Commission of Education asked that all school districts of the State take steps to end racial imbalance, the Mount Vernon Board of Education engaged Dr. Dan W. Dodson, director of New York University's Human Relations Center, to prepare a plan to overcome the imbalance.

Dr. Dodson submitted his plan on February 6, 1964. He recommended that the neighborhood school concept be abandoned and that 3,000 of the 7,000 elementary school children be bussed across town. All schools would have neighborhood kindergartens but all schools on the North Side would accommodate first through third grade pupils and all South Side schools would be for fourth to sixth grade pupils only. Nearly all of the other recommendations can be carried out in neighborhood schools as well as in consolidated schools. The Board of Education rejected Dr. Dodson's plan after a swiftly created Parent Taxpayers Association was formed and submitted a petition with 8,000 names against the Plan.

Dodson Plan Defeated at Polls

Mount Vernon Negroes have a Committee on Negro Affairs. The NAACP, their leading churches and a few other Negro organizations are the centers of Negro activity. All favored the Dodson plan. While the Plan stimulated Negro ambitions, it also galvanized white opposition. All Negro organizations in Mount Vernon continue to insist that the Dodson plan should be adopted. Among whites with the exception of a few all-out integrationists, the plan is abominated. The powerful Italian Civic Association has vigorously opposed the Plan. But at

the public hearings and in the many letters to the editor, published in the local newspaper, The Daily Argus, everyone, with hardly an exception, has disclaimed racial intolerance. Superficially at least, anti-Negro feeling has appeared more unpopular than anti-white attitudes.

On May 5th when two positions for the school board were open, the leading candidate of the Italian Civic Association was elected with 4,232 votes. The other office opening went by 4,132 votes to a Jewish civic leader who likewise opposed the Dodson plan. Mrs. Esther Trupin, chairman of the Board, who favored open enrollment to the Dodson plan, was defeated with 4,073 votes. Two Negro candidates were defeated (2,597 votes and 1,676 votes) in an election in which 30,000 people could have voted and only 9,819 did. Had the Negroes and more of their white friends exerted their full voting power, they could have elected the two Negro candidates. This is one of the instances in which the Negroes of Mount Vernon have not supported their leadership, which is highly vocal but rife with rivalry.

The apathy of most Mount Vernon Negroes was again demonstrated at City Hall Plaza on the 10th anniversary celebration of the Supreme Court decision on school desegregation. The May 17th outdoor meeting was announced as a "Mass Protest Against the School Board." Less than 300 attended. On the other hand, during the boycott of schools the next day 6,400 of the city's 11,718 (total--including elementary, junior and senior highs) public school pupils were absent. Nearly all Negroes and many whites stayed out of school. However, a Jewish holyday accounted for the absence of 1600 white children. How many of the others had worthy motivation and how many took advantage of a chance to avoid school, cannot be determined.

The Attitude of the Administration and Police

During the two days of demonstration and boycott during which all police leaves were cancelled and every man on the force worked extra hours (but this fact was known to me only on a confidential basis) nothing was done publicly that might cause alarm.

At the demonstration, Reverend Milton Galamison, fiery Negro boycott leader of Brooklyn, harangued the crowd in the City Hall Plaza, shouting "Fight--Fight. No one respects those who do not fight." Sentence after sentence began or ended with the word "Fight." Near him stood the editor of the local Negro weekly, The Observer, who has been urging aggressive measures and a few other Negroes who inject anger and hatred into their talks and writings.

The day after the boycott a Negro public high school lad was arrested for a senseless assault on a white boy. It was an entirely isolated incident. Otherwise there has been no trouble. Domestic tranquility prevails. Ill feeling that mounted during months of private and public debates has subsided.

Everyone shared the opinion of the local NAACP's president said (as reported in the Daily Argus), "We were very pleased with the response, particularly on the South Side. We were especially happy that we were able to have a peaceful demonstration as we had planned we would and that we were supported by the police, as they promised." (In how many cities has this happened?)

As in every locality where there is a large Negro population, there are two major problems in Mount Vernon. One is the danger that the situation of the Negroes will not improve, that the Negro masses will continue to live impoverished lives, that the education of Negro children will be inferior and that no steps will be taken to end racial imbalance. The situation in such places as Mount Vernon leads all who take a liberal position and wish to improve the Negroes' situation to prefer that public controversy continue. The Negroes' needs shall be kept in public view. There is also the danger that over-zealous demonstrations will escalate into riots and that Negro-white relations will deteriorate. Destructive conflict may occur. Conflict includes war, riot and bloodshed. The molders of opinion of both races in Mount Vernon who favor controversy are at this time much more influential than those who find psychological advantages in the hostility which "conflict" suggests. The moderates in all sections of the community are now apparently in control. How long this situation will endure depends on whether still stronger bridges than now exist between the various elements will be built to bear the traffic of threatened conflict and whether the Negroes' aspirations are adequately satisfied.

Professional Guidance

Mount Vernon has a Human Rights Commission. Mrs. Lillian Kleinberg, a part-time executive, was engaged half a year ago. She is a well established resident of Mount Vernon with long experience as an active volunteer in community relations. As a resident of Mount Vernon I took a back-seat role as a friend of the Mayor, of the Police Commissioner, the City Council, Mrs. Kleinberg and some other strategic Mount Vernonites. I was in constant contact with AJC's Westchester Division area director and several of the lay leaders.

Mrs. Kleinberg and I are the only professional human relations workers residing in Mount Vernon. But the county's professionals, including Meyer Fine (American Jewish Committee's Westchester Division) were keenly concerned. They conferred with Mrs. Kleinberg.

In regard to the Board of Education's action on the Dodson plan, the professionals were only marginally involved and none made a public appearance. The Executive Committee of AJC's Westchester Division adopted a position for guidance of laymen and staff February 24, but made no public statement. All events of the past three months prove that the Dodson plan had no possibility whatever of adoption or implementation, even though nine members of a Citizens Advisory Committee on Racial Imbalance appointed by the Board of Education, and chaired by Sanford Solender, approved the Dodson plan on February 14th and only one member of the Committee dissented. The lone dissenter, however, was a spokesman of the Italian Catholics, who were solidly against the Plan, while all Negroes, some Jews and some white Protestants favored it.

Between the day Dr. Dodson read his plan at an open meeting of the Board of Education (February 6) and the rejection by the Board (March 12) in favor of Open Enrollment, a public opinion contest occurred wherein expressions of idealism and high enthusiasm reached an early crescendo -- an almost immediate crest -- while resistance on the part of factions that were numerically greater, economically stronger and politically more potent became increasingly vocal and were still gaining momentum when the School Board acted. The proposed bussing half of the elementary school children across town, furnishing lunch rooms in 9 of the 10 schools, where none had been needed and destroying a cherished concept of neighborhood schooling (all of which entailed great expense) caused emotional reactions too intense to be altered. If such a plan were to be undertaken it should have been announced long before it had to be adopted or rejected. In this instance there was no time for long range education. The Dodson plan called for adoption in September 1964 in a single step, which meant take-or-leave-all without community preparation. The result was, despite vociferous support from some white liberal individuals, a clear racial cleavage. The white organizations and institutions maintained a discreet silence, whose significance was obvious.

A fair estimate of the number of people whose minds were changed about the Dodson plan by the many speeches, arguments, Letters to the Editor, private conferences, between February 6 and March 12, would be something under two per cent. How Negroes felt about it is difficult to say. No Negroes would have dared to speak against the Plan openly. At the several public hearings every Negro

who spoke (and there were many who spoke) demanded that the Dodson plan be adopted unaltered in any way.

Since whites are more than 75% of the population and few of them differ with the Board's final view and since both of the successful candidates elected to the School Board May 5th ran on an anti-bussing platform, only legal authority will substitute bussing for open enrollment in Mount Vernon in the foreseeable future. Yet the Dodson Plan is not altogether dead. It is a rallying cry for Negro leaders and for a handful of white sympathizers. One month after the School Board's plan was announced the Mount Vernon NAACP filed a petition (under Section 310 of the New York State Education Law) with the State Education Commissioner on behalf of 14 Mount Vernon parents, several of them white, on four counts. One was the Board's failure to adopt the Dodson Plan. This is said to be the first biracial petition against racial imbalance under this law, with the whites claiming that their children too are hurt by the imbalance.

Accent on Desegregation

As elsewhere, Negro leadership in Mount Vernon sincerely believes that de facto segregation of Negro children is as harmful as de jure, and a small portion of the whites agree. They believe that education for Negro children will never be as good as that given to white children unless they share the same classrooms. They set no limit on what should be spent to end de facto desegregation and believe that no parent or child should object to inconvenience. Whether all Mount Vernon Negroes feel that way is doubtful. When the Open Enrollment plan was announced by the Board of Education March 9th it included a system of priorities within which 176 vacant seats in predominantly white elementary schools were made available for Negro pupils. The Board's plan also includes improvement and enrichment of the entire educational program, with special attention to the five racially imbalanced schools on the South Side, expanded teacher recruitment to obtain teachers of varied "ethnic backgrounds," ten additional remedial teachers and other features. The one Negro member delivered a blistering ten page indictment, denouncing the Board's document as "pure tokenism" because it left the imbalance hardly altered.

With 1,934 Negroes in the elementary schools with greatest imbalance and only 176 vacancies in the predominantly white schools, the local NAACP announced that it would swamp the Board with requests for transfer. But less than a hundred requests for transfer materialized. The response to the privilege of "voluntary free exchanges" whereby a one-to-one switch between similarly graded white and Negro pupils can be made on parental initiative has been almost nil. Although it is much easier to count Negro and white faces and to insist

on shifting them toward numerical equalization than it is to assay the extent to which classroom instruction is actually improved, many whites and Negroes of Mount Vernon will try to improve the schools, imbalanced as they are, while Negro leaders will continue to demand the application of the Dodson plan of abolishing neighborhood schools and bussing half the elementary school children.

One of the regrettable features of such plans as Dr. Dodson's for Mount Vernon is that those who prepare them have no responsibility. Putting them into practice devolves on others, who must cope with financial difficulties, powerful resistance, etc. Too often the plans are kept secret until publicly revealed without prior discussion with people who live with the problems daily and know what is feasible. Mount Vernon, for example, has a flight potential far greater than most localities and a very large element highly conscious of recently achieved socio-economic status.

How Public Serenity Was Maintained

All citizens of Mount Vernon are to be congratulated on the mutually respectful conduct they accorded each other on May 17th, the day of the public meeting at City Hall preceded by a parade, and May 18th, the day of the school boycott. In assigning special credit first honors belong to Mayor Joseph P. Vacarella, who on May 11th, issued a statement wherein he recognized "the right of citizens to protest and to demonstrate, but added that he recognized his obligation to see that the rights of all citizens are protected and the laws obeyed. This equal emphasis on the rights of the demonstrators and of the public at large was maintained throughout the week preceding May 17th and on the 17th and 18th. On the 13th the NAACP chairman responded favorably and indicated the organization's intention to conduct orderly protests.

Police Commissioner Kummerle (whom I had furnished plans that were made elsewhere for comparable occasions) told the NAACP heads exactly what the relevant ordinances were, such as that it is always unlawful for unauthorized people to go onto school grounds, that pickets may use streets but must not block traffic, etc. On Friday the NAACP announced that all participants in the demonstrations were cautioned that they must obey these regulations. In this announcement in the Daily Argus, the NAACP published the applicable rules. All policemen received mimeographed instructions from the Police Commissioner, which were a model of fairness and respect for the rights of the demonstrators, and yet firm in regard to the rights of others to be free of harassment and of interference with their rightful business.

Honors should be shared with the Daily Argus which printed the Dodson Plan and the Citizens' Committee Report, the Board of Education's plan and dissents in full, as well as other documents, and opened its columns equally to all who wished to support or criticize the Plan. No scurrilous letters or comments were printed but, within reasonable bounds, people were given rein for the expression of their feelings and beliefs. The coverage in The Daily Argus of every aspect of the school controversy was highly commendable. Most praiseworthy and helpful was an editorial in The Daily Argus on May 15th which "strongly endorsed" the Mayor's statement and commended his determination to discharge his responsibilities as head of the city's government. The editorial was a cogent appeal for "the interracial amity that the community has so long enjoyed."

Recognition and Respect

Situated not far from Harlem, with a higher percentage of Negro population than New York, and a growing Negro slum, Mount Vernon has potential for bitter conflict and interracial hostility that would be fatal to the city's well being, since it would drive out substantial elements of both the white and Negro communities. (Mount Vernon has almost no Puerto Ricans). "The Observer," the local Negro weekly, bears on the masthead "Dedicated to Justice for All" but its tone is often racist. A so called "Fair Employment Practice Committee" with a tiny membership, the NAACP and other Negro organizations have conducted boycotts of stores. There are other factors on the debit side. On the credit side are white and Negro ministers genuinely dedicated to interracial progress and deeply concerned for the welfare of the Negroes. There are likewise the Human Rights Commission and an Intergroup Council, the former an arm of the municipal government and the latter a body of representatives of many organizations. There are fortunately in Mount Vernon places where people of different races and of opposing views meet and debate the issues. Recently a crack-down on infractions of building codes in the slum area was launched by the municipal authority.

Yet as much in Mount Vernon as anywhere else, Negroes need the conviction that personal merit will bring reward and that pigmented skins do not deprive people of respect and public recognition. Equality of regard is highly elusive but it is as important as many of the hotly pursued objectives that Negro leaders have set. "No one knows my name or even cares to know it" need not be a Negro's complaint in Mount Vernon, where the one medium of genuine mass communication, The Daily Argus, does not practice racial discrimination in any of its columns. There are too few opportunities, however, for Negroes to receive recognition as highly regarded citizens along with whites, instead of

appearing as Negroes, heading Negro churches, representing Negro organizations and the like.

As national chairman of Know Your America Week, I suggested to Mayor Vaccarella that he issue a proclamation, which he has prepared, calling for the observance of Know Your America Week November 22-28, 1964. He will appoint an interracial and interreligious Know Your America Week Committee that will prepare a major celebration the Saturday evening after Thanksgiving and will set up various interracial and interreligious committees to promote celebrations during the week in the schools, churches, luncheon clubs, women's organizations, etc. Negroes will be designated among the members of all major committees.

The Mayor will be the honorary chairman and looks forward to a series of meetings between now and the end of November of various committees and groups which will provide opportunity for Mount Vernon's whites and Negroes and others who meet too infrequently to get to know each other on a friendly basis as patriotic citizens who see each other as equals with common purposes. A technical committee, chaired by Mrs. Kleinberg, will assist the others.

The controversies will no doubt continue, as they should, but efforts will be made in Mount Vernon to build more channels of communication, for without two way communication and mutual respect the crisis of May 17 and 18 would not have passed peaceably. To top it all, Mayor Vaccarella spoke at the May 17th meeting and sincerely deplored the fact that the crowd was not larger. Since the Mount Vernon School Board is entirely independent, the Administration properly stayed out of the controversy. One can be publicly neutral on the advisability of pressing for the adoption of the Dodson Plan and highly pro-Negro in many useful ways, despite Negro extremists and some white fanatics who insist that those who do not agree completely with them and demonstrate it are anti-Negro.

Prognosis

The spirit of a community and of its officials can contribute enormously to preventing harm and set-backs when beneficial change is coming but not as rapidly as desired. Physical rearrangement of pupils is an attractive target simple and easily seen by all. The best solution would be the erasure of segregated housing. But that is highly complex.

AJC's Westchester Division's Executive Committee adopted the following motion on February 19th: "The consensus of this meeting is that the School Affairs Committee in cooperation with the Administrative Board of the Westchester

Division, the Mount Vernon membership and the National staff, should lend assistance to the Mount Vernon community in the resolution of the school integration problem, with the objectives of achieving school integration, quality education and harmonious human relations within the community." Harmonious relations were gravely threatened and can never be permanently secured. But the proper steps have thus far been taken in Mount Vernon with extraordinary cooperation of the local Administration and the local newspaper.

As a personal note, I would like to thank William Macy, Mount Vernon's Counsel, for his highly helpful cooperation during the recent controversy.

AMERICAN JEWISH
ARCHIVES

S. ANDHIL FINEBERG

ADDITIONAL COPIES OF THIS MEMORANDUM ARE AVAILABLE ON REQUEST.

SAF:aw
6/19/64
1a-d2abc

memorandum

THE AMERICAN JEWISH COMMITTEE

date August 13, 1964

to Marc Tanenbaum

from Lucy Dawidowicz

subject.

Here are two copies of the
article we talked about. Can
we spread it around?



may take, to prevent volcanic eruption in Latin American lands other than Cuba. Should that eruption occur—as a result of man's inhumanity to man, of the refusal of the rich to consider the rights of the poor, of the institutional church's lack of concern—then the living God, the God of Abraham and the prophets, the Father of Jesus Christ will be no mere spectator in the struggle.

In view of this situation I am convinced that three things are urgently called for. First, it is imperative that by every possible means and at the earliest possible moment the American public achieve an intelligent understanding of the total Cuban situation. Second, it is incumbent on the Protestant churches of the United States to stimulate research into the problem of Cuba, and toward that end to see to it that facilities are provided for groups representative of American religion and culture to visit Cuba. Third, it is indispensable

that, in accordance with the laws of human relationship and with the long-range interest of the United States, a top-level encounter take place wherein responsible officials of both our country and Cuba may freely and frankly confront their difficulties. Thus intelligent diplomacy could prevent repetition in the western hemisphere of the disastrous consequences for today's world that have followed on the failure to give normal international status to mainland China 15 years ago.

On the Cuba situation opinions of responsible Protestants in the United States differ. But let the Cuba issue and others of like nature in the world today be made the subject of presentation and debate in church councils and in the churches' organs of opinion. And let this be done fearlessly, setting the life of man in the light of God's concern for evangelical rebirth and social justice, and of his sovereign lordship in history.

AMERICAN JEWISH Goldwater on Church and State

Though opposed to federal aid to education, Senator Goldwater holds that if such aid is forthcoming it should go to parochial as well as public schools.

GLENN D. EVERETT

† ONE FACTOR which voters will want to take into account in their consideration of the candidacy of Senator Barry Goldwater for President of the United States is his position in favor of federal aid to parochial schools if such assistance is granted to public schools. This position has been repeatedly stated by Goldwater; in 1961 he offered on the Senate floor an amendment to President Kennedy's program of federal aid to education which would give grants rather than loans to parochial schools for construction of academic facilities. The amendment was defeated.

Senator Goldwater's record on church-state issues is not widely known, although it has been consistently held for more than a decade. The Arizona senator disclosed in 1953, his first year in public office, that he believed church-state separation should be no barrier to the granting of public funds for private education. This surprised many of his constituents in Arizona in 1953. But at no point has the senator altered his views on the issue.

The senator, whose father was Jewish and whose mother is Episcopalian, had his first brush with Protestant criticism when he favored a substantial

grant of public land to a Catholic college being established by the Jesuit order in Phoenix. Years ago the federal government built a school for Indians on a tract of land of considerable size outside Phoenix. As the city grew and engulfed the area reserved for the Indian school, the department of the interior was pressured to dispose of some of the land the school was not using. Eventually some of it was declared surplus. Immediately nearby St. Francis Catholic Church, which conducted a preparatory school, applied for the land. There were plans to expand the preparatory school into Arizona's first four-year Roman Catholic college.

Goldwater tried to persuade the federal government to donate the land for the college, even though the Phoenix board of education sought it for a public school. W. Barry Garrett, editor of the *Arizona Baptist Beacon*, in editorials in his paper and in letters published in the *Arizona Republic*, a Phoenix newspaper, challenged Barry Goldwater's proposal. Eventually the land went to the city and is now the site of Central High School.

In 1961, when Goldwater was a member of the Senate committee on labor and public welfare, he again expressed his views on this church-state issue. President John F. Kennedy proposed a broad program of federal aid to education, but, as he prom-

Mr. Everett has for many years been a news correspondent and free-lance writer with Washington, D.C., as home base.

ised during his 1960 campaign, specifically excluded any tax assistance to parochial elementary or secondary schools on the ground that such assistance would be unconstitutional. On May 12, 1961, the Senate committee approved the Kennedy program. Opposing the whole program as unjustified, Senators Goldwater and Dirksen declared: "We cannot find the slightest justification for extending the activities of the central government into the field of education which, both traditionally and constitutionally, has been the exclusive domain of the states and localities."

Desirous of expanding his own views on the constitutional issue, Senator Goldwater declared (Senate Report No. 224, 87th Congress, page 39): "I am sure that the Senate is well aware of my position on this legislation. I am opposed to federal aid to education. I am convinced that the granting of such aid constitutes an improper exercise of federal power. . . . But if the Congress does enact a program of federal school aid, it is my belief that both justice and morality require that all our citizens receive such aid, and that no class, group or segment of our people who contribute to such a program can rightfully be excluded." The senator made it clear that his position coincided with that taken only a few weeks previously by the Roman Catholic bishops of the United States, saying: "The parents of children who attend private and parochial schools not only pay taxes for the support of our public schools, but in addition, out of their own pockets . . . maintain a huge and acceptable educational establishment which supplements our system of public education."

Goldwater then quoted with disfavor the following sentence from President Kennedy's message to Congress on federal aid to education: "In accordance with the clear prohibition of the Constitution, no elementary or secondary school funds are allocated for constructing church schools or paying teachers' salaries." Referring to a memorandum prepared by the department of health, education and welfare with the assistance of the department of justice—a document giving the legal justification for President Kennedy's statement—the Arizona senator said: "After careful reading of the memorandum, I find myself in complete disagreement . . . that grants or loans to church-related schools could be unconstitutional."

Senator Goldwater, who is not a lawyer, went on to say that he could not see why the 1947 Everson case justified denial of tax funds to parochial schools. Referring also to the 1948 McCollum case, Senator Goldwater argued that although the Supreme Court had held that public school facilities could not legitimately be used for released time instruction in religion, "the language of the McCollum case can be validly interpreted to mean that a legitimate public purpose, coupled with an indi-

vidual religious or sectarian aspect, would not run counter to any constitutional prohibition."

As his minority report had stated he would do, Goldwater offered an amendment to provide grants rather than loans to parochial schools for construction purposes. In appealing to the Senate he said: "The broad public purpose of this bill is to assist and improve education. The same purpose is carried out by my amendment by assisting sectarian and private schools as schools and not as religious institutions. I urge the Senate to adopt this amendment." The Senate defeated the Goldwater amendment 66 to 25, the majority of the senator's own party voting against him.

Later Senator Goldwater filed another minority report, this time on the National Defense Education act. In this report, dated July 31, 1961, he maintained that "this bill contains inequities, inconsistencies and discriminatory provisions" against parochial schools. The discrimination of which he complained was that the act provided only loans to parochial schools while it gave grants to public schools for facilities to teach science and mathematics. This precipitated one of the rare differences between him and Senator John G. Tower, Texas Republican and son of a Methodist minister. Senator Tower stated flatly that he was "opposed to all provisions of the bill which would provide any form of aid, direct or indirect, to schools with any sort of religious affiliation or sponsorship." Goldwater, meanwhile, was apparently stung by criticism he was receiving from Southern Baptists. Barry Garrett, by this time Washington editor of Baptist Press, a wire service reaching 27 Southern Baptist state publications, had been reminding editors that this was no new position on Goldwater's part and that his position coincided exactly with that of the Roman Catholic bishops who were criticizing Kennedy.

During the debate on federal aid Goldwater inserted in the July 20 *Congressional Record* (page 12101 ff.) a list of 229 church-related colleges—many of them Protestant—which he said had accepted gifts of property from the federal government. He strongly implied that Southern Baptists were hypocritical in accepting aid for their own institutions while criticizing programs that would aid the schools of other religious groups. After checking the senator's list, editor Garrett denounced it as "a gross misrepresentation of the facts." A typical example on the list was a real estate transaction in which property valued at \$447,500 at Carswell Air Force Base went to Southwestern Baptist Theological Seminary in Fort Worth for only \$5,000. The property consisted of used barracks that had to be moved to the seminary campus at considerable expense. The seminary also had to agree to restore and landscape the air base grounds. It so happens that secondhand air force barracks are a drag on

the market, with few purchasers readily available. After renovating the buildings — which shortly began to fall to pieces — the seminary concluded that far from receiving a gift it had been taken in; never again would it pay \$5,000 for the privilege of moving surplus barracks. The barracks were not worth the price of moving, much less the original \$447,500 construction cost listed by Goldwater.

The record of Senator Goldwater, compiled during 12 years in the Senate, is a consistent one. He

disapproves of federal aid to education but favors federal aid to church schools if aid is given to public schools. This position on a vital constitutional question is one which should be thoroughly probed during the coming campaign. Early in 1960 Senator John F. Kennedy ruefully complained that only Catholic candidates are asked pointed questions about their stands on church-state matters. In 1964 not only Catholics but also candidates of other faiths should be asked to come clean on these issues.

Letters to the Editor

Lost Levity

SIR: I have oceans of praise for The Christian Century and its courage, insight and initiative, but I thought the June 10 editorial "Eliminate the Racial Slur" a bit frenetic. Common decency might eliminate much vulgar stereotype. So might brainwashing — or legislation. Who is to say which it is to be? And who is to say what is a stereotype? Will such experts also pass judgment on Ben Casey, Perry Mason and the Lone Ranger? Personally I can't see much stereotype in Amos 'n' Andy, but perhaps I am naive. . . . I don't find [the program] establishing "barriers which exclude all Negroes." What has happened to our sense of humor?

ARNE K. MARKLAND.

Lutheran Campus Ministry,
South Dakota State College,
Brookings, S.D.

Cultist?

SIR: In "Hoover Should Retire" (June 3) you are concerned about a J. Edgar Hoover personality and other cults being dangerous in government. . . . One thing that concerns me is that your magazine and others have contributed greatly to the development of personality cults. The late Pres. Kennedy found himself with a gang of cultists thronging about him. And presently your magazine has developed a strong Martin Luther King, Jr., cult. While not disagreeing with all they said and stood for, I am concerned about the hero worship, personality cultism, etc., that have developed.

ELMER B. FANT.

Hyde Park Methodist Church,
Tampa, Fla.

SIR: . . . Perhaps before J. Edgar Hoover retires it might be nice for you and the rest of the "leaders" of the "church" to face some of the issues he has brought before you; namely, the in-

filtration of communists into our esteemed church councils, etc. . . . It must feel good to know you are going to get him off your back. CHARLES A. LEE.

College of the Scriptures, Inc.,
Louisville, Ky.

Yes, a Collar

SIR: Edward A. Puff "(Not a Collar," June 24 Letters to the Editor) seems more confused about collars and crosses than is the advertisement of the Episcopal seminaries he questions. . . . All Christians are called to bear the cross, meaning the undertaking of burdens they need not bear. Of these Christians, some are called to wear the collar, meaning involuntary servitude as slaves of Christ. All Christians must suffer with Christ and all Christians are servants, but some servants are chosen to minister to the others so that these others might bear Christ to the world. In other words, some are called to wear collars so that more might carry crosses. The ad asked exactly the right question: "Could you wear it?"

PHILIP H. PFATTEICHER.

Evangelical Lutheran Church of the
Trinity,
Philadelphia, Pa.

Wieman Replies

SIR: May I correct some errors and misunderstandings in Prof. Edward Farley's review of *The Empirical Theology of Henry Nelson Wieman* (June 10).

Mr. Farley mentions Luther Weigel as a contributor to the volume. Weigel is not a contributor; the reviewer must be confusing him with the Catholic theologian Gustave A. Weigel, S.J. Mr. Farley challenges my distinction between cognitive and noncognitive symbols. He misunderstands the distinction I make. . . . A cognitive symbol is a statement descriptively true; a noncognitive symbol is one which has no statement de-

scriptively true. To confuse these two kinds of symbols has been the cause of endless confusion, especially in interpreting the Bible. . . .

But my chief purpose in this reply is to clear away the ambiguity and implied criticism which seems to be Mr. Farley's main point in the review. He writes: "I see no reason why he [Wieman] should be bound methodologically to the witness of 'prophets and apostles' any more than to the Bhagavad-Gita." I know Mr. Farley does not mean that my thinking is derived from the Bhagavad-Gita in any way comparable to the prophets and apostles. On the other hand he seems to suggest that there is something wrong in being free "methodologically" to seek to understand God and man and their relation wherever I can find guidance. . . .

My point is that Mr. Farley's criticism is covered by a kind of ambiguity which makes it very damaging. The same ambiguity appears when he writes that "intrinsic and indispensable ties with Scripture are cut" in my religious thinking. My thought has been shaped from childhood by the Scriptures and in that sense they are intrinsic and indispensable to my thinking. But again I feel free (as Mr. Farley himself does, I hope) to seek any source where I can find guidance.

Contrary to what Mr. Farley says, the best summary of my thought in the book under review is that made by Daniel Day Williams. . . . Yet I value Meland's interpretation very highly.

HENRY NELSON WIEMAN.

Southern Illinois University,
Carbondale, Ill.

Appreciated

SIR: Although we have to admit that because of lack of time we very often read only Pen-ultimate from your wonderful paper, we want you to know that we draw a great amount of spiritual uplift from that page. KLAUS LOHISE,

ELISABETH URBIG.

Inner Mission of the Evangelical
Church in Germany,
Stuttgart, Germany.

NCC - Church - State

NATIONAL STUDY CONFERENCE ON CHURCH AND STATE
Deshler Hilton Hotel, Columbus, Ohio
February 4-7, 1964

DISCUSSION SECTIONS

1. Christian Faith and the Worship of "Our Way of Life"
 - a. What is the proper relationship between Christian faith and patriotism?
 - b. Should the Church be predominantly appreciative of the values of American culture or critical of them?
 - c. What conditions are necessary for the Church to be aware of the shortcomings of Our Way of Life and able to criticize, correct and transform them?
2. Legal Definitions of "Religion," "Minister," "Church"
 - a. How should these terms be defined and used by courts?
 - b. For what privileges, protections, restrictions should those entitled to these terms qualify?
 - c. How can the law protect citizens from frauds operating under the name of "religion"?
3. Conscience, a "Higher Law," and Resistance to Civil Authority
 - a. When are Christians justified in disobeying laws, resisting the police, urging others to do likewise?
 - b. Can the Church rebel against laws, magistrates, government? Under what conditions? With what risks?
 - c. In what ways can the Church support the conscientious resistance of its members against civil authority in causes with which the Church is not prepared to side?
4. Religion as an Element in Civic Life and an Influence on Public Policy
 - a. What is the proper place of religious rites, symbols, etc., in American civic life? What are proper expressions of a public official's "free exercise of religion" in American society?
 - b. Should churches appropriately act to influence public policy, and if so, how? Through the citizenship of their members only, or through corporate action by the Church?
 - c. Should religious bodies or groups be represented on electoral slates, public boards, etc., through some kind of "balanced ticket"?
5. Public Schools and the Moral and Religious Training of Children
 - a. What part should religion play in the general education given in public schools, especially in "moral training"?
 - b. How should public schools treat religious holidays, baccalaureates, conscientious protests based on religion, etc.?
 - c. What policy should the churches take toward "shared time," "released time," etc.?

6. Taxation, Exemption, and Deduction in Relation to Churches

- a. On what theory and to what extent should churches be exempt from taxation?
- b. Should contributions to churches be deductible from income tax?
- c. Should "unrelated business income" of churches be exempt?

7. Military and Institutional Chaplaincies and Religious Programs

- a. Under what theory and with what limitations may government provide chaplains in prisons, hospitals, and the armed forces?
- b. Should chapel services at U. S. armed forces academies be compulsory?
- c. Should religion be part of the required orientation in basic training? Moral training? How differentiate?

8. State Aid to Church-Related Institutions of Education and Welfare

- a. When may the state properly aid church-related schools, colleges, hospitals, clinics, homes, etc.?
- b. What should be the conditions for such aid and the obligations accepted by recipients?
- c. What should be the policy of the churches on accepting such aid?

9. Sunday-Closing Laws and Religious Holidays

- a. What should be the policy of churches toward Sunday-closing laws?
- b. Should Sabbath-observers be exempted? If so, on what conditions?
- c. What provisions should the state make for observance of religious holidays? For relief of those who do observe them?

10. Religion in Family Law, Adoption and Custody of Children

- a. What should be the policy of the state toward ante-nuptial agreements? The policy of the churches?
- b. What should be the policy of churches toward "religious protection statutes"? Can these be justly written and enforced?
- c. What part should churches play in determining grounds for divorce, birth-control laws, etc.?
- d. What forms of counselling should be required by courts before granting divorces?

11. Churches and Their Place in the Modern Urban Community

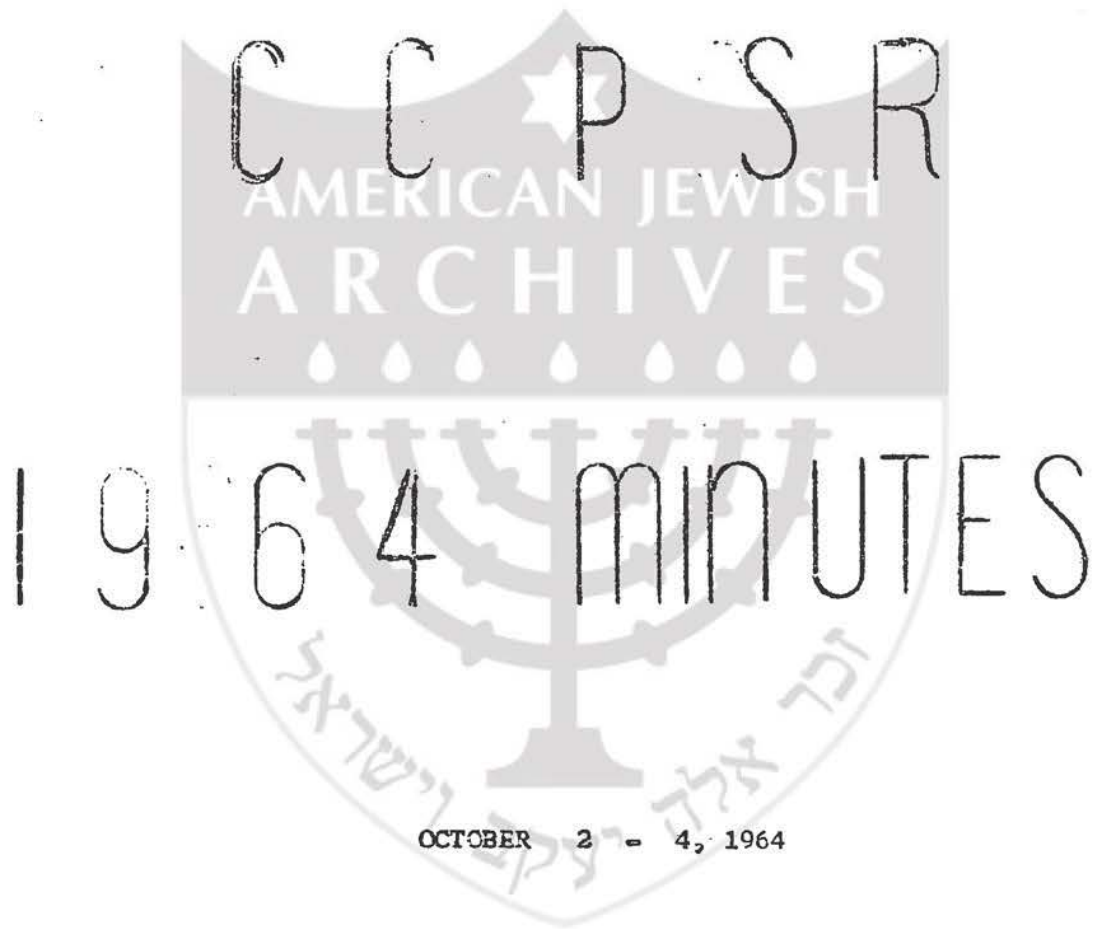
- a. What provision should be made for churches in zoning and urban renewal?
- b. When should churches or their institutions be recipients of government surplus property?
- c. What is the proper role for churches and ministers in civil defense?

12. Church-State Problems in American Foreign Relations

- a. What should be the churches' policy in relation to the Peace Corps, AID, surplus food distribution, etc.?
- b. What should be the relation of American church mission boards to foreign governments?
- c. What should be the policy of the U.S. government on diplomatic relations with the Vatican, discrimination against U.S. citizens on basis of religion by foreign governments, etc.?

FALL COMMITTEE MEETINGS

ATLANTIC CITY, NEW JERSEY



Committee on Church and Public School Relations
National Council of Churches of Christ, U.S.A.
475 Riverside Drive, Room 712
New York, New York 10027

MINUTES

Committee on Church and Public School Relations Atlantic City, N.J., October 2 - 4, 1964

FRIDAY EVENING, OCTOBER 2

1. Call to order - The Reverend Ray J. Harmelink, Chairman, presiding.

The meeting was called to order at 7:15 p.m. in the Carlton Room of the Ritz-Carlton Hotel, Atlantic City, N.J. The Reverend Robert Parker led the committee in worship.

2. Introduction, Adoption of Agenda

Members present introduced themselves. A list of persons in attendance is attached to these minutes as Exhibit A.

A proposed agenda was presented by Mr. Harmelink and was with slight modification adopted. The agenda is attached as Exhibit B.

Minutes of the previous meeting of the CCPSR were approved.

3. Report of the Restructuring of the NCC.

Dr. Knoff and Mr. Wismer reported to the CCPSR about the restructuring of the NCC and how it affects the DCE, CGCE, and CCPSR. A report prepared by Mr. Wismer was circulated to those present.

4. Staff Report

A joint staff report was presented to the committee by J. Blaine Fister and R. L. Hunt. It is attached as Exhibit C.

SATURDAY MORNING, OCTOBER 3

The session was opened with worship led by Robert Parker.

5. Report of the National Study Conference on Weekday Religious Education

Richard U. Smith reported on the National Study Conference on Weekday Religious Education. He urged denominations' and councils' use of the conference report and called special attention to the address of the Reverend Edward A. Powers, particularly the questions raised on page 30 of the report and to Dr. Robert Lynn's address (page 50), particularly the three guidelines suggested for curriculum and program.

6. Report of Weekday Religious Education Curriculum Committee

Miss Frances Eastman and Mrs. Alice Goddard reported to the CCPSR on the progress of the new curriculum.

The materials are being prepared to be used on a board basis, in all aspects of weekday religious education (through the week). The material is being written to help the student apply his faith in all areas of his public school life. There will be five basic resource books for adults (they can be used also for teacher training). One basic book on "The Gospel" and four others as follows:

1. The Gospel speaks to Man in Society

2. The Gospel Speaks to Man in the Universe
3. The Gospel Speaks to Man in his understanding of himself
4. The Gospel Speaks to Man in his understanding of history

There will also be units of study which include two grade levels.

It is hoped that the interpretation of this material will be done by the CCPSR since this is a whole new approach in the use of curriculum.

Mr. VanLoon voiced the hope that this would be a major part of the CCPSR work, especially the interpretation to top denominational editorial staffs.

Need was voiced for a re-commitment of denominations to weekday education and material to be used.

Mr. Walter Daniel and Mr. Robert Colwell expressed a concern that public school teachers at all levels be involved plus national denominational leadership.

Richard U. Smith proposed we accept the #2 suggestion from Ed Powers paper (page 40) and implement it.

"If we believe in the unique purpose and in the weekday curriculum materials being prepared to implement it and if we believe this to be an interdenominational job we ought to commend real staff time and competence to do this job. One idea which commends itself to me is the development of a joint weekday staff. This would involve a number of denominations calling to their staffs or releasing from their staffs people with similar job descriptions and with a commitment to work ecumenically. These staff teams could be made available to state and local councils and to denominational judicatory representatives to develop models, train leaders, and prepare churches.

One model for this is the youth work retreats done under the auspices of the Committee on Youth Work several years ago. Some 48 three-man teams were loaned by denominations and state councils to work with key youth leaders on a state-wide basis. These teams worked only on a 48 hour basis. What I have in mind is a several year commitment in which teams would work for a number of months in a given area."

Eli Wismer hoped that in the art form used consideration be given to the fact of our pluralistic society and to depict it as such.

Robert Colwell asked, "How can we help the public school see how to implement the Supreme Court decision to teach about religion?"

Robert Colwell suggested that the Weekday Religious Education Curriculum Committee and those who do the interpretation to the people using the curriculum should be aware at what point the Christian witness has to cease to function, and at what point it does function for the public school teacher.

Ray Harmelink asked, "Have there been and should there be off the record conversations with Roman Catholics?" (curriculum structure & shared time)

No decision reached on this.

7. Proposed Message, "Current Christian Responsibilities for Education Through The Week." presented by Thomas J. Van Loon.

Committee members had sent in suggested changes in advance to Thomas VanLoon and the message was revised in accordance with these suggestions. It was reported that the introduction and the entire section 4, "The Churchman in Public Education," had been rewritten.

Motion was made by Lillian Comey that the message be adopted and approved for submission to the General Board of the NCC. Seconded, and the paper was open for discussion. Editorial changes were suggested and changes were accepted by common consent throughout the document.

A motion was made and seconded that the title of the document be revised by staff in cooperation with the chairman of the committee. Carried. Discussion took place regarding section I, "Support for Public Education." It was pointed out that matters referring here to public education such as the need for high quality, and the need for integration, etc., applied also to the churches, and we should take into consideration the importance of improving our own programs. However, in section 3, the paper speaks specifically to the extension and expansion of current efforts in weekday religious education.

There was discussion regarding line 13-16 of the document, "We further affirm that this same heritage calls for the two kinds of institutions--church-supported and state-supported--properly to interact, speak to and serve each other in the interest of complete education for children and youth." It was felt on the part of some members of the committee that this implied a kind of institutional relationship that was not consistent with our beliefs regarding the separation of church and state. The sentence was revised as follows: "However, our heritage also recognizes the propriety of communication and cooperation between church and state in the discharge of their joint responsibility for the complete education of children and youth." This change was adopted.

It was moved and seconded that the entire message be adopted as revised. Carried. The revised form is attached to these minutes as Exhibit D.

The Reverend Clyde Miller of the Church Federation of Chicago was seated as an additional member by ruling of the Chairman.

8. Report on Christian Vocations

The Reverend Ralph Peterson, Executive Director of the Dept. of the Ministry presented four papers that were developed by his department of interest to the CCPSR. These were:

1. An Appeal for Dialogue in Guidance
2. A Protestant Ministry and Related Church Occupations
3. A Monograph on the Protestant Ministry and Related Occupations
4. You and Your Life Work - A Christian Choice for Youth

Members of the committee had received these papers in advance. Mr. Peterson invited the help of the CCPSR in reacting to the documents and to work on possible ways of implementing the suggestions included in the documents.

Motion was made that the Chairman appoint 3-5 persons to consult with the Program Committee of the Dept of the Ministry. Seconded. Carried.

9. Religion in Education in the Political Arena

This report was presented by the Reverend Dean Kelley, Executive Director of the Dept. of Religious Liberty. He divided his report into two main sections, (1) aid to education and (2) religion in public schools, particularly the proposed amendment to the Constitution regarding prayer in the schools.

Aid to Education: Mr. Kelley reported that there were many congressional bills on specialized aspects of education. Some of those were: College Facilities Act, providing for academic and library facilities; Assistance to Medical & Nursing Education; renewal of Vocational Education Grants, renewal on the National Defense Education Act, an expansion of this act for three years. He also pointed out that two recent bills had implications for educational programs in them. One was the Civil Rights Bill, Title VI, a design to prohibit any kind of discrimination in any federal program in the country. This would include grants for educational purposes. The other was the Economic Opportunity Act; the original draft of the act included a shared time provision. This was subsequently dropped from the final bill.

Mr. Kelley pointed out that possibilities for across-the-board aid to education in the future would be greatly reduced. As a consequence to this the NEA policy committee is now giving up on some of its more intensive efforts for federal aid and trying to secure aid for selected programs. The prospects for the future include no big push, no serious effort, only specialization.

Religion in public education: The Becker Amendment - Mr. Kelley pointed out that there were 145 separate bills before Congress asking for an amendment to the Constitution to permit prayer and Bible reading in the public school. A three volume report of the hearings on "Prayers in the Schools" has been published. These volumes may be secured by writing early to Representative Emanuel Celler, Chairman of the House Judicial Committee, House Office Building, Washinton, D. C.

10. Scope and Function

At the meeting of the CCPSR in New York in June a special sub-committee worked on a statement of the scope and function of the CCPSR. This report was edited and revised by staff and was presented for approval to the committee by Mr. Robert Colwell, the chairman of the sub-committee that met in June. A full discussion followed on the scope and function, additions and revisions were made. This document is seen as a working paper for the committee and not for general distribution.

Motion was made and seconded that the report be received as revised. Carried. It is attached to the minutes as Exhibit E.

The following sub-committees were appointed by Ray Harmelink to meet at 7:30 Saturday evening in small groups, and to report back to the committee on recommendations for committee and staff direction.

#1 - Religion and Education Issues

Ted Conklin, Chairman
Carl Bade
Robert Colwell
Paul Carl
Merritt Dietterich
Arthur Higginbottom
R. L. Hunt

Paul Koper
Lewis Maddocks
Myrtle McDaniel
Edward Nervig
George Reavis
Herman Wornom

#2 - Education and Race

Edward Powers, Chairman
Maryruth Cannon
Walter Daniel
Frank Gillespie
Ray Harmelink
Irene Henderson

Loma Mae Jones
Dean Lewis
Clyde Miller
Alexander Shaw
Miriam Peterson
Dorothea Wolcott

#3 - New Curriculum for WRE

Charles Johnson, Chairman
Lillian Comey
Frances Eastman
Blaine Fister
Alice Goddard
Wayne Lindecker

Elizabeth Longwell
Wendell Jung
Rosemary Roorbach
Robert Parker
Richard Smith
Marion Brawn

SUNDAY MORNING, OCTOBER 4

Session was opened with worship led by Robert Parker.

11. Meeting time and place for 1965

The majority felt that once a year was enough and preferred the time of the fall Christian education committee meetings. The exact dates were left to the Executive Committee, with the hope that overlapping with other committees could be avoided.

12. Reports of Sub-committees

A. RELIGION AND EDUCATION ISSUES - Ted Conklin, chairman of the sub-committee reported.

The report, as it was received by the committee, is as follows:

Your sub-committee recommends that the CCPSR express its approval of the general position taken by the Commission on Religion and the Public School of the American Association of School Administrators, June 30, 1964. We recommend further that CCPSR express its approval of further studies proposed by this report as follows:

1. A study of modes for including information about our religious heritage and the cultural influence it embodies in appropriate public school courses (e.g. history, art, literature, music, etc.), and appropriate ways to teach what has been described as "the reciprocal relations" between religion and the other elements in human culture.
2. A project supplementing present resources to develop materials such as audio-visual aids, guidance materials related to regular school subjects and courses in such supportive subjects as the history of religion, comparative religion, etc.
3. The institution of investigation, experimentation, and possible modification of teacher education courses as would prepare teachers to deal with the subject of religion as it comes naturally to focus in regular school subjects, as well as developing competence for teaching such special courses in religion as public school

authorities may develop for the purposes of general education. Such guidance should be extended by all appropriate means to teachers already in public school service.

It is the feeling of the committee that the primary responsibility for such procedures as outlined above, and particularly the preparation of any special course material and texts, should rest with public school authorities and agencies. These public school authorities should feel free to call upon religious leaders or groups for any aid that may be appropriately given.

It is further recommended that CCPSR proceed to implement this position by:

- 1) Referring it to proper channels in the NCC
- 2) Reporting it as our committee's recommendation for consideration of other faith groups in the hope of obtaining an early consensus.
- 3) Reporting it in due time to the American Association of School Administrators.

The committee further recommends that the next meeting of CCPSR place on its agenda:

1. The possibility of courses in the Bible to be offered in the public school consistent with the Supreme Court decision.
2. A consideration of what the churches can do to increase the competence of such of their members as may be teaching in public schools to deal with religion as it comes up naturally in the regular school subjects.
3. The question of how the committee can assume more initiative instead of seeming to be continually under the necessity of responding to the acts of others.
4. A further consideration of dual school enrollment including the question of what courses might appropriately be offered under such an arrangement.

We recommend that CCPSR propose to councils of churches at city, county and state levels the conduct on an interfaith basis wherever possible of retreats, institutes or conferences with public school teachers within their constituencies, looking toward the achievement of the AASA goals indicated above, the interpreting of Christian vocation, and suggesting their participation in the professional educational association of their particular teaching field to help them deal more adequately with religion as it appears naturally in regular school subjects.

It was moved and seconded that the report be received and its recommendations adopted, and that the following additional questions be noted for possible later consideration. Carried.

1. Are the interests of our church better served through programs of religious education that are determined locally or through programs determined at state or national levels?
2. Should programs of religious education be prescribed by clergy, professional personnel, and/or other specialists, or should such programs be determined by state and local lay groups and their professional staffs utilizing the contributions of all groups?

3. Should the public schools strive to teach moral and spiritual values or will such an endeavor create conflict of understanding in the development of youth, which development might better be left to other agencies?

B. EDUCATION AND RACE - Edward Powers, Chairman, Loma Mae Jones, reporting.

The report was presented as follows:

1. It was felt that the issue of defacto segregation should be seen in regard to weekday religious education programs. Studies might be made of particular weekday situations to discover ways in which uniracial programs may become racially diverse. It was noted that public schools are experimenting with campus plans of school development and that similar plans may have application to weekday religious education.
2. Note was taken of the increasing number of church-sponsored weekday pre-schools. It was suggested that one of the standard criteria for such schools should be racial inclusiveness of staff and students. Referral to CCW was recommended.
3. The suggestion in CCPSR discussion of the new weekday curriculum that these materials should represent our pluralistic society in visual and literary content was recalled with appreciation. It was reported that a CCW task group is making a study of various denominational curricula with regard to racial treatment. CCPSR members should avail themselves of these findings and of denominational, public school, and other studies in this field.
4. The sub-committee reiterated the action taken a year ago in urging the staff of the department to discover means of securing participation from representatives of Negro denominations in the work of CCPSR, it was further suggested that committee appointments by denominations include persons from minority groups who are especially qualified to deal with the concerns of church and public school relations. It was suggested that if the securing of additional membership was not financially possible within the resources of the department, that denominational underwriting be sought.
5. There was consideration of the relation of guidance concerns to the work of this subcommittee. One idea might be to encourage the subcommittee appointed to meet with the Department of the Ministry's committee on personnel and guidance to keep in mind minority group needs.
6. It was felt important to seek the cooperation of the Commission on Higher Education to develop plans for improving the preparation of persons to teach in a pluralistic society,
7. It was suggested that churches and weekday religious education programs be encouraged to take part in the observance of Negro history week in February. Persons and systems in public education should be supported who are teaching American history in a way that represents the contribution of all racial and ethnic groups to American life. A bibliography of resources on Negro history, life and culture might be prepared and distributed.
8. The action taken last year encouraging the preparation of articles

on education and race was reiterated. Such articles would include reports of significant experiences of church groups and public schools in regard to racial understanding.

9. It seems important to give continuing attention to the fundamental nature of prejudice and the continuing temptations of all persons and groups toward ethnocentrism. This concern could be implemented by sharing studies and research making available books dealing with the effects of prejudice, and developing experiences which confront people with their own prejudices and offer the possibility of forgiveness.

10. It was noted that a significant number of issues on race and education would be addressed in poverty program considerations. Members of CCPSR should be especially alert to opportunities to implement the federal anti-poverty program in local situations and to relate these to CCPSR concerns.

11. CCPSR members are encouraged to become involved in local programs in relation to public education and race, and report their findings at a subsequent meeting of CCPSR.

12. CCPSR staff and members in cooperation with the NCC Commission on Religion and Race should be encouraged to participate in direct action projects on behalf of racial justice.

The motion was made that the report be approved and passed on to the Executive Committee for implementation. Seconded. Carried.

C. REPORT ON THE PREPARATION FOR THE NEW WEEKDAY CURRICULUM - Charles Johnson, Chairman, Lillian Comey, reporting.

The report is as follows:

Our Task

I. Interpretation of the "unique purpose" and the need for this type of curriculum materials.

II. Interpretation of the curriculum materials themselves.

Our Constituency

About as wide as the whole church's educational ministry.

For Implementation of No. I - Interpretation of Unique Purpose

1. Committee for the preparation of resource materials

Suggested resources:

a. Study book to contain materials from the curriculum committee meeting in August: tapes of presentations from four area resource persons, Dr. Wedel and dialogue with committee; plus other appropriate materials, including some kind of interpretive introduction.

b. Audio-visual resources

1) Some use might be made of the Lutheran Convention film

- 2) Preparation of a movie or filmstrip
- 3) Preparation of a T. V. Kinescope
- c. Special section of the Journal which could be used as reprints (for end of '65 or in '66)
- d. Preparation of a cooperative article for denominational periodicals

Suggested Committee:

Robert Parker, Chairman	Blaine Fister
Wendell Jung	Frances Eastman
Marion Brawn	Alice Goddard - consultant

2. Committee to work out design for confrontation and interpretation.

- a. Contact with denominational executives, field staff members, state directors, etc.
- b. Contact with A.C.S. (Association of Council Secretaries) for time in June meeting.
- c. Contact with Joint Committee of Associated Sections to ask that the 1967 theme be related to interpretation of the Unique Purpose. (Possible general overall theme, "Christ and the Faiths of Men")
- d. Contact with Section groups for time for presentation in 1966 meetings:

Professors' Section
Directors' Section
Denominational Executives

- e. Area or regional conferences

Suggested Committee:

Wayne Lindecker, Chairman	Clyde Miller
Irene Henderson	Arthur Higginbottom
Paul Carl	Blaine Fister
Ray Harmelink	Alice Goddard - consultant

Additional recommendations

1. That each committee member take responsibility for a presentation and discussion with his staff and report back at next meeting.
2. That some resources for interpreting the unique purpose be made available soon for use in discussion groups now being held between public school and church leaders.

A motion was made to adopt the report. Seconded and Carried.

13. Reprint of the National Study Conference on Weekday Religious Education Report

It was pointed out that copies of the report were already mailed to the delegates to the National Study Conference and to members of the CCPSR. Suggestion was made that a report be mailed to all executives of denominational boards of

education and state council executives. Included with the report should be a letter reporting that additional copies could be ordered from the department, should they desire such copies for staff study. The letter would remind them that CCPSR members and delegates to the conference had already received their copies.

14. Reports of Denominations and State Councils (Summaries of selected items)

A. New York State Council - Ted Conklin

Brought material to share with committee: 1) Statement of legislative purposes (published each year), 2) Program of Annual Legislative Seminar.

Executives of the Department of Education, Welfare and Labor meet annually with representatives of the Department of Education of New York State discussing common problems or concerns, such as 1) use of Bible and other literature for cultural values, 2) references to religious heritage in terms of its effect on our society, political life, etc.

Conferences are planned of public school and parochial school people, deans of education of teacher colleges, PTA representatives, legal experts, etc. Consideration is being given to production of guidance materials for teachers in service and in training, possibly including films on religion's contributions to the American society, and on ecumenical relationships.

B. United Church of Christ - Carl Bade

Reported on a series of four conversations between Division staff and public school educators to become more acquainted with issues. Others are scheduled. Field staff of division met in Washington, D. C. for conversation with Office of Education, NEA, and Washington School Administrators.

Issues of Religion and public education are continually presented in periodicals of the United Church of Christ.

Project for 1965 - Consultation bringing together public school educators, local lay people, DCE's and others for confrontation and discussion of issues of religion and public education.

C. Ohio Council - Lillian Comey

Reported revision of the Ohio State Council document, "Religion in Public Schools." Also shared a working paper on Religious Practices in Public Schools.....Series of talks between public school and religious leaders, "How to pick up religious values already inherent in present public school materials?" were conducted in various parts of the state, chaired by Dr. George Reavis.

D. Maryland Council - A. Merritt Dietterich

Described the problem of bringing unity within the state, especially because of geographical conditions.....Headed off some legislative attempts around Baltimore in discussion with Confraternity and parochial school people.

E. American Baptist Convention - Miriam Peterson

Dept. of Christian Social Concerns getting out material on religion and

public education and the DCE also dealing with it.....Articles in periodicals dealing with the issues.....Baptist Joint Affairs Committee keeping abreast of the issues.....Reprints of WRE articles from other publications.

F. Chicago Federation - Clyde Miller

Reported court action brought against the Board of Education because of shared time plan between public high school and parochial high school FOAU actively behind the suit. Action still pending.

G. ICYE - Frank Gillespie

Reported that the nature of the ICYE work brought them constantly in communication with schools. They are planning seminars with educators.

H. Lutheran Church In America - Robert Parker

Lutheran public school teachers conference began 10 years ago at Wagner College. Relates faith to work for teachers and administrators.....Introduction of new WRE curriculum.....Reported tentative plans in Chicago for dual school enrollment.

I. United Presbyterian - Ray Harmelink

Held conference in February on Religion and Public Education to explore question...the inclusion of religion in regular school subjects. Those participating: Roman Catholic and Jewish educators, constitutional lawyer. Future conferences are scheduled.

J. Michigan

J. Blaine Fister told of a report sent by Paul King of the Michigan Council to all Christian education leaders in the state. Michigan legislature recently approved released time for two (2) hours a week.

Hearings on rules and regulations were held. Christian education leaders in the state were alerted to their new opportunities.

15. February meeting of Executive Committee

It was decided that the executive committee would meet for breakfast in Louisville Ky., Tuesday, February 16, 1965. Notice will be sent as to the exact time and place for this breakfast meeting.

In light of the fact that the committee did not have time to act on all the items on the agenda, the suggestion was made that the referrals be made to the Executive Committee for implementation. Among these were:

1. Need for revision of the guidebook for WRE. The present guide is limited almost entirely to released time and it should be expanded to include a variety of weekday patterns.
2. International exchange of educators - Possibilities of moving forward with implementation of international exchange particularly with West Germany will be explored.
3. Suggestion was made during the committee meeting that we explore the possibility of sponsoring a National Conference on Religion and

Public Education in cooperation with other faith groups. Such a conference would be similar to the National Conference on Race. It was felt that such a national conference would be very crucial at the present time.

The committee expressed appreciation to the chairman and to the staff of the department for their work.

Dr. Knoff led in a closing prayer.

Adjournment at 12 o'clock noon.

/jr
10/27/64



ATTENDANCE AT ATLANTIC CITY, N.J.
October 2 - 4, 1964

<u>NAME</u>	<u>ADDRESS</u>	<u>REPRESENTATIVE OF:</u>
BADE, Carl A.	R.D. #2, Pottstown, Pa.	United Church of Christ
BRAWN, Marion	Amer. Bapt. Conv., Valley Forge, Pa.	Amer. Baptist Convention
CANNON, Maryruth	201 Eighth Ave., So., Nashville, Tenn.	Methodist
CARL, Paul E.	1930 State Highway 33, Trenton, N.J.	N.J. Council
COLWELL, Robert P.	130 So. Cherry St., Denver, Colo.	United Church of Christ
COMEY, Lillian E.	141 No. Front St., Columbus, Ohio	Ohio Council
CONKLIN, Ted	600 W. Genesee St., Syracuse, N.Y.	Additional Member
DANIEL, Walter	1600 Roxanna Rd., N.W., Washington	United Church of Christ
DAVIS, Harold	Box 149, Memphis, Tennessee	Cumberland Presbyterian
DIETTERICH, A. Merritt	516 N. Charles St., Baltimore, Md.	Maryland Council
EASTMAN, Frances	14 Beacon St., Boston, Mass.	United Church of Christ
FISTER, J. Blaine	475 Riverside Dr., Rm. 712, New York	Staff - DCPSR
GILLESPIE, Franklin	475 Riverside Dr., Rm. 746, New York	Additional Member
HARMELINK, Ray J.	811 Witherspoon Bldg., Phila. Pa.	United Presbyterian, USA
HENDERSON, Irene	1047 Amsterdam Ave., New York	Protestant Episcopal
HIGGINBOTTOM, Arthur	Rt. #1, Box 120A, Easton, Md.	Protestant Episcopal
HUNT, Rolfe Lanier	475 Riverside Dr., Rm 712, New York	Staff - DCPSR
JOHNSON, Charles K.	1115 Witherspoon Bldg., Phila., Pa.	United Presbyterian, USA
JONES, Loma Mae	222 So. Downey Ave., Indianapolis, Ind.	Disciples
JUNG, G. Wendell	110 So. Munn Ave., East Orange, N.J.	Additional Member
KOPER, Paul W.	1104 Witherspoon Bldg., Phila., Pa.	United Presbyterian, USA
LEWIS, Dean H.	Witherspoon Bldg., Phila. Pa.	United Presbyterian, USA
LINDECKER, Wayne M., Jr.	P. O. Box 871, Nashville, Tenn.	Methodist
LONGWELL, Elizabeth	2321 Westwood Ave., Richmond, Va.	Virginia Council
MCDANIEL, Myrtle	2 East Market St., Bethlehem, Pa.	Pennsylvania Council
MADDOCKS, Lewis	110 Maryland Ave., N.E., Washington	United Church of Christ
MILLER, Clyde	116 So. Michigan Ave., Chicago, Ill.	Additional Member
NERVIG, Edward	915 E. 9th St., Denver, Colo.	American Lutheran
PARKER, Robert	2900 Queen Lane, Phila. Pa.	Lutheran Church in Amer.
PETERSON, Miriam	Amer. Bapt. Conv., Valley Forge, Pa.	American Baptist Conv.
POWERS, Edward A.	1505 Race St., Phila., Pa.	United Church of Christ
REAVIS, George	North Lewisburg, Ohio	Additional Member
ROORBACH, Rosemary	201 Eighth Ave., So., Nashville, Tenn.	Methodist
SHAW, Alexander	116 N. Oraton Pkwy., East Orange, N.J.	N.J. Council
SMITH, Richard U.	6701 Wisconsin Ave., Chevy Chase, Md.	Protestant Episcopal
STOKES, Olivia P.	14 Beacon St., Boston, Mass.	Massachusetts Council
VAN LOON, Thomas	P. O. Box 871, Nashville, Tenn.	Methodist
WOLCOTT, Dorothea	617 Cherry St., Findlay, Ohio	Additional Member
WORNOM, Herman	545 West 111th St., N.Y., N.Y.	Additional Member

STAFF NCC

GODDARD, Alice	475 Riverside Dr., Rm 720, N.Y.	Dept. of Curriculum
KELLEY, Dean	475 Riverside Dr., Rm 572, N.Y.	Dept. of Religious Liberty
KNOFF, Gerald	475 Riverside Dr., Rm 704, N.Y.	DCE
PETERSON, Ralph	475 Riverside Dr., Rm 750, N.Y.	Dept. of the Ministry
WISMER, Eli	475 Riverside Dr., Rm 708, N.Y.	CGCE

A G E N D A

Committee on Church and Public School Relations
Ritz-Carlton Hotel, Atlantic City, N.J., October 2 - 4, 1964

Friday, October 2, 1964

7:15 p.m.	Devotions	Robert Parker
7:30 p.m.	Introductions and Adoption of Agenda Approval of Minutes of previous meeting Brief statement by chairman	
7:45 p.m.	Report of restructuring of NCC	Gerald E. Knoff Eli F. Wismer
8:45 p.m.	Report of staff of department	J. Blaine Fister R. L. Hunt
9:45 p.m.	Adjournment	

Saturday, October 3, 1964

9:00 a.m.	Devotions	Robert Parker
9:15 a.m.	Presentation of report of National Study Conference on Weekday Religious Ed.	Richard U. Smith
9:30 a.m.	Progress report on new weekday curriculum	Frances Eastman Alice Goddard
10:30 a.m.	Coffee break	
10:45 a.m.	Progress report continued	
11:15 a.m.	Presentation of revised copy of "Message"	Thomas J. Van Loon
12:30 p.m.	Lunch	
2:00 p.m.	Complete work on "message"	
3:00 p.m.	Vocations	Ralph Peterson
3:45 p.m.	"Religion and Education in the Political Arena"	Dean M. Kelley Robert Colwell
4:15 p.m.	Scope & Function Report	
5:00 p.m.	Recess	
6:00 p.m.	Dinner	
7:30 p.m.	Sub-committee meetings	
9:30 p.m.	Recess	

Sunday, October 4, 1964

9:00 a.m.	Devotions	Robert Parker
9:15 a.m.	Reports from sub-committees	
10:15 a.m.	Reports from denominations and state councils Committee business	
12:00	Adjournment	

Committee on Church and Public School Relations
Fall Meeting, October 2, 1964, Atlantic City, N.J.

STAFF REPORT - J. Blaine Fister and R. L. Hunt

The Committee on Church and Public School Relations met for the first time last October in Ocean City, N.J. At that time the two former committees (the Committee on Weekday Religious Education & Committee on Religion in Public Education) composed the membership of the newly formed committee on Church and Public School Relations. This meeting in Atlantic City, October 2 - 4, 1964, represents the second meeting of the newly constituted committee on Church and Public School Relations with official appointees from denominations and councils. During the year major responsibilities for staff work were divided: Dual school enrollment and weekday religious education were the primary responsibilities of Mr. Fister and matters relating to religion and public education were the primary responsibilities of Dr. Hunt. However, both staff members were concerned with the total work of the department as needs emerged.

Report of J. Blaine Fister

1. Dual School Enrollment (Shared Time) At the October 1963 meeting a statement was drafted on dual school enrollment with the hope that this might eventually be an official policy statement of the National Council of Churches. The statement was distributed to denominations and councils for reaction and then processed through the procedures of the Commission on General Christian Education and the Division Executive Board. It was brought to the General Board of the NCC and adopted as a policy statement on June 4, 1964.

This statement has received wide distribution through denominational and council channels and the text has been printed in the October 1964 issue of the International Journal of Religious Education.

The staff has answered many inquiries coming into the office concerning dual enrollment and also has participated in meetings on this subject. Both Mr. Fister and Dr. Hunt participated in panel discussions sponsored by the Chicago Church Federation where the issue has assumed the nature of a major community conflict.

Mr. Fister met with the Department of Social Concerns of the Lutheran Church in America when they examined dual enrollment with the possibility of arriving at an official policy position.

Your attention is called to the exploratory study on shared time programs which was prepared by the research division of the National Education Association, 1964. The department distributed this research report to all members of the National Study Conference on Weekday Religious Education. It is available from the NEA, 75¢ per copy, discount for quantity orders. (National Education Association, 1201 Sixteenth St., N.W., Washington, D. C. 20036)

Hearings were held this past year on the House bill, HR 6074, introduced by Congressman Powell. Mr. Fister was able to attend some of these hearings. This is a bill "to amend the National Defense Education Act of 1958 to provide federal assistance for projects for the acquisition of equipment to be used for shared time secondary education programs in science, mathematics, and modern foreign languages, and for other purposes." This bill is still in committee.

Staff of the department will continue to keep in close touch with the developments in dual enrollment, the legal situation as well as the program, and will keep

the committee informed. In conversation with the U. S. Office of Education we are aware that they are receiving applications for research funds from institutions interested in surveying and evaluating the practice of dual school enrollment. We have been cooperating with the NCC Bureau of Research and Survey in maintaining contacts with the Office of Education regarding their progress in the research projects.

2. Weekday Religious Education - 1964 marks the 50th anniversary of the founding of the weekday movement. A highlight of our year's celebration was the National Study Conference on Weekday Religious Education held in New York City, June 22 - 26, 1964. A 106 page report of this conference has subsequently been prepared and distributed to our committee members and conference delegates. Extra copies of the report are available at the cost of \$2.00. The report contains the major addresses delivered at the conference as well as other presentations that were made including preliminary research reports. It should be a significant document for study and action by denominations and councils in the area of weekday.

At our meeting last October a "message" was prepared for the churches on a new thrust in WRE. This document was reviewed by the CGCE at their meeting in February, 1964, and was referred back to the committee for further work. The "message" was rewritten at the June meeting of the committee. It has been sent to all Committee members for review and comments. A revised and edited manuscript will be presented for review by the committee at this meeting. We need to determine the next steps for this document.

A special section on WRE was included in the June issue of the International Journal of Religious Education. There have been some indications that we might want to reprint this. There are quantity copies of this issue available.

In the past we distributed to persons writing in for materials on WRE, a reprint from an International Journal article entitled, "Why I Am Concerned, WRE In Your Future." This supply has been depleted. We still provide the Weekday Religious Education Guidebook through the Office of Publication and Distribution. Since this particular guide is strongly weighted toward released time it is important that we now raise the question as to whether or not the guide should be expanded to include some helps regarding a variety of patterns of weekday religious education.

Staff has continually given guidance and help to local churches and councils writing in regarding the establishment of WRE programs. Wherever possible these requests are channeled through denominations and councils.

In the past year Mr. Fister participated in WRE conferences at Norwich, N.Y., St. Paul, Minn., Minneapolis, Minn., Teaneck, N.J., Elizabethtown, Pa., Toledo, Ohio, Springfield, Ohio, Harrisburg, Pa., and Bethlehem, Pa.

Survey of Weekday Religious Education - Last October the committee asked that the department undertake a survey on the present status of WRE in the United States. In response to this request an 11-page questionnaire was formulated by the staff of the department in cooperation with the Bureau of Research and the questionnaires were sent out across the country through state and local councils. We received replies from 232 weekday systems. A preliminary report was made to the National Study Conference on WRE, reporting on those items that were pre-coded on the questionnaire. Since the conference the other items have been coded and are in the process of being punched on IBM cards. The next step will be an analysis and interpretation of the data and the writing of a report. This study should be of great interest to us when it is complete and we will have some valuable information before us.

The Ham Study

At the June Conference, Dr. Howard M. Ham, reported in a preliminary way on the study of the Rochester weekday system. A summary of his report was included in the National Study Conference report. This material is still of a confidential nature since he is reserving the rights to the materials with the hope of publishing it in book form in the near future. Again, this study will be of great significance to us, particularly with the prospects of using the instruments in the Rochester study for studies in other parts of the country.

Research by U. S. Office of Education

On May 28 the staff of the Department of Church and Public School Relations, Dr. Lauris Whitman and Mr. Barry Keating of the Bureau of Research, met in Washington along with a representative of the Confraternity of Christian Doctrine and staff members of the U. S. Office of Education. The purpose of this meeting was to discuss the possibility of a U. S. Office of Education study of the status of released time in the U. S. It was decided that a request for such a study should be made on an interfaith basis. Consequently on June 12, representatives from the American Association of Jewish Education, The Confraternity of Christian Doctrine, staff of the DCPSR, and Bureau of Research of the NCC met at the Inter-church Center. The decision was made to formulate letters from the three faith groups which would be sent to the Office of Education. This was done and in response to this approach, the U.S. Office of Education expressed an interest in moving ahead. On September 25 another meeting was held in the Office of Education. At that meeting a draft of a proposed questionnaire was worked through. If the Office of Education secures authorization to proceed with this study, we will be receiving a further draft for the proposed questionnaire and will remain in touch with the U.S. Office of Education as they proceed with this study.

Weekday Religious Education Section - Annual Meeting of the DCE

Mr. Fister serves as staff advisor to the Weekday Section of the annual meeting. The program has been completed for the February meetings in 1965. The theme will be "Not Only On Sunday." The main leadership for the weekday section will be: The Reverend Edward A. Powers, Dr. David W. Jewell, The Reverend Eli F. Wismer. Also participating on the program will be: Mrs. Alice Goddard and The Reverend Ray J. Harmelink. Miss Lillian E. Comey is Chairman of the weekday section and Miss Helen Archibald is Program Chairman. A copy of the program is attached to this report.

3. Education and Poverty - Mr. Fister participated in the 2nd Conference of the National Citizens Committee for Support of Public Schools. The theme was "Education and Poverty." Since then Mr. Fister has represented the Division on the NCC Anti-Poverty Committee and has prepared one of the basic study papers for this committee, "Education and Poverty," as well as a list of selected action objectives related to education.

This material has been prepared in preparation for a consultation on the Anti-Poverty Program to be sponsored by the Department of Church and Economic Life of the NCC, Seabury House, Greenwich, Conn., October 14-15. The matter of education as it relates to poverty is considered a very important aspect of the problem.

Other Activities

In the past year Mr. Fister participated in Clergy-Teacher Dialogue in St. Louis,

Missouri, served as a consultant to the Pennsylvania Council of Churches committee on Religion in Public Education, and appeared on a ninety-minute television program on the issue of prayer in the schools.

Report of R. L. Hunt

Under the leadership of the Executive Director, the Associate Executive Director has sought during the year to serve the purposes of the merged committees as recorded in your actions a year ago. The report of the Executive Director speaks to these larger purposes to which much of my time and energy have been directed, at his request I supplement the report in connection with certain of your actions.

1. Interpretation of Court Decisions - You expressed the hope a year ago that magazines of the educational profession might report the decisions of the U. S. Supreme Court in the Bible-reading and prayer cases at some depth. A reading of the professional literature indicates that this has been done, with an emphasis upon the open door which these decisions provide for use of the Bible for instructional purposes rather than worship. The NEA Journal in its first issue last fall provided a two-page feature with liberal extracts from the decision. Magazines for school administrators such as The Nation's Schools and the American School and University also emphasized the portions of the decision which suggested instructional rather than devotional use of the Bible, and the necessary treatment in the regular school subjects of many facts about religious institutions and beliefs. I call to your attention also useful features along this line in recent and coming issues of the magazine Religious Education.

Efforts to advance discussion of these matters among public school administrators and trustees have included major addresses during the year to groups at Purdue University, the University of Chicago, and Northern Illinois University at DeKalb. The National Conference of Christians and Jews through its dialogue project sponsored two of these, as they will another at Emory University this month at which I am scheduled to participate. The address at Purdue, with slight revisions, is published in the July-August 1964 issue of Religious Education, as part of a panel on the impact of the Court decisions. They have scheduled other features of this nature for early release. As guest editor, I was privileged to expound on "Dual School Enrollment," interpreting the NCC pronouncement, in the August number of the magazine American School and University.

2. Relationships with Professional Organizations and Public Schools - During the year, your staff has had from several persons the suggestion that the NCC should prepare materials for use in public schools. Some have suggested that such materials should be prepared by the NCC in cooperation with representatives of other faiths. This is a matter for the consideration of this committee, if such an effort should be undertaken.

I take the liberty of expressing a personal opinion on the matter, that the churches should leave the responsibility for the preparation of materials for use in public schools to the regular school authorities. As I see it, the function of churchmen will be to serve as advisors and consultants as called upon by the public school officials at local, state and national levels, to review materials in preparation under such auspices. I would encourage persons in the public school staff and scholars in the regular school subjects to consider it part of their Christian vocation as teachers to devote their talents to inspiring action in the regular public school channels and in the professional organizations to develop the needed materials.

There are current expressions of interest in professional education groups. The

American Association of School Administrators has just issued, "Religion in the Public Schools," a report of a Commission asked to examine the effect of recent decisions of the Supreme Court on the issues of Bible reading and prayer in the public schools. A copy of this report is in the hands of members of the Committee. You will find in that report, page 58, a recommendation for a major effort to develop such materials. This recommendation from the AASA Commission may or may not be supported by the Executive Committee or the Association itself as it gets legislative consideration. It would seem to me in order for us to approve the idea, if that is our judgment, and to communicate that approval to members of the professional association whom we may be able to identify as members also of our respective communions.

You may note in the AASA report that my name is listed as a consultant. I have been a member of the AASA since 1927, and was invited to be a member of the Commission. I advised the group that the membership of the Commission should be limited to persons now active in school administration. I was then made a consultant and was useful in collecting and bringing to the group statements on the controversial issues made by religious organizations. These included Catholic and Jewish statements, also others such as the American Humanist Association and the Ethical Culture Society. At one step in the process, I supplied a list of persons representing the range of viewpoints to whom were sent a current draft of the Commission report for review and comment. It is appropriate for this committee to review the positions taken by this group in professional education and to establish such points of differences as seem to us good.

In addition to the AASA there is interest in other professional groups in matters raised by these Supreme Court decisions. I illustrate them by mention of the American Association of Colleges for Teacher Education and the National Council of English Teachers. As best I can, I try to keep up with such activities, and shall appreciate assistance from the members of this committee in keeping me informed of them.

3. Vocational Guidance in Public Schools - The Committee on Religion and Public Education early expressed its interest in what happens to church youth served in public school guidance departments. This interest has two major concerns: (1) do youth there have a chance to consider full-time church occupations equally with other occupations, and (2) are motives of service to God and fellow-men counted as valid as other motivations for choice of a vocation? Both of these interests have through the years been discussed with representatives of the Dept. of the Ministry of the NCC, who share our concern in this field. Your agenda tomorrow proposes consideration of a draft manuscript on, "The Protestant Ministry and Related Church Occupations," designed for use in public schools. The substance of that manuscript should matter to us. Does it say what we think needs saying to youth in public schools? After there is agreement on substance, we should consider utilization. What can we do to get the materials into effective use?

4. The Faculty Christian Fellowship - Another point at which the interests of this Commission overlap with those of the Commission on Higher Education is suggested by the series of ten "Faith-Learning Studies," recently published by the Faculty Christian Fellowship. They explore the relationships of Christian faith to the content of the various disciplines such as history. Should we consider a co-operative effort to develop such a series in the respective subject fields at the elementary and secondary levels? Do the present publications have application to these levels in our judgment, so that they should be distributed or recommended by us to teachers in public schools? Is there need for such materials for use in the churches? Should groups such as those of the Faculty Christian Fellowship be promoted in public schools?

5. Race Relations - There was discussion last year as to how we might improve race relations, and your action asked staff to give time to such service. I therefore report two particular efforts in this field. I was asked by the General Director of Interpretation of the NCC to join him for a week last March in New Orleans and Mississippi. We talked with many persons in the white and Negro communities, one point of special concern being possibilities for use of a radio series for interpretation of the work of the NCC in response to questions being asked about the NCC. The second was in connection with Rust College, a college operated by the Methodist Church in Holly Springs, Mississippi. Because as chairman of a Committee for the Improvement of Negro Education for the Mississippi Education Association, I had once sponsored a survey of Negro teacher-training institutions in Mississippi, I was invited last December to attend a meeting to discuss the future of Rust College and the possibilities of its accreditation if continued. As a contribution to its accreditation, I offered at that time to substitute in the summer session for a teacher who might be sent to improve his own academic qualifications. During July and August, this invitation being accepted I spent five weeks of my vacation time as a teacher in Rust College, teaching the course, "Techniques of Teaching in the Secondary School." It should perhaps be recorded that I drew no salary from the College for this work, but counted it my own contribution to the cause, using current and accrued vacation time for the purpose. Rust College has provided one-sixth of the elementary public school teachers in Mississippi, and I am happy to see steps now being taken for its improvement, with current erection of a science building and a new dormitory, and a drive for endowment funds and library resources which may assist in qualifying it for accreditation.

By invitation of a pastor and a district superintendent, I have been privileged to discuss whether funds supporting the NCC should be deleted from the budgets of the Galloway Memorial Church in Jackson, Mississippi and the University Methodist Church in Oxford, Mississippi, as their official boards considered these matters. The interest is such that it would be easy to spend full time on such efforts of interpretation.

In view of expressions of interest at earlier meetings, I report a decision of Harper & Rowe withdrawing their earlier expectation of publishing a book of selected readings from different translations of the Bible arranged by Rabbi Gilbert, Father Abbott, Carter Swain, and myself. The manuscript is currently being considered by another publisher.

Both Mr. Fister and Dr. Hunt have been related to the Consultation on Church and State and also to the National Study Conference on Church and State held in Columbus, Ohio, last February.

The prospect of a consultation in cooperation with the University of Pittsburgh related to religion in public education is also being discussed with Dr. Lawrence Little if appropriate foundation funds can be secured.

Recently a conference was held with Cynthia Wedel of General Administration and the Rev. Robin Strong of the United Church of Christ regarding the possibility of initiating a program of an International Exchange of Educators. There was an interest in this expressed by Dr. Werner Jentsch of the Evangelische Akademie at Hofgeismar, Germany. Mr. Fister was asked to communicate with Dr. Jentsch about his interest in educational exchange programs. Dr. Jentsch has written of his continuing interest through the years in such an exchange and has a strong feeling

that it would be very important for an "exchange of about 40 educators (teachers of all kinds, youth leaders, professors of education), so that in one year 40 Americans could go to Germany (Hofgeismar) and the following year 40 Germans would visit the states to study the theoretical and practical problems of school, youth leadership, and the philosophy of education and their relationship to Church and Christian message." It would seem appropriate that the DCPSR would be the natural NCC unit to be involved in such an educational exchange program. Staff would be interested in the reaction of the committee members to any such development.

In conclusion, the staff of the DCPSR expresses their gratitude for the fellowship of service in the work of the Committee and the Department of Church and Public School Relations of the National Council of Churches of Christ in the U.S.A. We have appreciated the opportunity to do what we can in support of its highly significant purposes and efforts.



TENTATIVE PROGRAM WRES - ANNUAL MEETING DCE

Lillian Comey, Chairman
Helen Archibald, Program Chairman
J. Blaine Fister, Staff Advisor

THEME: "Not Only On Sunday"

(A New Thrust of Christian Education Through the Week)

TUESDAY, FEBRUARY 16, 1965

MORNING

Presiding, Lillian Comey

9:00 Plenary Session of all Sections

10:15 Coffee

10:30 Orientation & Welcome

10:45 "What We Are About - Our Purposes and Goals"

Edward A. Powers

12:00 Adjournment

AFTERNOON

2:00 "How We Structure to Accomplish Our Task in
Christian Education Through the Week"

Eli F. Wismer

3:15 Reactor Panel
(resource persons react to previous talk)

Edward A. Powers
David W. Jewell

4:30 Adjournment

EVENING

7:45 Public Mass Meeting

WEDNESDAY, FEBRUARY 17, 1965

MORNING

Presiding, Lillian Comey

9:00 Worship

Helen Archibald

9:20 Symposium

"Developments in the New Weekday Curriculum"

Alice L. Goddard

"What our Recent Research Has Told Us About
Weekday"

J. Blaine Fister

"Significant Directives of the National
Study Conference and CCPSR"

Ray J. Harmelink

10:30 "New Thrusts in Christian Education Through
The Week"

David W. Jewell

11:10 Grapple Groups

12:15 Special Luncheon
Church and Higher Education

AFTERNOON

- 2:00 Continuation of Grapple Groups ...
- 3:00 Tea - Weekday Religious Education Fellowship
- 4:30 Adjournment

EVENING

Special Film Preview
(Joint Session with Family Life)

THURSDAY, FEBRUARY 18, 1965

MORNING

Presiding, Lillian Comey

(Breakfast meeting for discussion group
leaders with resource leaders)

- 9:00 Business Session
- 9:30 "What We Grappled With and How We Came Out" Edward A. Powers
- Open Forum
- 11:30 Closing Worship Helen Archibald
- 12:30 Division Luncheon



CURRENT CHRISTIAN RESPONSIBILITIES FOR EDUCATION THROUGH THE WEEK
(title subject to change)

1 Churches are called to witness to their Lord at all times and under all
2 conditions. Times of transition and change give focus and particular urgency
3 to that witness. As the people of God we would serve Him daily in private and
4 public tasks as well as through programs internal to the churches.

5 Recent court decisions have clarified the relation of religion to public
6 education and the relation of churches to the public schools. While these
7 rulings limit religious practices within public schools and clearly recognize
8 religious commitment as the responsibility of home and church, they encourage
9 teaching about religion as an essential part of general education.

10 In witness to their Lord the churches should now respond with fresh
11 concern for an effective total Christian education ministry including through-
12 the-week teaching-learning opportunities. In supporting church-sponsored through
13 the-week programs we affirm our heritage of separation of church and state as
14 institutions. However, our heritage also recognized the propriety of communica-
15 tion and cooperation between church and state in the discharge of their joint
16 responsibility for the complete education of children and youth.

I. SUPPORT FOR PUBLIC EDUCATION

17 In the pronouncement "The Churches and The Public Schools," (June 7, 1963)
18 the General Board of the National Council of Churches declared, "We reaffirm
19 our support of public education in the United States of America." We emphasize
20 that this support should be adequate in financing and personnel to make
21 education of high quality available to all the children and youth of America.
22 To this end we urge increased local and state appropriations for public education
23 In line with the policy statement of the General Board on February 22, 1961,
24 "Public Funds for Public Schools," we call for federal aid for public schools.

25 We also emphasize that public education should be integrated wherever and
26 whenever there are varied racial or ethnic populations. Where there is dis-
27 crimination, quality education becomes difficult, if not impossible, especially
28 for those who are discriminated against. High quality integrated education

29 serves as a major cohesive factor in our pluralistic society. It has potential
30 for enriching and strengthening the character of persons and groups in our
31 society. Significant values develop when public education policy is determined
32 by a responsible body representative of the entire community, including minority
33 groups, and when all public schools are open to all without distinction as to
34 race, creed, national origin or economic status.

II. PUBLIC SCHOOL TEACHING ABOUT RELIGION

35 In the Supreme Court decision of June 17, 1963, the court said, "It might
36 well be said that one's education is not complete without a study of comparative
37 religion or the history of religion and its relationships to the advancement
38 of civilization. It certainly may be said that the Bible is worthy of study
39 for its literary and historic qualities." (Abington School District v. Schempp,
40 June 17, 1963, p.22). Thus the Court has seemed to afford an opportunity for
41 the enrichment of public education about which the churches have not yet shown
42 great concern.

43 Mr. Justice Brennan, in his concurring opinion in the same case, said, "The
44 holding of the Court today plainly does not foreclose teaching about the Holy
45 Scriptures or about the differences between religious sects in classes in
46 literature or history. Indeed, whether or not the Bible is involved, it would
47 be impossible to teach meaningfully many subjects in the social sciences or the
48 humanities without some mention of religion. To what extent, and at what points
49 in the curriculum religious materials should be cited, are matters which the
50 courts ought to entrust largely to the experienced officials who superintend
51 our nation's public schools." Churches should welcome and encourage this
52 opportunity for the public school to deal with religion.

53 For such teaching about religion there should be developed effective means
54 of communication among public and religious educational authorities, administrative
55 teachers, students, parents, and others associated directly with the schools.
56 Such communication and cooperation should take place at all levels beginning
57 with the local community and extending to the centers of responsibility in
58 the federal government.

III. WEEKDAY PROGRAMS OF CHRISTIAN EDUCATION

59 The legality and constitutionality of weekday released-time religious
60 education is well established. In the case of Zorach and Gluck v. Board of
61 Education (April 28, 1952), the Court said, "We sponsor an attitude on the
62 part of government that shows no partiality to any one group and that lets
63 each flourish according to the zeal of its adherents and the appeal of its
64 dogma. When the state encourages religious instruction or cooperates with
65 religious authorities by adjusting the schedule of public events to sectarian
66 needs, it follows the best of our traditions. For it then respects the
67 religious nature of our people and accommodates the public service to their
68 spiritual needs."

69 The Division of Christian Education urges its denominations and member
70 councils to support, with new commitment and action, plans and programs
71 developed to implement the statement of purpose adopted for weekday religious
72 education in 1960:

73 "In the knowledge that human life and experience resist
74 compartmentalization and can be truly seen and evaluated
75 only within a framework of total and ultimate meaning, we
76 affirm our conviction that truth is whole, that persons are
77 whole, and that neither is logically divisible. It is our
78 belief, furthermore, that American education is dedicated
79 to the proposition that the education of persons must be
80 fully comprehensive and whole. Yet by the very nature of
81 our traditions and our present pluralistic culture, and
82 for reasons determined by society as a whole, our public
83 schools have not been in a position to deal adequately
84 with that portion of human experience commonly called
85 religious. We, therefore, affirm that the churches have
86 an urgent responsibility to bear witness to the revelation
87 of God within the totality of man's experience. There is
88 a special need to help children and young people to inter-

89 pret their public education in this perspective. Bear-
90 ing this witness in relation to public school education
91 is the specific central purpose of the Division of
92 Christian Education's program of weekday religious
93 education on released, reserved, or dismissed time."
94 We believe that the contemporary situation makes more necessary than ever
95 before reinvigorated, extended and expanded programs of Christian education
96 through the week. Churches and communities should be aware that such programs
97 may take many forms including dual school enrollment, released or dismissed
98 time, after school and free time approaches, as well as experimental patterns
99 not now employed. Those churches and communities now maintaining programs
100 should improve, extend and expand them, and those that do not have such programs
101 are urged to proceed with the establishment of them.

IV. THE CHURCHMAN IN PUBLIC EDUCATION

102 The children of most Protestant Christians in the United States attend
103 public schools. Many teachers, administrators and others serving in the
104 public schools are Christian. Christian teachers, administrators, board members
105 and others officially serving the schools should remember that their tasks are
106 God-given and should be carried out as holy responsibility. Such responsibility
107 is carried out in the public school best by doing the work at hand joyously,
108 effectively and humanely with respect for the integrity of the public school
109 and without attempt to impart or compel any sectarian point of view. In
110 carrying out the public task, the responsible school person is not asked to
111 give up or even hide his religious convictions. For example, so long as the
112 freedom of the students' convictions is respected, the teacher has freedom,
113 to be exercised responsibly, to state his own convictions when such statement
114 is germane to instruction.

115 We call upon Christian students to seek to love God with their minds, to
116 see their role as students to be His calling in places where they learn. Pupils
117 should seek to achieve well and serve in the schools as required. We call upon
118 high school and college students to consider the school professions as worthy

119 callings of our Lord to serve persons in need, young and old, and the common
120 needs of all humanity. We call upon parents to see their school responsibilities
121 as Christian duty and opportunity.

122 The church needs to assist the churchman, be he child or adult, in under-
123 standing and interpreting his task in public education. Such assistance should
124 be provided from the perspective of Christian faith and within an awareness of
125 the totality of the school persons's experience.



The Committee on Church and Public School Relations recognizes that it must serve many publics (councils, denominations, public education agencies), sociologically diverse and geographically dispersed. These publics have in turn relationships with churches and systems of public education which are equally diverse, from immense pluralistic urban systems to homogeneous rural units. Included in the scope and function of this committee are two main areas of concern: public education and weekday religious education. In each of these areas the committee will:

- 1) clarify issues that emerge and develop basic position papers on them to serve as guides for committee work, and for councils and denominations.
- 2) provide through research, study and experimentation, proposals to meet changing conditions.

I. Public Education

- (1) Challenge and assist denominations and councils to give critical support to public schools in their own states and regions, as well as on the national level.
- (2) Stimulate, encourage and support public education efforts to deal adequately with religion in the instructional program of the schools.
- (3) Provide for public education curricular authorities and for text book publishers a center of reference and help in locating persons of sound scholarship in the several disciplines, specialists in the Christian education of children and youth, technical experts such as editors, audio-visual educators and others in order to assist these authorities and publishers to deal adequately with religion in public schools.
- (4) Keep abreast of developments in public education through communication with teacher education institutions, educational associations, and citizens groups, etc.
- (5) Stimulate educational personnel to a sense of Christian vocation.
- (6) Be the resource center for constituent members of the NCC and other NCC units for matters related to church and public school relations.
- (7) Give direction and guidance to the assigned NCC staff in their liaison relationships with the Office of Education and other Federal education programs, as well as national non-governmental agencies, including Roman Catholic and Jewish groups,
- (8) Give direction and guidance to the DCPSR or its successor in serving as the recognized NCC unit with primary concern for legislation regarding religion and public education, and for such matters as court decisions that affect their relationships.

II. Weekday Religious Education

(Preliminary statement)

- (1) Challenge and assist denominations and councils, local, state and national, to respond to the need expressed in "the unique purpose" and to take seriously their obligation to provide an adequate through-the-week ministry.
- (2) Encourage denominations and state councils to recognize the part that weekday programs can fill in the total Christian education of growing persons and to accept responsibility for developing such programs.
- (3) Assist denominations and councils in their weekday religious education efforts through consultation, coordination, and the provision of resources and training opportunities, as required and desired.
- (4) Assist in the development of curriculum for weekday religious education that supplements and interprets the public school experience.
- (5) Take primary responsibility in the NCC for interpretation of and training in the use of the curriculum through denominations and councils.

DRAFT - OCTOBER 6, 1964

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AMERICAN JEWISH ARCHIVES
The Whole Field of Issues Before Us

By R. L. Hunt

There is a fabled story of a hero who mounted his horse and rode off in all directions at once. The subject, "The Whole Field of Issues Before Us" in "Religion and Public Education" to which our institute directs our attention, calls for a like talent. I lack the heroic mold. I shall seek to remind us in this first session of conference of the variety of issues we face, and further to aid discussion, I shall on occasion phrase these in the provocative vocabulary of controversy, repeating words I have heard from advocates of opposing positions.

1. How shall terms be defined?

The matter of definition of terms poses problems. Both "religion" and "education" carry many meanings. "Religion" has an organized body of knowledge, which may be taught as a subject. Is that what we mean by the term? Does court approval for the teaching of "comparative religion" as a subject for public schools mean approval also for something else called religion?

The U.S. Supreme Court in the 1961 case of *Torcaso v. Watkins* (367 U.S. 448)

through Justice Black said that "Neither (a state nor the federal government) can constitutionally pass laws nor impose requirements which aid all religions against non-believers, and neither can aid those religions founded on different beliefs," and in a footnote said, "Among religions founded in this country which do not teach what would generally be considered a belief in the existence of God are Buddhism, Taoism, Ethical Culture, Secular Humanism, and others." Persons versed in theology remember Paul Tillich's emphasis on religion as an ultimate loyalty, to define religion as any system of belief or values which determines human conduct.

The definition of religion just mentioned is not the only one in the dictionary nor the only one with legal standing. Only conscientious objectors who saw their duty to a Supreme Being as forbidding participation in war were excused by the statute for universal military training.

Even the term "public school" needs definition. There are those who argue that the term should be applied to schools operated by churches which serve the public purpose of meeting the requirements of compulsory attendance laws. A statute describes public schools as schools not operated by the federal government. What do you mean by "religion," "education," "public" schools?"

2. What Values Shall Control Education?

Education is a tool, a method. Napoleon, Hitler, and Mussolini have been well served by education, as have Communism and Democracy. Literacy serves many masters. Education draws its ethics, its moral values from outside itself. Ultimately every teacher has to justify his classroom practices by references to criteria which are affirmations of value-judgments concerning what kind of person he wishes his pupils to be and come to be, and in what kind of society. Implicit in every kind of

education, and often explicit in the classroom, are answers to questions like "Who Am I?" "Why Am I Here?" "Whence Came I?" "What shall I do with my life?" "What is my destiny?" These are the ultimate questions of both reason and faith, of philosophy and of religion. Where shall public schools find their answers?

What has religion to say to the problems of public schools as they teach science with its marvelous achievements of molecular and atomic fission and planetary travel? Is faith in reason and man's ability to eclipse faith in a Divine Being? Shall all teaching be on the testimony of bodily senses and objective data? Shall evolution be taught in public school classrooms? Shall a guidance department so emphasize financial rewards as to be determinative of career choices as against, let us say, motivations of service to God and men? What reasons shall be offered for going to school? What reasons, for that matter, shall be offered for having a school?

Is this a Christian society? Is ours a Christian country? What could make it a Christian country? Do Christians have faith in the worth of their gospel that it will win its way by its merits, or must it use some force of compulsion?

Is the unbelieving atheist to be a first class citizen in this nation? Since the Constitution provides that all persons born and naturalized in any state shall be citizens of the United States, and provides as well for freedom of conscience, thought, speech, and press, our citizens represent the full range of thought political and theological. Pluralism is a fact, whether we like it or not. Since it is here, how may the inevitable tensions be used creatively for the good of the country? What part shall the organized churches play in making the decisions?

Every society seeks to assure its survival by training its young in its goals and

values. Our citizens come from many national and cultural backgrounds, to form a pluralistic society. This is a fact which the public schools must live. Our people have difficulty in reaching consensus on some values which the society will permit the schools to encourage and develop. The pressure groups push and pull, and have made many teachers and administrators wary of teaching or identifying themselves with any values of any sort.

Is caution and hesitation the right role for curriculum makers? Can the public schools take the initiative in defining and teaching values, perhaps to preserve the status quo, perhaps to improve society?

Is education to be the means of social change? The present surge of interest in solving social problems by means of education reminds one of the depression period, the present drive being toward the cure of poverty, the improvement of race relations, for world peace. Can public schools accept a mission for the transformation of the entire American society from its present separation of whites and Negroes, haves and have-nots, the educated and the illiterate, into a society richly endowed by the talents and gifts of all, in which each citizen can cultivate to the full the talent which is his? Will birth control or a new diet be part of such a mission? Education as a means of political action cuts across a broad field of economic, social, political, and also ethical and religious issues.

3. On What Terms Shall the Churches and the State Educate Youth?

Do the churches have a right to educate youth? Do the churches have a right to educate youth in opposition to established government policy? Does the state have a prior right to educate youth as opposed to claims of the churches? Does the state have a right to educate youth in opposition to their religion?

A friend of mine wrote back from East Berlin that Christian parents there had described the state schools as the "manacles of the State," by which their children were bound and removed from parental influence. The long daily schedules and heavy assignments using night hours left no time and energy for anything other than the assigned tasks. Activities were scheduled on Saturday and Sunday, deliberately to compete with and to destroy church organizations and programs. Some letters reaching my desk express fears that public schools in the United States approach a similar status, to threaten the existence of religious education in the churches and homes. Public school advocates seeking to serve community needs through the lengthened school day, Friday night and Saturday and Sunday activities, 12-month school terms, should not be surprised by discovery that religious educators whom they have ignored question such policies and decisions, even to the point of saying it may be necessary for them to inaugurate school systems of their own?

If the public is to pay for schools through the week whose major reason for existence is to teach religion, shall public funds pay costs of other church schools to teach religion on Sunday?

Does the integration of parochial schools with their sponsoring churches make them religious rather than educational? The 31 parochial schools of Washington, D.C. are listed on the tax rolls as exempt from taxation as religious rather than educational. Is this fact or history?

Is the teacher in the parochial school a religious officer? The teachers of the Lutheran Church-Missouri Synod and the Wisconsin Synod parochial schools were exempted from military service during World Wars I and II as "ministers of religion" and students in training for teaching in these schools were classified along with those of students in theological seminaries. They are consecrated to their offices for life.

Such teachers are entitled to clergy fares on railroads. A ruling of the U.S. Commissioner of Internal Revenue dated September 26, 1950 says that--

"... a Lutheran teacher has the status of a minister of the Gospel within the Lutheran church . . . is subject to the same rules and regulations as a pastor with respect to call, installation, discipline, and retirement; performs the same functions as a pastor insofar as the congregation which he serves sees fit to authorize him, and enjoys, as does the pastor, membership in the Synod . . . Accordingly the rental value of living quarters . . . is not includable in gross income . . . for Federal income tax purposes."

and Social Security regulations place them on a par with ministers. Shall tax funds support such ministers at work in their religious office?

Are appropriations of tax funds to parochial schools not justified as the cheapest way to educate so many children?

Do parochial schools really save money for the taxpaying community? By the measure of social utility are segregated sectarian school systems really cheaper with patronage passing each other in transit? Has not the experience of the racially segregated school systems proved higher costs than those of an integrated system providing equal opportunity?

Has not our society moved on from the need to develop conformity and "Americanism" to a need to protect individuality and differences? Would some added costs not be justified for schools representative of different elements of the culture, religious and otherwise, so that our new circumstances may justify expenditures of tax funds?

Does not the cold war in which we are engaged, this war for survival, make obsolete the finicky lines of separation of church and state? Thus if a church university can do a research project, or a church elementary school can train a soldier, should not the nation use these resources for its national survival? And should not

these church institutions welcome this opportunity to serve the nation, aside from institutional advantages?

A federal court in Richmond found a Virginia plan for scholarships to students in elementary and secondary schools unconstitutional when its purpose is to maintain racial segregation. Such programs have been enacted in six other states. Does this decision provide a precedent determinate of the issue if scholarships from the state go with children into religiously segregated schools?

In a time of big government, those who believe in capitalism and free enterprise are concerned to conserve the private sector, to protect against transfer to the public domain as much of business and education as possible. Within this context, they see the private school as a resource, a protection against monopoly of education by a big government. They see a function for private schools to pioneer and experiment in ways not possible to public enterprises. What will happen if private schools now accept tax funds from public sources? Even if the funds are at first granted without restrictions, such private schools must become responsive to the wishes of the sources of their support. Accounting procedures and standards must follow, to end the freedom of private schools, in effect to make them a part of the public sector. Even if the words of preserving the private character of the schools accompany legislative appropriations, the net effect is to remove the schools from the private sector, and place it within the orbit of influence of "big government." Can churches accept tax funds for support of church-sponsored schools and preserve complete control over them? Should they?

Since court decisions seem to have denied to the state in this country the sole right to operate schools, does the state have a duty to finance the education of a child not attending the state schools? Do religious and anti-religious minorities have rights

to financial support of their efforts to meet the state's requirements for education of their youth? Is tolerance of all religions in the state school system enough, or does tolerance require in justice that parents of minority views may have freedom to establish without excessive costs schools to propagate their particular spiritual views in opposition to other views?

Is not tolerance itself a creed? Does not the tolerance, the professed neutrality, really establish a creed equating all religions, to suggest the irrelevance of religious faith to life in this world? Is it not true that teaching which assumes this world is the final words which teaches complete reliance of man upon his own brain and heart, teaches a world view contrary to that of much religious faith? Does not this establish a religion?

Can the churches and synagogues join in good faith with others in the community to support a common school for their children?

What does our religious faith say to support of public schools, schools maintained by all the people through the state for all the children of all the people? Is it a more religious, a more Christian, or more Jewish, act to establish and maintain schools within the church or synagogue than to participate with others in developing a school system which will offer equal educational opportunity to all children of all the people? Here each of us must operate within our religious community. For what it may be worth in our considerations, I note my personal observation that religious groups with a strong emphasis on a pure doctrine held only in the vessel of the church or synagogue tend to support separate school systems. Religious groups tending to emphasize the inadequacy of finite man to contain in his religious institutions the mind and will of the infinite God seem to tend to support participation in common schools. Many of them do so with a conviction that it is the will of God that his people be one. Is it not immoral, asks one such believer, to separate those who believe in God in separate schools?

Can religious education be separated from other instruction? Is religion most efficiently taught within the regular "secular" subjects?

Can the churches achieve some of their religious purposes most efficiently through separate or through common schools, religious purposes such as--

1. Teaching a child to read so that he may read the Bible.
2. Assist in developing talents on which each person has a stewardship.
3. Aid youth to prepare for citizenship and use of the ballot.
4. Prepare youth to carry his share of the world's work, earn a living.
5. Assist a person to feel at home in the world where he has a mission.

If the decision is made that the churches recommend that member children be sent to public school, how will the churches assure good public schools well equipped to serve children? Whose business is it in the local church to worry about the needs of the public Schools? Is it the business of the minister, the Sunday School teachers and superintendent, a committee on education or social action? "Everybody's business is nobody's business!" How does the church keep up with state legislation, where close to half the money for public schools comes from? Or with federal legislation, where a federal Congress taps corporate and individual incomes representing four-fifths of the national financial resources?

4. On What Terms Can Church and State Cooperate in Education?

Do the public schools teach everything? Can they serve adequately every need of the child? Can they control the complete education of the child? Or is it true that the public school is only one of the educational agencies of the community, so that many forces and institutions contribute to the child's education.

Should public schools accept the proposition that they are only one educational

agency in the community, shall they not define the hours which belong to them--and abstain from hours not assigned to public school use? If public schools by definition cannot handle some phases of the educational task such as teaching for religious commitment to a particular faith, does it not follow that the time of the child is to be divided among the agencies competent in their assigned task? Shall not public schools build into their schedule opportunities for children attending public schools to learn the religious portion of their cultural heritage during the efficient working hours in schools sponsored by parents and churches and synagogues?

Should the public schools enter the door opened by the Abington Decision, to offer courses in Bible and comparative religion, to teach such data about religion as may be useful to teach each regular school subject in its integrity, and not to ignore the fact of religion and its importance in our culture?

If so, shall they offer Bible courses, required or elective? At what age levels, and for what objectives? What shall be the qualifications required of teachers to assure competence when requirements in other subject fields run 18-54 semester hours of specific preparation?

Shall the churches enter the doors open to them for teaching of religion through cooperative arrangements such as dual school enrollment, dismissed time, released time, etc.? Shall the churches view the public schools as so important that they must be protected from all competing influences during the hours of the week assigned to them? Or do they hold that religion in the normal working hours of the child is the only possible way to counteract the ever-continuing expansion of public secular education which so absorbs the "business hours" of their children as to give an effective indoctrination in a secular philosophy and materialistic behavior?

Do public school boards have a right, legal or moral, to deny release of children when requested by their parents for programs of religious instruction?

On what terms may the facilities of churches be extended to public school use, and use of the school plant extended to religious groups or for religious purposes?

How can data be gathered and evaluated about prior experience in released time, dismissed time, dual school enrollment, to provide an objective basis for policy determination by people in the state and in the churches?

The U.S. Office of Education Biennial Survey of Education in the United States, 1948-50, (ch.5, p.44, Table 3) showed that public schools in 20 states had given full-year credit for Bible courses to 11,470 pupils and half-year credits to 1,226 pupils.

A "Summary of National Offerings and Enrollments in High School Subjects, 1960-61" now in preparation by U.S. Office of Education specialist, Grace S. Wright will report something less than 5,000 such credits given, in so far as they were reported as part of the offerings of the English department (to make the data not exactly comparable).

A study for the Indiana School Boards Association last year reported 10 Indiana school districts as giving credits for Bible courses in public high schools. Dr. C.T. Gifford of the Texas Council of Churches reports from a Texas State Department of Education source that something less than 50 schools in that state gave credits last year for Bible courses as compared with perhaps 175 schools a dozen years ago. Since the decision of the U.S. Supreme Court on June 14, 1963, the doubts as to the legality of Bible courses in public schools have been resolved, to make it possible to consider the course on its merits in competition with other courses, so long as the test of the court is met:

What are the purposes and the primary effect . . .? If either is the advancement or inhibition of religion then the enactment exceeds the scope of the legislative power as circumscribed by the Constitution. That is to say that to withstand the strictures of the Establishment Clause there must be a secular legislative purpose and a primary effect that neither advances nor inhibits religion." (Abington v. Schemp)

Courses for the promotion of religion must be removed to schools not supported by public funds, perhaps by arrangements of released time or dual school enrollment. What are "secular" purposes suitable for a Bible course offered in a public school? Would the following be appropriate?

1. Knowledge of the Bible necessary to understand our literature and culture, our history and institutions.
2. Knowledge of the Bible useful to prepare citizens for life in society which persons of many religious faiths must learn to get along together?
3. Knowledge of the Bible useful to youth engaged in the developmental task of defining their own personal philosophy and system of values, permitting them to compare the viewpoints of faith along with those from other experiences.
4. Knowledge of religious issues affecting national policies upon which citizens of the United States may be called upon to vote.
5. Knowledge of Bible literature for personal enjoyment and enrichment.

The use of the Bible for such purposes poses problems for persons of some theological viewpoints. Can those persons who see the Holy Bible as the literally dictated and revealed word of God expose their children to a situation in which the contents of the Bible may be taught without this emphasis? The churches have some homework ahead of them. Will they support a secular program of education using the Bible? Will they offer opportunities for youth in public schools for credit courses in the Bible and/or religion through released time or dual school enrollment?

In the Abington case, three justices mentioned the immaturity of the students

as a factor in his decision. Does this mean that there may be differences in policy in public institutions at elementary, secondary, college, and university levels, even though the same constitutional phrases guide? Are different decision appropriate for age levels affected by compulsory education laws and those which are not? Is there a difference in what the public school may do in a required course and an elective course?

5. How Can Values and Commitments Be Taught?

To what extent are intellectual and cognitive learnings associated with learnings affective, emotional? Will learning the facts about a play by Shakespeare assure a love of literature or drama? Will memorizing the Ten Commandments assure behavior obedient to them? What learnings of attitudes, feelings, values, can be learned in a formal classroom situation? What other affective learnings can take place in other parts of the school environment such as the gymnasium and the playing field, the lunchroom, the library and the auditorium?

Are affective goals properly part of each course of study? How can they be evaluated? Jacobs reported that he found little significant evidence that changes in values occurred in college, and Prince reported that changes in values is not a function of the secondary school experience. How are values learned? When? Is it possible that affective behaviors undergo sudden transition as compared with cognitive behaviors? Or do some changes come quickly and others develop slowly?

Are values specific, or is there transfer of training? Can values be changed without changing the entire personality? Can the individual change without isolating himself in some part from his peers, his significant adults, perhaps even in part denying his own basic self? Are there ways of helping persons change values with less trauma and conflict, to make it possible for the individual to take on the new

without rejecting the old? Children of poverty, for example, who accept middle-class values, many associated with religious faith, run great risks in fully accepting schools and their values?

Does the school which teaches only intellectual and manual skills fit into our society? What employer, for example, will happily accept the book-keeper who adds and subtracts numbers perfectly--but feels no hesitancy in appropriating to his own use some of his employer's money? Why has education come to mean almost solely a cognitive examination of issues? Is not the school which teaches only the intellect preparing people who take no responsibility for their actions?

Does the public school prepare citizens for the use of the ballot? Does not this involve a commitment, to teach that an individual can make a choice? How can the public school undertake such a commitment, in the light of the evidence from the biologists who are impressed with what is transmitted by the genes, or that from the psychiatrists impressed with the power of inherited needs and drives? How can the public school undertake such a commitment, in the face of the data of the sociologists, who emphasize the influence of the peer group and tend to see men as shaped by his environment?

Does the public school teach a youth to be ready to defend with his life his country? How can the public school undertake such a commitment, in the face of those who say survival is the first law of life?

The public school has taught, and will continue to teach, that citizens can and do make choices in the ballot booth, and that citizens must be prepared to defend to the death, their country. Since these commitments exist, how shall the objectives be defined? Can definitions of commitments be sharpened, perhaps along the continuum of internalization suggested by Krathwohl, Bloom, and Masia in their recent

classification of objectives of courses in colleges? They suggest that at a first level, the individual is merely aware of a phenomenon, able to perceive it. At a second level, he wills to attend to it. At a third, he may respond with a positive feeling. Eventually he may feel strongly enough to go out of his way to respond. Then he may conceptualize his behavior and feelings and organize these conceptualizations into a structure. This may finally become his life outlook.

Thus the public school might distinguish in its teaching of the Constitution of the United States and the Declaration of Independence? Students in public schools must certainly be aware of the fact that those who signed the Declaration of Independence saw man as endowed by his Creator with unalienable rights. Students are required to know this, and should think about it enough to understand some of the reasons why they said it. Can the public school teach the existence of God as part of its teaching of the Declaration of Independence of the United States? Pupils in the public schools are asked to commit themselves more fully to the Constitution of the United States, which implements the idea of unalienable rights in a Bill of Rights and which has a clause which forbids a religious test for public office. It is part of the job of the public school to teach that the government should "pass no law respecting an establishment of religion nor prohibiting the free exercise thereof"? Can the public schools do this? Some polls suggest that they need to know how to do it better!

There is typically an "erosion of affective objectives." When a group of persons who build college examinations analyzed stated objectives of college courses, they found that in the original objectives of major college courses--

. . . there was frequently as much emphasis given to affective objectives as to cognitive objectives. Sometimes in the early years of the course some small attempt was made to secure evidence on the extent to which students were developing in the affective behaviors.

However, as we followed some of these courses over a period of years, we found a rather rapid dropping of the affective objectives from the statements about the course and an almost complete disappearance of efforts at appraisal of student growth in this domain.

It was evident to us that there is a characteristic type of erosion in which the original intent of a course or educational program becomes worn down to that which can be explicitly evaluated for grading purposes and that which can be taught easily through verbal methods (lectures, discussions, reading materials, etc.) There is a real shift in intent that comes with time . . . we believe a number of forces are responsible.*

Among the eroding factors the authors suggest are (1) failure to grade students' achievement on affective objectives, (2) inadequacy of appraisal techniques, (3) an idea that interest and appreciation and commitment accompany acquisition of facts, (4) the feeling that beliefs, attitudes, values are to be regarded as private, and (5) the distinction made between education and indoctrination in a democratic society.

Each of these is significant--time permits only a brief look at one. Education is by definition a "leading out" of what is in the individual. Education is therefore to help the individual explore many aspects of the world and even his own feelings and emotion, but choice and decision are matters for the individual. Indoctrination, on the other hand, is viewed as reducing the possibilities of free choice and decision. It is regarded as an attempt to persuade and coerce the individual to accept a particular viewpoint or belief, to act in a particular manner. Is not this too easy a solution? Shall we not re-open the question of the distinction?

When is the best time to teach religious values? Benjamin S. Bloom surveyed

*David R. Kratwohl, Benjamin S. Bloom, Bertram B. Masia: Taxonomy of Educational Objectives, The Classification of Educational Goals; Handbook II: Affective Domain. David McKay Co., New York, 1964, p. 16.

the literature of longitudinal studies in his book Stability and Change in Human Characteristics.^{*} Growth and development are not in equal units per unit of time, he says. For each stable characteristic there is usually a period of relatively rapid growth as well as periods of relatively slow growth. ". . . for some characteristics there is as much quantitative growth in a single year at one period in the individual's development as there is in eight to ten years at other stages in his development." (page 204) The first five years of life he counts as the most formative; fifty per cent of the child's general intelligence is set by age 4, the characteristic of aggressiveness in males he thinks half determined by age 3. By the end of Grade 3, he thinks a pupil's general school achievement in Grade 12 is half predictable. Impressively for educators, he argues that "very powerful environments bring about very similar changes in the large majority of individuals," and "the gains made by individuals subjected to the same powerful environment will tend to be equal." (page 212) "The introduction of the environment as a variable makes a major difference in our ability to predict the mature status of a human characteristic." How can the environment be reduced to mathematical terms along with quotients of intelligence and motivation to make possible a formula comparable to $E=MC^2$?

Dr. Bloom says further that "As individuals leave one environment and enter another they seem to be especially susceptible to the effects of the new environment in the initial period in the new environment." (page 196) Does this say to religious educators that their best chance to teach values is when the child first starts to the elementary school, the junior or senior high school, the college? And that the classroom situation has small chance to affect changes in values except in these first semesters?

^{*}Published by John Wiley & Sons, New York, 1964..273 pp. \$7.00.

Are affective objectives influenced by specific learning experiences, or are they influenced primarily by the total environment (in as well as out of school)? Today we do not know how to measure the consequences of particular learning experiences nor are the consequences of the large school and out-of-school environment.

There are those who suggest that a single powerful experience may have much more impact on the individual than many less powerful experiences, that a single hour of classroom activity under certain conditions may bring about a major reorganization in cognitive and affective behaviors. Certainly not all hours of student-teacher-material interaction are of equal value. How do attitudes and values develop over a period of time? How well and how long are they retained after leaving school? The retention of values produced in schools is a function of how early in the individual's career the objective was developed, how deep-seated the learning has been, and the environmental forces to which the individual is subjected over the school and postschool years.

It has been customary to think of interests, attitudes, values and personality characteristics as developing slowly, over long periods of time. It is possible the exact opposite may be true, that affective behaviors undergo far more sudden transformations than do cognitive behaviors. It is more probable that certain objectives in both cognitive and affective domains may be quickly learned, whereas other objectives may be developed only over long periods of time.

6. Race and State's Rights

Some of the permanent problems of the American society are built into the problems of public schools. The long history of federal-state relations influences questions of how public schools shall be financed and organized, and what they shall teach. Race relations was a problem for the constitutional convention and today continues as

one aspect of many issues about public schools. Church-state relations are and have been a problem the world around; what the public schools today may do is influenced in part by what happened in Europe centuries ago. Since we are not satisfied simply to give absolute power either to a sovereign state nor to an absolute church, every generation must find its own solution to problems of relationships between institutions of church and state, between loyalties to God and to nation and country, to tensions of the individual and society. Advances of science and consequent technological changes in industry and social changes in society reflect themselves in tensions in public schools.

Consider the race issue. The Roman Catholic Church and the Jewish faith have succeeded in establishing a theological position in answer to the question, "Do you want your daughter to marry a Negro?" which underlies issues of desegregation in public schools. Thus far, the Protestant churches have been less successful in reaching a consensus. Heavily committed to building debts and established programs, some churches might as well not be there when race relations are discussed, while other churches become instruments of local power groups. What can, what should they do? Nor should we overlook the impact of the world situation. When two-thirds of the peoples of the earth are colored, and democracy is engaged in an appeal to the minds of men, how much attention should we pay to onlookers outside our shores? How do our actions here affect the work of missionaries abroad, and vice versa?

Under the impact of the race issue, seven states have repealed their compulsory education laws, in several states governors have been authorized by state law to abolish public school systems. In the scramble, state legislatures have sought to control churches as well as public schools. Thus Alabama and Mississippi statutes seek to impose Baptist organizational structure on Methodist and Episcopal churches, so as to maintain local

control against national policies of the respective denominations. The issue of racial desegregation of the public schools touches deep emotions, and affects every element in the community. But can public education give a young Negro an education with new skills, unless there is a job waiting he can use those skills in? Problems of poverty, education, and civil rights are all one package, all touching religious faith, doctrine, practice.

The issue of state's rights arouses passions from the past to make it more difficult to use reason in choosing a path for the future, in a matter such as scheduling a prayer in a public school. Tensions between state and federal government are built into our system. Where once decisions were made at a local school district level, today decisions may be made by a national Congress, court, or executive. Recent national legislation affect church-state relations to raise questions, e.g.:

The National Defense Education Act. Should the national Congress decide what subjects should be taught in a high school? By providing money for science, mathematics, and foreign language equipment and teacher-training, the Congress affected decisions in local school districts. Should the federal government go into states with operations against the respective state constitutions and laws? The federal government did set policy to directly finance guidance services in church-sponsored schools where state constitutions were seen as a roadblock to working through the several state agencies. Should the nation use children as human resources to be processed for the national purposes as other national resources? The N.D.E.A. says do so. Should the government pay for training teachers for parochial schools? The new policy of the revised N.D.E.A. provides forgiveness for loans for students who teach in parochial schools.

The Civil Rights Act of 1964. Title IV of this Act is the strongest effort yet made by the federal government to bring about desegregation in the public school systems operated by the states. It seeks to have students assigned to schools without regard to race, with the proviso that this "shall not mean the assignment of students to public schools in order to overcome racial imbalance," making clear that no transportation of students from one school district to another is expected. The impact of this legislation is felt in cities of the North as well as in the South. Churches and synagogues had a share in passing the legislation--and what shall the churches in each place do about implementing it? Title VI of this Act omits religious discrimination from the list of forbidden forms of discriminating thus suggesting that tax funds may be used in institutions exercising religious discrimination. Will this policy stand?

The Economic Opportunity Act or Anti-Poverty Act of 1964 is basically an education measure. Its three youth programs--job corps, work-training, work-study programs for needy college students--can involve church programs. The volunteers in Service to America--domestic version of the Peace Corps--may serve church agencies on the same terms as public agencies such as schools. In each state the governor holds a veto; can a political officer such as the governor hold a line of church-state separation even if he wished to do so?

The 1963 Higher Education Facilities Act provides substantial assistance to church colleges, offers to the churches a choice of using such funds or of refusing them on the principle of church-state separation--and raises the question as to whether the churches will stay in the business of higher education, or leave the field more and more to the state institutions?

Some church groups have opposed grants of tax funds on principle. Having lost their battle, shall they now accept the majority decision, and try to get their fair share of tax funds? Plan and organize to do so?

If a federal congress or court--and the impact of court decision is well known to us--is to determine what is to be taught in a local public school, why not just have a national system of schools? National Certification of teachers, a national curriculum and teaching staff with national salary scales and pensions? Some Negroes I know would be quick to welcome the change; they tell me that Negro children in Prince Edward County in Virginia would have had better instruction for the past ten years in a federal system of education. They tell me that thus Negroes might have a chance for a job in some northern towns. Have the churches any stake in state or local control of education, and if so, what is it?

Does the fact that the legislative branch of government is changing the traditional pattern to use more and more tax funds in church institutions suggest that the American people have decided against our tradition of church and state, and prefer to move toward establishment of religion? Does true religion best thrive when separated from state powers of compulsion, when political campaigns do not decide church doctrine and leaders? Should the churches with strong convictions on church-state separation enter the political arena to match power and argument of those seeking tax funds for church institutions? Can they do so consistently with their own prior actions?

We shall not make our list of issues complete, but at least we must mention more:

1. What shall public schools do about practices of worship? Shall the school districts accept and obey decisions of the Supreme Court and the state courts when

these go against community practices? A survey of 329 Iowa districts showed many are continuing worship practices, and a like report from Indiana. Should the churches or churchmen take the lead in asking school districts to obey the Supreme Court? Such an event happened in Idaho.

2. Should political processes and legislation reverse the decisions of the Supreme Court forbidding required groups worship in the public schools? This is an issue in the current presidential election.

3. What shall be done about religion-oriented problems, such as

- (a) Sabbatarians who observe a holy day other than our accepted Sunday--or Saturday?
- (b) Conscientious objectors who create problems of national security?
- (c) Conscientious objectors who reject as idolatrous a pledge or salute to the flag?
- (d) Persons who object to vaccination or blood transfusions, or perhaps to instruction in the germ theory of disease or physical symptoms of disease?
- (e) Persons who object to customary practices or requirements such as dancing or gym attire?

4. To what extent shall religious faith be a factor in the nomination, selection, or assignment of public school board members, administrators, teachers, or other staff?

5. Should religious holy days be noted or observed by public schools, either by recess or in-school instruction or celebration? Are there appropriate instructional patterns which can avoid required worship at such seasons?

6. Should the public school permit notices of community functions of interest to youth--including church functions--to be posted on its bulletin board?

7. Should the public school schedule regular conversations with other

community agencies including churches before fixing its calendar of events--and should churches consult the public school calendar before setting the dates of church events?

8. Can the public schools teach that everybody ought to have a religion? Assume that children come from homes with a belief in God? Support the necessity and value of every individual's commitment to something higher than self and more than the passing moment?

9. Should a child in a public school meet any practice in which he may not fully participate in good conscience?

10. Can moral and spiritual values be equated with "religion?"

11. To what extent, if any, is justified the assumption that religious affiliation or training reduces juvenile delinquency, or is associated with "good citizenship?" What is the evidence to show that church members stay out of jail more than others, and if that be the fact, that such difference is attributable to reasons of faith rather than other factors, economic and social, sometimes characteristic of church members? Should not people be judged by what they do rather than what they believe? And what theological orientation is associated with belief that a man's religious faith has anything to do with his secular behavior? What correlation, if any, exists between religious knowledge and conduct? Does memorization of the Ten Commandments assure or encourage obedience?

12. How can the over-zealous and fanatic person in the role of the public school teacher be controlled, without undue limits of religious freedom for other teachers, and undue limit on the student's freedom in pursuit of truth? What conditions shall be set for control of abuses, and to encourage freedom? Do the attitudes of the churches and of churchmen encourage the public schools to deal with controversy when teaching the regular school subjects in their integrity? Can the public schools teach that everybody

ought to have a religion? Or "support the necessity and value of every individual's commitment to something higher than self and more than the passing moment?"

13. Should churches advocate voting for or against tax levies or bond issues for public schools? Encourage members to enlist in voluntary associations for such purposes?

14. Does the public school take unwarranted and dangerous risks in exploring cooperative arrangements with religious schools in dual school enrollments? Is it true that thus they encourage development of competitive religious schools which in the long run will destroy the public school system? Can the churches afford to take the risk of dual school enrollment, by which their children may be exposed to competing ideologies in agencies not under their authority? Will not the children thus exposed lose their loyalty to the church?

What will happen to a child exposed to different viewpoints in any dual school enrollment? Can he be a first-class member of either school, will he feel he really belongs to either?

15. Do later decisions of the U.S. Supreme Court reopen the question of the constitutionality of transportation of children to parochial schools, once thought settled by the *Verson* case? There seems to be a trend of state court decisions anticipating reversal in the Supreme Court.

16. Church educational agencies pretty well followed the pattern of the graded school organization of the public schools. Will they now follow a seeming emphasis and trend toward organizing schools for the individual student's instruction?

17. Will the Protestant community find possible a consensus on released time? Dual school enrollment?

18. How can the 50-year experience with released time be evaluated? Are longitudinal studies possible? Can effects on pupils participating and non-participating on teachers and schools, parents and community be evaluated? Are there differentials according to size of schools and communities or of proportions of religious groups in the community?

19. To what extent, if any, is the public school so much an instrument of our way of life that it is to be cherished for its own sake? To what extent should policies be judged by their effects on public schools? Are good public schools so associated with healthy community life that they are inevitably associated?

20. Wisconsin has a community in which there are five school systems. What are the effects of such a structure on the community? In some cities less than half of the children attend public schools. What are the effects on the public schools and on the community? Are parochial schools really divisive? How typical is the experience of one child moved into a new neighborhood who was asked, "Are you Public? Then I can't play with you."

21. How can the valid democratic principle of the rule of the majority be reconciled with the equally valid principle of freedom of conscience and thought, in the public school practice?

22. To what extent should a teacher be free to volunteer his personal viewpoint on a religious matter, or in response to a question to express it? Is this part of an academic freedom to be protected and encouraged? Does the person who holds a minority position such as atheism rightly have equal freedom in such expression as one holding a majority viewpoint?

23. To what extent shall the state ask ultimate loyalty to the nation and state? Is it appropriate for the state to expect children to repeat a pledge of allegiance to

the flag or the nation? To include in such a pledge the words, "under God". What shall be done about a public school which uses a version of the "Star-spangled Banner" as the anthem which calls for "praise the power--(rather than Power--) that hath made us and preserved us a nation"?

24. May a public school schedule a time for prayer, private or group? May a public school teacher invite his pupils to join in a prayer regularly or on a special occasion--as when a president is assassinated, or on a Thanksgiving festival? May the public school invite or permit sponsored prayers by community leaders even if the salaried employees of the school are forbidden to perform the same act?

25. Who should determine the contents of courses in Bible or comparative religion offered in public schools? Should the religious groups be invited to prepare such materials? Should public schools pay attention to a protest from a religious group as to what is being taught?

26. Is the public school itself a "state" school in the sense that it considers nothing but the purposes of the state? Or does the teacher really stand in the classroom "in loco parentis", to achieve the purposes of the parent? To what extent is the doctrine that the state itself serves the people controlling in the public school, so that its first loyalty is to the welfare of the individual pupil?

27. The churches still bear the odium of the Inquisition period, when every official had to pass a religious test and to attest his faith before holding office. Some of those who see nationalism as in fact a religion--and an idolatrous one!--note the fact that all those who receive funds authorized by the anti-poverty legislation must first swear a loyalty oath. How does this differ, they ask, from the theological test imposed when the church was master of political power? In what way does

the ritual of the salute to the flag differ from making obeisance at another altar, bending the knee to a ruler secular or divine? The new legislation comes soon after a decision of the U.S. Supreme Court, freeing a candidate for a Maryland office of notary public from the requirement of declaring his belief in a Supreme Being.

28. May public school use religious instruments for the achievement of secular purposes? Thus may not discipline and orderly behavior be advanced by starting a school session by a prayer? Or is making religion a means rather than an end the ultimate blasphemy?

29. Does the existing program of religious education of the churches and synagogues meet current needs of children and youth and of the respective institutions? Shall the churches and synagogues offer programs through released time, dismissed time, dual school enrollment? If so, with what content? At what grade level? With what objectives? How evaluated? Shall they seek to offer courses meeting standards for accreditation competitive with other school subjects? How shall teachers be certified to teach, and after what preparation? How shall the efforts be financed, through tuition by pupils or by church and synagogue budgets? How shall the new efforts be related to the established schools and courses?

30. To what extent should we take the issues to court? Shall we discuss and decide our issues on purely legal grounds, or shall we try the methods of discussion argument in the public forum, use of political and legislative methods for decision? Should our arguments address themselves to political issues, to philosophy and theology, or matters of educational method and evaluation? What facts should we really have before making decisions on the questions before us?

31. Can churches through their young people influence the climates and

values which affect conduct of pupils in public high schools, thus to encourage scholastic achievement rather than say, athletic prowess?

It is a task of our schools--and of our society--to prepare our people for a world not yet in existence, a world we cannot foresee. Can we make our decisions by looking toward the future rather than the past?

The world which we elders turn over to youth is not a perfect world. One could wish students could for a time go apart from their elders to consult facts and truth, but such a situation is not possible. Truth is mediated through persons, and facts are selected, conveyed, and emphasized by a person operating by values, controlling the process. The knowledge explosion continues. It was recently estimated that a man who read eight hours a day the reports in his given field of science would at the end of ten years have ahead of him dozens of years of reading of the reports already published in that ten years. Someone must choose by some principle the facts to which the student devotes his limited time, at a period in his life when problems of maturation and socialization compete and on occasion crowd out all mental tasks. The system of beliefs and values which establishes and maintains a school, and selects for it a faculty and a curriculum, is a system of values controlling conduct, in essence religious.

I could add to our list of questions. I am sure that you can, and will in the opportunity given you shortly. I am sure also that each of you might have phrased in different terms the questions I have offered.

Lest the recital of so many rugged questions intimidate us, I close with expression of my faith in the good sense and the good will of the American people.

I would remind you that every generation has to secure its own freedom, and that freedom is bought with a price, of which eternal vigilance is a part. We should

rejoice in our fellowship here as part of the normal life of a citizen of the United States at work on the unfinished business of a democracy. Through the normal processes of free discussion and debate, the American people will find a path closer to truth and reality, to reach consensus on the political compromises which will best insure for ourselves and our children our valued freedoms. I congratulate you on the alertness and the concern which bring you to this Institute.





department of church and public school relations

national council of the churches of CHRIST in the u.s.a.

475 RIVERSIDE DRIVE, NEW YORK 27, N. Y.

RIVERSIDE 9-2200

J. IRWIN MILLER, president

R. H. EDWIN ESPY, general secretary

December 7, 1964

Rabbi Marc H. Tanenbaum
The American Jewish Committee
165 E. 56th Street
New York 22, New York

Dear Rabbi Tanenbaum:

Our Committee on Church & Public School Relations which met at Atlantic City in October expressed its approval of the general point of view given in the American Association for School Administrators report on Religion and Public Education, and approving the proposed research projects. Procedurally, this attitude goes for approval to our parent body which meets in February in Louisville, Kentucky. It can be made public at that time if approved.

I report this for your information. If your organization or you personally have any strong thoughts or differences with the document, I should like to know it, before February. If you find the paper deserves your own approval, I hope this notice will enable something in the nature of a joint or coordinated timing. These things depend on the calendar of meetings, so that we would have no objection to your taking a prior action or later action, if it seems good to you.

I don't remember having sent to you a copy of a speech I made at Atlanta recently. It just might be of interest to you.

With best regards, I am

Sincerely yours,

R. L. Hunt
Associate Executive Director
Dept. of Church & Public School Relations

RLH:sop

Enc.

EXCERPTS FROM

ACTION MEMORANDUM NO. 4 OF THE MASSACHUSETTS CITIZENS FOR
PUBLIC PRAYER, RUTLAND, MASS.

Now that hearings have been scheduled on prayer amendment proposals, three things are important:

(i) Proponents of amendment must speak out at the committee hearings with frequency and with a clear understanding of the various facets of the case for amendment.

(ii) When an amendment proposal reaches the Congress, presumably with committee approval, another heavy round of mail must indicate to all Congressmen the will of the people (a) that action be taken on this proposal, and (b) that action be taken with as much dispatch as is consistent with the weighty nature of the subject.

(iii) Once released by the Congress, action must be initiated and sustained in every State to the end that the amendment proposal be ratified as quickly as possible. Human nature being what it is, there is a distinct probability that time, in this fight, could work against us.

מזכירות

ב"ק אדמו"ר מנחם מענדל שליט"א שניאורסאהן

ליובאוויטש

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SECRETARIAT of RABBI MENACHEM M. SCHNEERSON

the Lubavitcher Rabbi

770 EASTERN PARKWAY, BROOKLYN 13, N. Y.

Text of the Lubavitcher Rabbi's שליט"א Letter
on the Question of Prayer in the
Public Schools

By the Grace of G-d
26th of Nissan, 5724
Brooklyn, N. Y.

Greeting and Blessing:

... In reply to your inquiry as to whether or not there has been a change in my views on the question of prayer in the public schools, inasmuch as this issue has again become a topic of the day in connection with congressional efforts to introduce a constitutional amendment to permit certain religious exercises in the public schools,

Let me assure you at once that my views, as outlined in my letter of the 24th of Cheshvan, 5723, have not changed. As I stated then, my views are firmly anchored in the Torah, Torah Chayim. Their validity could therefore not have been affected by the passing of time. On the contrary, if there could have been any change at all, it was to reinforce my conviction of the vital need that the children in the public schools should be allowed to begin their day at school with the recitation of a non-denominational prayer, acknowledging the existence of a Creator and Master of the Universe, and our dependence upon Him. In my opinion, this acknowledgment is absolutely necessary in order to impress upon the minds of our growing-up generation that the world in which they live is not a jungle where brute force, cunning and unbridled passion rule supreme, but that it has a Master Who is not an abstraction, but a personal G-d; that this Supreme Being takes a "personal interest" in the affairs of each and every individual, and to Him everyone is accountable for one's daily conduct.

Juvenile delinquency, the tragic symptom of the disillusionment, insecurity and confusion of the young generation, has not abated; rather the reverse is the case. Obviously, it is hard to believe that the police and law-enforcing agencies will succeed in deterring delinquency and crime, not to mention completely eliminating them at the root, even if there were enough police officers to keep an eye on every recalcitrant child. Besides, this would not be the right way to remedy the situation. The remedy lies in removing the cause, not in merely treating the symptoms. It will not suffice to tell the juvenile delinquent that crime does not pay, and that he will eventually land in jail (if he is not smart enough?). Nor will he be particularly impressed if he is admonished that lawbreaking is an offense

against society. It is necessary to engrave upon the child's mind the idea that any wrongdoing is an offense against the Divine authority and order.

At first glance this seems to be the essential function of a house of prayer and of the spiritual leaders. However, anyone who does not wish to delude himself about the facts of house of prayer attendance, both in regard to the number of worshippers and the frequency of their visits, etc., etc., must admit that shifting the responsibility to the house of prayer will not correct the situation. Nor can we afford to wait until the house of prayer will attain its fitting place in our society, and in the life of our youth in particular, for the young generation will not wait with its growing-up process.

Children have to be "trained" from their earliest youth to be constantly aware of "the Eye that seeth and the Ear that hear-eth". We cannot leave it to the law-enforcing agencies to be the keepers of the ethics and morals of our young generation. The boy or girl who has embarked upon a course of truancy will not be intimidated by the policeman, teacher or parent, whom he or she thinks fair game to "outsmart". Furthermore, the crux of the problem lies in the success or failure of bringing up the children to an awareness of a Supreme Authority, Who is not only to be feared, but also loved. Under existing conditions in this country, a daily prayer in the public schools is for a vast number of boys and girls the only opportunity of cultivating such an awareness.

On the other hand, as I have emphasized on more than one occasion, only a strictly non-denominational prayer, and no other, should be introduced into the public schools. Any denominational prayer or religious exercise in the public schools must be resolutely opposed on various grounds, including also the fact that these would create divisiveness and ill-feeling. Likewise must Bible reading in the public schools be resolutely opposed for various reasons, including the obvious reason that the reading of Koran and the New Testament will arouse dissension and strife. Moreover, the essential objective is a religious expression that would cultivate reverence and love for G-d, and this can best be accomplished by prayer, while Bible reading is not so important in this instance.

- - -

During the time that has elapsed since my previous letter on this subject was published, my attention was called to several objections which have been voiced by opponents to my views. I will take this opportunity to explain here, within the limitations of a letter, why these objections have not convinced me to change my position on this vital issue.

1. It has been argued that the child attending public school is in the category of a "captive", since his refusal to participate in a prayer would "stigmatize" him. His participation would

therefore be involuntary and an encroachment on his freedom.

In my opinion, the notion of "captivity" as applied in this case should lead to a conclusion which is quite the reverse, for the following reasons:

The child attending public school knows that his attendance is compulsory, because his parents and the government consider his education of the utmost importance. Together with this comes the recognition that what is really important and essential to his education is taken care of in the school. The child's instinctive feeling and inference from this is that anything that is not included in the school curriculum is of secondary importance if, indeed, of any importance at all. Hence, if religion (prayer) is excluded from the school, the child would inevitably regard it in the same category as an extra foreign language, or dancing, or music lessons, which are not required by the school but are left to the parents' free choice, and which the child, not illogically, considers a burden or even a nuisance. In other words, the present system of the public school education is such that it impresses upon the pupil the belief that everything connected with religion, such as knowledge of G-d's existence, etc., is of little consequence, or of no importance whatever.

It will neither interest nor impress the child if he were told that the exclusion of prayer from the school is due to the principle of the separation of State and Church, or to a constitutional technicality. These reasons or explanations, even if they be actually conveyed to the child from time to time, will not nearly impress him as much as the plain fact itself, which reasserts itself each and every day, that nothing can be very important to his education if it is not included in the school program. Such a situation can only reinforce the child's attitude of indifference, or even disdain, to any religious beliefs.

The above would be true even in the case of a child who comes from a religious home and background. How much more so in the case of children whose parents and homes are not permeated with the religious spirit, or where religion is something which is practiced once a week, on the day of rest, or only on holidays and special occasions. This, after all, is the kind of home from which the vast majority of the public school children come, inasmuch as the truly religious parents make every sacrifice in order to provide their children with the religious education and environment of a parochial school.

2. To oppose non-denominational prayer "on constitutional grounds" is, in my opinion, altogether a misunderstanding or misrepresentation of the problem.

The issue is: Whether a non-denominational prayer wherewith to inaugurate the school day is, or is not, in the best interests of the children. If the answer is "yes", then obviously it should be made constitutional, for there can be no difference of opinion as to the fact that the Constitution has been created to serve the people, not vice versa.

It may be pertinent to add here that the approach that the Constitution of the U.S.A. must not be touched or amended under any circumstances, is in itself a flagrant violation of the letter and spirit of the Constitution, which has its own built-in machinery for future amendments that may be required in the public interest; machinery which has been used in the past to incorporate into the Constitution a number of amendments.

3. It is argued that the principle of separation of Church and State is the only safeguard for freedom of religion, equal rights for minorities, etc.

Without going into the question whether there actually exists a strict separation between State and Church in this country (for there are undeniable facts to the contrary, e.g. the institution of Chaplaincy in the armed forces; the opening of Congress with a prayer; the motto "In G-d we trust" on American currency, the emphasis on Divine Providence in the Declaration of Independence; etc., etc.), I submit that the validity of the argument is contingent upon the question who is behind this principle, and how is it to be interpreted and applied? Suffice it to cite an illustration from two representative States now in existence, in one of which the said principle is in full operational force, while in the other it is not. In the first, as the daily press reports, there is a calculated war on religion and religious practices, with the suppression of all religious freedom, etc. Incidentally (and perhaps it is quite relevant to our discussion), it all started there with a ban on religious instruction to young children. In other countries, for example England, there is no separation of Church and State, there is religious instruction in the public schools, yet you find there complete religious freedom for all religious denominations.

4. Some argue further that the principle of separation of State and Church must be maintained at all costs, in order to prevent a resurgence of religious persecution so prevalent in the Middle Ages, when an established state-religion denied equal, or any, rights to other religions, etc.

The fallacy of this argument should be quite obvious. By way of illustration: Suppose a person was ill at one time and doctors prescribed certain medication and treatment. Suppose that years later the same person became ill again, but with an entirely different, in fact quite contrary, malady. Would it be reasonable to recommend the same medication and treatment as formerly?

In Medieval times the world suffered from an "excess" of religious zeal and intolerance. In our day the world is suffering from an excessive indifference to religion, or even from a growing materialism and atheism. Even where religion is practiced, it often lacks depth and inspiration. (The subject is too painful to discuss in detail). Thus, if separation of Church and State was necessary ~~then~~, it is not at all the answer to the problems of our contemporary youth. Besides, the preservation of the principle is not at stake here, and the introduction of a non-

denominational prayer in the public school will not endanger it in the least. Moreover a special clause to this effect can be included in the amendment.

5. It has also been argued that if a non-denominational prayer were permitted and left to the discretion of every school board in the country, this practice could lead to abuse.

I do not consider this a valid argument. Firstly, we are talking here about a strictly non-denominational prayer, and agreement should not be difficult on this point. Nor could there be room for any undercover abuse, since the prayer would be recited openly in the school. Besides, a proviso could be made which would require the unanimous approval by the representatives of religious denominations before the particular non-denominational prayer is introduced into the school. Moreover, there is no need to compose new non-denominational prayers, as there are already such.

6. The argument that a short non-denominational prayer would have no effect on the child reciting it, could not be considered as a serious argument by anyone who has knowledge or experience in child education. On the contrary, the fact that prayer will be recited in the school and classroom, and day after day, will inevitably become an integral part of the child's thinking and is bound to be a factor which could be further cultivated to the child's advantage in terms of spiritual and psychological development.

Summarizing the above-said, my standpoint indicates the following course:

a. All efforts, petitions, etc., should be brought to bear towards the introduction of a constitutional amendment which would permit the recitation of a strictly non-denominational prayer in all public schools.

b. At the same time it should be clearly emphasized that any other kind of prayer or religious exercise, including Bible reading, is not desirable in the public schools because of the friction and divisiveness which such a practice would inevitably entail. It would surely be detrimental to introduce an amendment which would do just that.

c. I am gratified to see that there are representatives in Congress who expressed their support for an amendment that would permit a non-denominational prayer in the public schools, while opposing sectarian prayer and Bible reading.

d. The whole controversy as to the constitutionality of such a non-denominational prayer is of little, if any, consequence to the problem itself. The crucial problem is how to build the ethical and moral fibre of the young generation which is educated in the public school system: Is the American child to grow up under an educational system which excludes all mention of the Divine Name, so that he (or she) will inevitably regard the world

P.S. Not being a politician, I did not wish to include in the body of the letter the remarks that follow hereunder, which have to do not with principles but with method and good policy. However, as a citizen who has taken a keen interest in the issue and its repercussions, I cannot refrain from making the following observations:

a. The vehement opposition to any kind of prayer and to the mention of G-d's Name in the public schools, which, in my opinion, is unjustified and ill-conceived, and which has placed the proponents of this view in league with the atheistic and anti-religious elements in this country, has inevitably called forth a correspondingly strong counter reaction. As a result, we are now faced with a concerted effort to introduce a constitutional amendment which would permit sectarian prayers and Bible readings in the public schools. I am convinced that had there been taken a more practical position in the first place, it would have been possible to bring about a peaceful solution of the controversy on the basis of a non-denominational prayer which would have been acceptable to everybody (except a few fanatical anti-religionists), since such a prayer would be voluntary, and any conscientious objector would be excused from participating in it.

Unfortunately, this was not to be in the past, when the controversy flared up, and much ill feeling has already been created. If this extreme attitude should be maintained, and now resumed with renewed vigor in connection with the efforts now in progress in Washington for a congressional amendment, the result will be not only more ill will and bitterness, but also self-defeating. In such a situation it is quite conceivable that the most powerful religious denomination, or lobby, might not only impose its influence on the public school system, but might even attain at least un-offical recognition as the established religion.

b. A further possible development which would have far-reaching repercussions in the more immediate future, should also not be ignored. I refer to the present practice of federal, state and city institutions to have consultant bodies consisting of representatives of the leading religious denominations in this country. Such advisory bodies often have an important influence, sometimes even a decisive voice, in the said public institutions and in public affairs in general.

It would not be too far-fetched to foresee a situation, created by a sustained propaganda against any kind of religious activity in public schools and institutions, where the services of these advisory bodies would no longer be required. This would be a great loss to all concerned, and especially to the public at large. Should this come to pass, the first to be affected would be those religious representatives and religious organizations which were in the forefront of the battle against the mention of G-d's Name in the public schools. This would leave the field open to their opponents, and would accomplish the exact opposite of the intended objective. Under such foreseeable circumstances, no "police" supervision could adequately protect minority rights in those institutions, all the more so since the religious representatives of those minorities had by their stand excluded themselves from any active part in those public institutions.

BACKGROUND REPORTS

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Religious Freedom and Public Affairs

A REVIEW OF CHURCH-STATE CASES AND ISSUES

SEPTEMBER, 1963 — SEPTEMBER, 1964

by George Kellman

This is the third of a series of annual reports on Church — State cases and issues, prepared for the Religious Freedom and Public Affairs Project of the National Conference of Christians and Jews.

The year commencing September 1, 1963 was marked notably by reactions to the Supreme Court's historic decisions of the preceding two years, banning prescribed forms of prayer in public schools, and finally prohibiting public school ceremonial Bible reading and devotional exercises of any kind. Between the extremes of outright defiance and accession, there appeared a confusing variety of purported solutions and substitute practices. Too, this period was highlighted by legislative moves to circumvent the Supreme Court via constitutional amendment, and a plethora of petitions for amendments finally brought on a Congressional hearing at which many divergent views were aired.

Again, the period will be remembered as that during which massive federal aid was voted to aid education and combat poverty, its recipients and beneficiaries including private and church-related institutions and schools.

AFTER SCHEMP — MURRAY

The Supreme Court's June, 1963 decision in the companion cases of *School District of Abington Township vs. Schempp*,¹ and *Murray vs. Curlett*² set off an emotion-charged public discussion. This landmark decision struck down ceremonial Bible reading and prayer in public schools, holding these practices to be in violation of the First Amendment's prohibition against the establishment of religion and a trespass upon its guaranty of religious freedom.

Presaged a year earlier by the Court's decision in *Engel vs. Vitale*³ barring the use in public schools of a "non-sectarian" prayer composed by the New York State Board of Regents, controversy over the *Schempp-Murray* decision, though widespread and intense, was attended with far less bitterness. Indeed, a growing spirit of reason on the part of most disputants was evident toward the close of the period of this report.

Rev. Billy Graham expressed "shock" over the barring of prayers and Bible-reading, which, he said, "have been part of American public school life since the Pilgrims landed at Plymouth Rock," while the Rt. Rev. James A. Pike, Episcopal Bishop of California, declared that the decision's result was "not neutrality, but an imposition upon the public school system of a particular perspective, namely, secularism by default." Dr. Henry P. Van Dusen, the then President of Union Theological Seminary, wrote of his regret that the decision barred "the affirmative recognition and collaboration by Government at all levels with all organs of religion in all relationships and circumstances." The Assemblies of God church, by resolution at its 1963 meeting, charged the Supreme Court with moving the country toward becoming "an officially Godless nation." Bishop Fulton J. Sheen characterized the decision as saying, in effect, "Thou shalt not pray." *Ad hoc* groups, such as the Constitutional Prayer Foundation (chaired by the former Baltimore City Solicitor who represented the Commissioners in the *Murray* case) charged that "a small minority of atheists is seeking . . . to impose its views on all Americans."

In contrast, support for the decision was evidenced by statements such as that of the Rev. Eugene Carson Blake, who, voicing the opinion of the leadership of major Protestant denominations within the National Council of Churches, hailed the Court's ruling because it underscored "our firm belief that religious instruction is the sacred responsibility of the family and churches." Similarly, *The Catholic Universe Bulletin*, official publication of the Cleveland Diocese, expressed the sentiments of many Catholic publications when it said that "Nobody has challenged the right of children to pray voluntarily in public school . . .", and that the Court's decisions "boil down to this: . . . that public school administrators and teachers, being agents of government, are forbidden by the Constitution to compose, propose

or impose prayers for use by children in public school classrooms." (RNS July 20, 1964).

While divisions on the *Schempp-Murray* decision existed within Protestant denominations and within the Catholic Church, the exhaustive discussion since the 1962 decision (*Engel vs. Vitale*) had resulted in a crystallization of positions. Since virtually the same arguments applied in the *Schempp-Murray* case, dispute over that decision appeared at times to be anticlimactic. Leadership of major Protestant denominations within the National Council of Churches had, through the Policy Statement of NCC's General Board (June 7, 1963) expressed "the conviction that the First Amendment in its present wording has provided the framework within which responsible citizens and our courts have been able to afford maximum protection for the religious liberty of all our citizens" (emphasis, the General Board's), while the report of NCC's National Study Conference on Church and State (February 1964) stated that its agreements included: "... acceptance and support of Supreme Court decisions insofar as they prohibit officially prescribed prayers and required devotional reading of the Bible in the public schools. . . ." and "... recognition that the Court's decision underscores the primary responsibility of the family and the church for religious education . . .". Similarly, organs of the Catholic press and Catholic leadership, especially during the hearings on proposed amendments to the Constitution, sought to explain the rationale of the decision as being essentially a reaffirmation of religious freedom. Virtual unanimity in support of the Court's decision was evinced by Jewish religious and communal organizations.

An understanding of the *Schempp-Murray* decision was made difficult by the widespread confusion as to what the Court had really held. Whereas charges were made that the Court was "hostile" to religion, such language as this, from Mr. Justice Clark's majority opinion, was often overlooked:

Nothing we have said here indicates that such study of the Bible, or of religion, when presented objectively as part of a secular program of education may not be effected consistent with the First Amendment. . . .

The disparity in evaluation was manifest among Governors, state Attorneys General and local school boards and school officials. Their attitudes as to its application ranged from strict compliance to open

defiance. A Religious News Service survey of 18 states (September 18, 1963) reported a "confused picture as to the effectiveness" of the decision. A half year later, an American Jewish Committee survey (April, 1964) reported "widespread compliance" coupled with "widespread introduction of substitute practices" such as silent meditation, silent prayer and increased and intensified moral and patriotic exercises. Both surveys and other reports showed non-compliance to be most prevalent in the South, parts of the rural North and in the Northwest. There were many instances of such non-compliance, as well as of actions taken by state and education officials, substitute practices and Court actions to enforce the Supreme Court's ruling.

Reports presented to two NCCJ-initiated conferences of educators and school board officials in Indiana and Kentucky pointed up the prevalent confusion. At the Indiana Conference on Religion and the Schools (April, 1964) a survey made by Indiana University's School of Education showed that, of 227 responding school bodies (80% of the total quizzed) the Lord's Prayer was recited in nearly half the schools, Bible reading practiced in about a third, and prescribed prayers in a fifth. According to NCCJ's Project Religious Freedom and Public Affairs, in its Third Annual Report to the Ford Foundation, the survey "revealed that less than 6% of the school boards had changed their policies in compliance with Supreme Court rulings on devotional exercises." At the conference in Kentucky (August, 1964), results of a survey of 204 of the state's school districts were reported by Assistant State Superintendent Sam Alexander, who said, "Our conclusion is that there has been some change, but not significant change." Of 177 responses, 61 reported discontinuance of Bible reading, 116 reporting they had not discontinued. In 124 districts prayers appeared optional with the teachers — at their discretion. Superintendents of 121 districts reported their schools to have an unwritten policy permitting Bible reading and classroom prayer.

Though the Alabama State Board of Education had, at Governor Wallace's instance, established Bible reading in the schools as "a prescribed course of study", he urged that he "would like for the people of Alabama to be in defiance of such a [*Schempp-Murray*] ruling . . ." He also wanted "the Supreme Court to know we are not going to conform to any such decision . . ." Mississippi's Governor Ross Barnett urged every teacher in the state to continue as before.

The project Religious Freedom and Public Affairs is designed to raise the level of public understanding and discussion on issues of public concern about which religious groups differ. The main objectives of this project are: to analyze the practical and theoretical problems involving political action and religious freedom; to effectuate a greater understanding of the significance of those religious commitments that affect public policy; and to lessen needless conflict created by different religious approaches to social problems.

Arkansas' Attorney General advised that the decision of the Supreme Court affected only the state in which the subject of the Court's adjudication originated—but not his state. After a similar opinion by Delaware's Attorney General in a letter addressed to the State Board of Education, an action for an injunction was brought against the State Board and the Dover school district by Protestant parents, who sought to have the United States Supreme Court's decision enforced. Tried before a three-judge bench in the federal district court on the constitutionality of the Delaware statutes prescribing Bible reading and the recitation of the Lord's Prayer, the case resulted in a ruling that the Delaware statutes were unconstitutional. A permanent injunction against continuance of the practices was issued (*Johns vs. Allen*⁴).

A long-standing instance of the opposition of a state court to federal authority was finally resolved by the Supreme Court on June 1, 1964 in *Chamberlain vs. Dade County*.⁵ The action, which had originated in Florida before the *Schempp-Murray* decision, had been brought by parents to enjoin Bible reading and recitation of the Lord's Prayer in school assemblies and classrooms. Also sought to be enjoined were religious baccalaureate programs, religious censuses and a religious test for teachers. The state trial court, dismissing the action, left the way open for the continuance of all of the practices in the public schools. The Florida Supreme Court affirmed the lower Court's ruling. The U. S. Supreme Court, on the day of its decision in *Schempp-Murray*, set aside the judgment of the Florida Supreme Court and returned the matter to it for further consideration.⁶ The Florida Supreme Court again upheld the dismissal of the action⁷ saying it was "... our conviction that the establishment clause of the Constitution was never designed to prohibit the practices complained of ..." and that "It seems, therefore, more fitting that the responsibility be left to that [U. S. Supreme] Court." A second appeal was taken to the U. S. Supreme Court. Again the Court reversed the judgment of the Florida Supreme Court, clearly interdicting public school prayer and Bible reading. The appeal as to the other issues was, however, dismissed because they had not been "properly presented" as federal questions to the Supreme Court. It appears, therefore, that, awaiting the Supreme Court's test of these practices under circumstances it deems proper, there is no definitive ruling on baccalaureate services. The rather summary nature of the U. S. Supreme Court's final decision (rendered *per curiam* instead of by a Justice designated to write the opinion) was considered by some observers to be a reproof to the Florida Supreme Court.

In Massachusetts, where the Attorney General had rendered a highly explicit opinion on the import of the decision and its application to the state's schools, the

school committee of North Brookfield had refused to abandon the practice of prayer and Bible reading because it contended that they were "in the best interests of the management and direction of the pupils in the schools." An action by the Attorney General to compel compliance went before a single judge of the Supreme Court of that state, who, on December 18, 1963, declared the state statute void by virtue of the *Schempp-Murray* decision. In so doing, Justice Reardon noted that any other decision would be "an invitation to anarchy". On May 29, 1964, the full bench of the Massachusetts Supreme Court upheld Justice Reardon and ordered the practices ended. Similarly, the New Jersey Supreme Court on May 19, 1964 upheld a ruling of that state's Superior Court against the Hawthorne school board which had retained the practices of Bible reading and prayer. The Attorney General announced that the decision would be made applicable to school boards throughout the state.

In New York, a United States District Court judge ruled that kindergarten children in a Queens (New York City) public school could legally recite, before having cookies and milk "God is great, God is good, / And we thank Him for our food. / Amen.", or a short verse of thanksgiving. The Court held this practice to be "merely a voluntary desire of the children without any coercion or pressure being brought to offer a prayer to the Almighty." (*Stein vs. Oshinsky*,⁸ brought by parents to enjoin school authorities against their *discontinuance* of the practice).

Substitute practices proposed or initiated in various states and localities were many and diverse, the following being representative instances:

In Maryland, where the *Murray* case originated, the legislature passed a bill (March, 1964) allowing principals and teachers to require students to be at school opening exercises each schoolday for a moment of meditation. Included in the bill was a provision that "no student or teacher shall be prohibited from reading the Holy Scripture or praying." In advising the Governor on signing the bill, the state's Attorney General said that that portion which allows the teacher to read the Bible during the moment of meditation would be unconstitutional and therefore void because it would give the exercises a religious aspect.

In Pennsylvania, where the *Schempp* case originated, the Attorney General in September, 1963 warned against public school Bible reading or prayers "whether or not they were required or permitted by school boards, administrators or teachers, and whether or not the pupils engaged in the practices voluntarily or even with the express consent of their parents." However, according to the Attorney General, there was no official prohibition against "unorganized, private, personal prayer or Bible reading by pupils during free moments of the

day, which are not part of the school program and do not interfere with the school schedule." As the result of a court action challenging a proposed course in the Bible for the Cornwall-Lebanon Joint School System, the Pennsylvania Department of Public Instruction in September, 1964 appointed five nationally known educators to evaluate the course, and to serve as consultants to "review materials coming in from any school district which relate to the teaching of religion." According to RNS September 8, 1964, U. S. District Judge Frederick V. Follmer had ruled prior approval by the Department to be "an absolute prerequisite to any consideration by this court of any such proposed course of study." Named were Dr. Robert Lynn (Union Theological Seminary); Dr. Philip Phenix (Teachers College, Columbia University); Msgr. William P. Ryan, (President, Seton Hill College, Greensburg, Pa); Dr. Max Goldberg (humanities professor, Pennsylvania State University); Dr. Edwin Freed (professor of religion and Biblical literature, Gettysburg College.)

Some official opinions reflected fine nuances between the licit and the forbidden. Thus, responding to queries of a ministerial association, the West Virginia Attorney General advised (RNS January, 1964) that silent meditation is permissible, but silent prayer is not. He explained that "... if the teacher says, 'let us share a time of silent prayer', this could be contrary to the decision of the Supreme Court. But if the teacher were to say, 'this is a time for quiet and meditation', this would not be banned." In Kentucky, Attorney General Robert Matthews, in an advisory opinion, declared his state's Bible reading law to be unconstitutional. However, he approved a period of meditation, "so long as the teacher does not give his students instructions to pray," and further advised that students could say "spontaneous" prayers themselves, "silently or vocally". (RNS February 10, 1964). Under such circumstances, the Attorney General thought that the teacher should refrain from praying because "he is cloaked with the mantle of school authority and his act could be construed as one of school sponsorship."

The use of material derived from non-religious sources was projected by the Pittsburgh (Pa.) Board of Education, which prepared a guide for morning exercises to be field-tested for the 1964-5 school year. According to *The New York Times*, May 20, 1964, Bible passages and references to God would be included in excerpts from literature, poetry, songs and student compositions.

Opposed to such practices, Illinois' Governor Kerner in August, 1963 vetoed a bill permitting daily recital of four stanzas of the National Anthem, the last of which contains the line, "And this be our motto: 'In God is our trust'". According to the Governor, "without question, the sole purpose of the bill is to use this stanza as an instrument for indulging in a collective defiance of

the U. S. Supreme Court..." (In August, 1962, following the *Engel vs. Vitale* decision, New York State Education Commissioner Allen set aside the adoption of the fourth stanza for substantially the same reasons, on grounds that the official adoption — not the secular authorship — was the criterion.)

The results of a survey of officials, published by UPI on September 26, 1964, indicated that "a majority of school authorities polled displayed a lack of enthusiasm for the whole idea" of objective instruction about religion in the public schools, and that few courses had been initiated since the *Schempp-Murray* decision. Cited by UPI were such opinions as those ascribed by it to Charles H. Downs, executive secretary of the Massachusetts Association of Secondary School Principals, who was quoted as saying that such courses would expose school officials to emotional charges of favoring one religious viewpoint over another. Among other adverse reasons elicited by the survey were lack of time, overloaded curriculum, "no indication of public interest" in such a course, and strict adherence to church-state separation. The observations of Rhode Island Education Commissioner Robinson, as reported by the RNS survey of September, 1963, were of similar import. Stating he would approve a course on world religion in Warwick, the Commissioner added that certification of teachers for such a course had never before been attempted in the state; that teaching the course would require great prudence and discretion. At variance with this position, the policy statement of the California Board of Education (December, 1963) declared teachers to be "competent to differentiate between teaching about religion and conducting a compulsory worship service." New York State Education Commissioner Allen urged teaching about religion with especial stress on its role in shaping the American heritage, a need for "bringing young people to an understanding of what a vital force religion has been, is and will continue to be..." However, between the poles of skepticism and confidence represented by the above instances, a solution to the problem of objective teaching of religion appears more likely to emerge from the recommendation in the report of the Commission on Religion in the Public Schools of the American Association of School Administrators. On this point, the report, dated June 30, 1964, advises:

There is a good deal of local improvisation of materials. There are some state-wide efforts. But what is needed is a heavily supported project led by educators, calling on scholars in the humanities and in the religions, and using the best programming and presentation skills available. The medium in which the material is developed might well be a series of short sound films... but the form it takes is incidental to the

vision, competence and understanding of those who produce it . . .

. . . [The AASA Commission] supports strongly the prudence that would put direction of the project in the hands of public school educators who are intimately aware of the possibilities and limitations under which the materials may be used. It asserts that such a project requires access to resources beyond the reach of a local school district or of most state departments of public instruction. Finally, the Commission believes that the objectives to be sought are so appealing and necessary as to make it possible to attract financial support from sources outside of either governmental or denominational agencies.

In some instances, "outside" practices in lieu of official school prayer and Bible reading were urged or initiated. Following the Vermont State Board's directive for compliance with the Supreme Court's decision, a pre-school day program of interdenominational services was launched by Protestant churches in Montpelier. In Hellertown, Pa., the ministerial association began a practice of student participation in Bible reading and prayer at least once a week before school. The New Jersey Council of Churches in June, 1964 appealed to the six state colleges for permission to their "students, faculty and staff to participate in a voluntary educational program to bring the relevancy of man's religious faith to bear upon the total intellectual development of the individual."

A basic alternative practice was suggested by Rhode Island Governor Chaffee:

I know that many families each morning recite a prayer at the breakfast table before the children go off to school. We attempt to do it in my family each morning and I find it very satisfying. I think that many parents in Rhode Island will answer this [*Schempp-Murray*] decision by having increased devotional exercises in the home.

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CONSTITUTIONAL AMENDMENT TO OVERRULE THE SUPREME COURT

Since the decision in *Engel vs. Vitale*, and increasingly so after the ruling in the *Schempp-Murray* case the following year, resolutions had been introduced in Congress — particularly in the House of Representatives — for an amendment to the First Amendment in order to circumvent the Supreme Court's decisions. By the spring of 1964, those in the House of Representatives numbered 147. According to their sponsors, the proposals were introduced in response to grass-roots resentment over the decisions, including "letters-from-home." Thus, Rep. Frank Becker (R., N.Y.) asserted he was receiving 1,500 letters weekly, 9 to 1 for amendment.

Other legislators reported similar reactions. Referred to the House Judiciary Committee, chaired by Rep. Emanuel Celler (D., N.Y.), the individual proposals were found to vary. For instance, some confined the proposed amendment only to voluntary prayer; others to permitting both Bible reading and prayer; some related to schools; others to public places as well as schools, or to governmental matters generally. Striving to achieve unanimity among the sponsors of the various bills, Rep. Becker, leader of the amendment drive, worked out a compromise measure behind which many proponents of some type of amendment eventually united. This bill — technically a resolution — reads as follows:

Section 1. Nothing in this Constitution shall be deemed to prohibit the offering, the reading from, or listening to prayers or Biblical Scriptures, if participation therein is on a voluntary basis, in any Governmental or Public School, Institution or Place.

Section 2. Nothing in this Constitution shall be deemed to prohibit making reference to the belief in, reliance upon, or involving the aid of God or a Supreme Being in any Governmental or public document, proceeding, activity, ceremony, school, institution, or place, or upon any coinage, currency, or obligation of the United States.

Section 3. Nothing in this article shall constitute an establishment of religion.

Section 4. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

(HJ Resolution 693 — Preamble, indicating that passage by two-thirds vote of both houses is needed, has been omitted)

In a move to bring his bill to the floor of the House for debate, Rep. Becker initiated a discharge petition which would bypass the House Judiciary Committee. To become effective, such petitions require the signatures of 218 Representatives. In his newsletter to his constituents, dated July 31, 1964, Rep. Becker, retiring from office at the close of the current session, reported that 48 more signatures were still needed.

The House Judiciary Committee conducted hearings on the amendment proposals from April 22 to June 3, 1964, during which many representatives of the three major faiths were prominent among those offering testimony. At the same time, the Committee received or was made aware of resolutions, statements and other expressions of attitude from leaders and leadership bodies in religious and secular spheres.

In his report, "How Protestant and Orthodox Churches Stand Today on Amending the Constitution" (July 4, 1964), the Rev. Dean M. Kelley, executive director of the Department of Religious Liberty of the National Council of Churches, said:

... Seven weeks of hearings by the House Judiciary Committee have produced at least one clear result: it has become apparent that most of the leaders of the religious bodies of the nation do not want the Bill of Rights revised to overturn the recent decisions of the Supreme Court . . . Even some leaders who are critical of the decisions are loath to see the Bill of Rights amended for the first time in our history.

... One after another, chief executive officers of the major Protestant denominations appeared before the Judiciary Committee to support the First Amendment in its present wording as currently interpreted by the Court . . .

Among the Protestant denominations thus represented by testimony of an official or by resolution of a general or special body were: National Council of Churches, General Board; United Presbyterian Church; American Baptist Convention; American Lutheran Church and Lutheran Church, Missouri Synod; Protestant Episcopal Church; Disciples of Christ; and Southern Baptist Convention.

Among Orthodox and Protestant groups supporting the amendment were the Greek Orthodox Church (which the year previous had dissociated itself from the statement of NCC's General Board opposing amendment) the Syrian Antiochan Orthodox Church, the Roumanian Orthodox Episcopate, the American Council of Churches, the National Holiness Association and the National Association of Evangelicals.

While Roman Catholic reaction shortly after the *Schempp-Murray* decision was mostly condemnatory, increasing Catholic concern over revising the First Amendment was especially evident during and after the hearings. No official position was taken by the Church, however. Shortly after the hearings ended, the Legal Department of the National Catholic Welfare Conference made its attitude public. Advising caution, the statement observed that "the haste in drafting many of the proposals — together with their great variety — displayed more eagerness than profound constitutional deliberation," and that "the 'free exercise' and 'no establishment' clauses are guarantees too vital to be tampered with lightly".

Caution was noted, too, in the testimony of Auxiliary Bishop Fulton J. Sheen, who, though favoring "an" amendment, nevertheless (according to *The New York Times* of May 1, 1964) suggested that no amendment was needed to prescribe complete freedoms, and that there was danger that the guarantees of the First

Amendment would be destroyed by a few added words. Recommending "In God We Trust" as "the perfect prayer", the Bishop said (RNS April 30, 1964) "I personally would like more; but as an American citizen who is aware of the pluralistic society in which we live, I would be satisfied with this."

The Catholic Press Association, in convention at Pittsburgh (April 30, 1964) adopted the following resolution:

Whereas the First Amendment of our Constitution expresses the delicate balance between the rights and functions of church and state; and whereas, the proposed Becker Amendment threatens to create confusion with regard to these respective roles; and whereas, American Catholics are fully committed to the separation of church and state; therefore, be it resolved that the Catholic Press Association is opposed to the enactment of the Becker Amendment. At the same time the Association urges that continuing efforts be made to reaffirm our nation's traditional acknowledgement of God and our reliance upon Him, within the framework of constitutional liberty.

Consonant with this resolution were an RNS Survey of Catholic periodicals (May 20, 1964) indicating caution as the trend, and a report in *Ave Maria*, national Catholic weekly (June 6, 1964) that 35 out of 48 Catholic periodicals polled opposed amendment; eight were in favor, four undecided.

Among Catholics testifying in opposition to the proposed amendment were Bishop John K. Mussio and the Rev. William J. Kenealy, law professor at Boston College. The Rev. Robert Howes, a Catholic University professor, while testifying for amendment, did so as spokesman for the Massachusetts Citizens for Public Prayer, an organization composed of members of various faiths and political persuasions.

Jewish groups generally opposed the amendment. Among those testifying were the American Jewish Committee, Anti-Defamation League of B'nai B'rith, Synagogue Council of America, the Union of American Hebrew Congregations and the National Community Relations Advisory Council.

Many legislators and educators presented testimony, both sides of the issue being vigorously enunciated. One, however, Senator Milton R. Young (D., N.D.) told the Senate (May 18, 1964),

I am frank to admit that I was among those who were somewhat incensed upon hearing of these [Supreme Court] decisions. Upon closer examination of all factors involved and reviewing the proposed legislation to reverse the Supreme Court decision, I have reached a different conclusion.

Highly significant was a joint statement submitted to the House Judiciary Committee by 223 Constitutional lawyers, professors and law school deans. The statement declared that,

American liberties have been secure in large measure because they have been guaranteed by a Bill of Rights which the American people have until now deemed practically unamendable. If now, for the first time, an amendment to narrow its operation is adopted, a precedent will have been established which may prove too easy to follow when other controversial decisions interpreting the Bill of Rights are handed down.

At the close of the hearings, it was clear that the apparent initial reaction favoring amendment of the Constitution to reverse the Supreme Court's rulings had undergone considerable change. Headed "A Tide Reversed", an article in *Time* (June 19, 1964) concluded that,

The degree of church-leader opposition to school prayer has not been lost on the House Judiciary Committee . . . When the hearings began, some Congressmen reported their mail as running 20 to 1 in favor of Congressman Becker's amendment: it now appears to run almost as heavily against. At least 20 of the Committee's 35 members, according to one informal poll, will vote down Becker's resolution . . .

None of the resolutions for constitutional amendment was reported out by the House Judiciary Committee, nor were there sufficient signatures on the petition to discharge the proposed Becker Amendment. All of these proposals therefore died with the adjournment of the 88th Congress. Rep. Celler, addressing the Baptist Joint Committee on Public Affairs on October 8, 1964, said that the seven weeks of hearings before the House Judiciary Committee had provided a forum for the American people to reappraise the meaning of religious liberty, expressing his feelings that as a result, public opinion had turned against changing the First Amendment to bypass the Supreme Court.

FEDERAL AID PROGRAMS

Three massive Federal programs involving aid to church-related as well as non-sectarian institutions were enacted (in addition to others) during this review period. The Higher Educational Facilities Act of 1963 became law December 16. The Economic Opportunity Act of 1964 ("Anti-Poverty Law") went into effect August 20. An expansion and extension of the National Defense Education Act of 1958 was passed during the closing hours of the 88th Congress and was signed into law by the President on October 16, 1964.

The Higher Educational Facilities Act (HEFA) authorizes 1.2 billion dollars in federal grants and loans for the construction of academic facilities at colleges and graduate and technical schools for instruction or research in the natural or physical sciences, mathematics, modern foreign languages and engineering, or for library purposes. Participating states receive funds from the Federal Government which are allotted to them on such bases as the ratio of enrolled students in the state's higher educational institutions to the national total of such students.

HEFA specifically bans the use of funds for the construction of any facility to be used for sectarian instruction, religious worship or for any part of the program of a school or department of divinity. The Act does not, however, bar the use of these funds for the construction of facilities in a church-related institution of higher learning where the facilities are to be used for the non-religious objectives specified in the law.

While the Senate was considering the HEFA bill, it responded to questions raised as to the constitutionality of giving public funds to church-related institutions for any purpose by adding a provision to the bill which would have permitted "any taxpayer" to bring suit to test the Act's constitutionality. This provision was deleted by the conference committee. In the absence of a specific authorization of the type proposed by the Senate, there is serious question as to whether the issue of constitutionality can be brought before the courts, since under present law, an ordinary taxpayer lacks "standing" to bring such an action.

The Economic Opportunity Act of 1964 (EOA) establishes a new program entailing a billion dollars to combat poverty in the United States. Title II authorizes Federal financial aid for "community action programs" developed and conducted at community level. According to the report of the House Committee on Education and Labor,

Participation by the widest possible range of community organizations is envisaged, provided, of course, that the programs they offer are available without discrimination throughout the community. Settlement houses, citizens associations, YMCA's and YWCA's, Protestant, Catholic and Jewish and other youth organizations and similar organizations would all have a role to play.

Against this, the Minority views of the House Committee contended that,

Title II is completely wide open to the use of funds for sectarian purposes . . . every non-profit organization qualifies for assistance, but there is no language anywhere in the title which even purports to preclude sectarian use of the grants under community action programs. This is a serious omission . . .

But we have here a very serious question of public policy that has nothing to do with devotion to our religious institutions; it involves only the question of government intervention by means of direct grants for religious use or for religious purposes . . . [The bill] offers no guidelines and no meaningful restrictions whatever as to sectarian use of Federal funds . . .

The Minority views further contrasted Title II with Title I, wherein the provisions authorizing funds for work-study programs contain a restriction that "no such work shall involve the construction, operation or maintenance of any facility used or to be used for sectarian purposes or a place of worship."

Title II, as some supporters claim, appears to recognize the fact that in order to combat poverty in Negro communities, for instance, it would be necessary to do so through the medium of the principal centers and sources of action and direction of such communities — namely, the churches and church-related institutions. At the same time, the aid would be available to all in the area without discrimination. Under Title I (work-study programs) it would appear that if a sectarian institution of higher learning does not use the facilities built or maintained under this program for sectarian instruction or for worship, it may qualify for funds for building all other facilities, provided they meet the student's educational needs or the public interest.

The 1964 Amendment to the National Defense Education Act (NDEA) intensifies and expands the vast aid program to provide teachers and facilities to meet the educational crisis. The Amendment, which extends NDEA to June 30, 1968, allocates 1.9 billion dollars for the expanded program.

Until the 1964 Amendment, NDEA limited the orbit of its aid to improvement and strengthening of instruction in mathematics, the sciences and foreign languages. The Amendment enlarges this by adding history, civics, geography, English and remedial reading. It also provides greater assistance in these fields to instruction in private, nonprofit educational institutions, which, of course, include church-related institutions.

Illustrative of the type and extent of aid granted through NDEA since its enactment in 1958 are the following, as reported in *The New York Times*, September 19, 1964: Loans to 600,000 students in 1,574 colleges, \$453 million; matching grants to states for strengthening instruction in the prescribed subjects, \$290 million; aid for establishment of 55 language centers at 34 colleges, \$11 million; fellowships to 2,600 students, \$16 million; \$24 million for research into techniques of adapting mass-media for educational purposes.

Under NDEA — before the 1964 Amendment — there was a forgiveness of a student loan up to 50%,

based on 10% for each year that the borrower teaches full-time in a public elementary or secondary school. This feature is now also extended to teachers in private schools. Among other enlargements, the 1964 Amendment makes funds available to private as well as public school teachers to attend advanced training institutes. The Amendment's provisions also result in lower interest rates on loans to private schools in order to encourage their greater participation in the program, which continues NDEA's low cost loans to public and private schools for the acquisition of teaching equipment and the setting up of facilities for improvement in the prescribed subjects.

As in the case of HEFA and the EOA, above-discussed, constitutional objections were raised to the NDEA Amendment, but the overriding consideration which resulted in its passage by Congress appeared to be a determination to improve American education — public and private — proceeding in accordance with the concept that grants and loans of public funds may be made to private nonprofit educational institutions so long as they are not used for sectarian instruction or for religious worship. Especially controversial was the Amendment's enlargement of NDEA by adding history, civics, geography, English and remedial reading to the Act's objectives. Whereas sectarian content or viewpoint can be easily eliminated in the teaching of such subjects as mathematics, the sciences and foreign languages, the problem is obviously more difficult in teaching such less precise courses as history or English.

Through the three laws discussed and through several other acts, the 88th Congress allocated almost 5 billion dollars, most of the sum to be devoted, in one way or another (principally by loan or grant), to the construction and acquisition of facilities by institutions and schools (including those which are church-related), for loans to students and for testing facilities and teacher training institutes to improve teaching in public and private schools alike. The Health Professional Assistance Act of 1963, provides almost a quarter-billion dollars for teaching facilities and student loans in medicine, dentistry and nursing under similar conditions.

All of this legislation was marked by an avoidance of direct "general education" aid at the elementary and secondary levels. Previous proposals along such lines had foundered, not only because of strongly asserted opposition to such measures on church-state grounds, but also because of the objections of those who were opposed to "government spending," and of religious groups who opposed any aid to public schools to the exclusion of church-related schools. In turn, those advocating general educational aid to public elementary and secondary schools were opposed to the inclusion of church-related and other private institutions.

Thus, the Federal educational and "anti-poverty" legislation of 1963-1964 represents a pragmatic compromise in meeting the rapidly expanding educational and welfare needs of the country. As for student loans, the institution attended — whether public, secular or religious — is immaterial, since the aid is deemed extended to the pupil individually, not to the institution, on the basis of the U.S. Supreme Court's holding in the 1947 bus transportation case of *Everson vs. State Board of Education*.⁹ Similarly, this concept is extended to teachers, whether in public or church-related schools, who attend training institutes. As to private (including church-related) schools, the facilities, equipment and loans to such schools are only for teaching secular subjects and not for sectarian instruction or worship.

SHARED TIME

Shared Time (which has also come to be known as "dual school enrollment", "part-time enrollment", "split time" and "reserved time") is a program wherein — during the regular schoolday — students of private or church-related schools attend some classes in public schools and some in their own. The practice was the subject of a nationwide survey by the National Education Association, which, in its Exploratory Study of April 1964 found that 63% of 183 public school superintendents who reported in detail said that they would recommend the program to other school districts. The poll also reported some pragmatic attitudes, such as that attributed to an Illinois superintendent: "We were able to secure a favorable vote on a new bond issue on our initial attempt." Half the respondents were reported to have cited good relationships between parochial and public schools and greater support of public schools by Catholics. Some, however, expressed concern over the expense of equipment for such courses as business and vocational education and industrial arts, the subjects reported as most frequently provided under the plan. Among disadvantages reported by some of the respondents were "difficult problems in the area of scheduling, transportation, student control;" problems "because these students think we have no right to discipline them;" The number of 'Holy Days' presents a problem especially when public and parochial pupils are in the same class."

The states reported as having the largest number of such programs were: Michigan (42), Ohio (36), Pennsylvania (31), Illinois (27), Wisconsin (25), Minnesota (13), Indiana (11) and Missouri (10). The Exploratory Study, highlighting these and other aspects, expressed no conclusions.

A proposal for an experiment in Shared Time was approved by the Chicago Board of Education (April, 1964) after public hearings at which objections were raised by opponents on grounds that the program violates church-state separation and in effect provides "fi-

nancial relief" for the parochial school system. Counsel for the Board and the State Superintendent had presented legal opinions upholding its constitutionality. The pilot project entails a three-year experiment to begin September, 1965, one parochial school to be matched with a public school now under construction. Steps to test the validity of the plan were immediately announced.

Shared Time was also the subject of hearings held by an *ad hoc* subcommittee of the House Committee on Education and Labor in February, 1964. The testimony concerned a bill to amend the NDEA by providing 15 million dollars for three-year experiments. Never reported out of Committee, the bill died with the adjournment of the 88th Congress.

Attitudes toward Shared Time range from opposition to the program on church-state constitutional grounds to approval. Many, however, take a "wait and see" attitude on what is regarded as an "experiment". Contrasting attitudes are expressed, respectively, in recent official positions on the subject by, respectively, the Central Conference of American Rabbis and the National Council of Churches.

CCAR's report on church and state, adopted at its 1964 convention, observed that,

... While we have the highest regard for proponents of the plan who see in it a means of promoting inter-religious dialogue, we seriously question the wisdom of shared time. It may accentuate religious differences; it may involve religious functionaries in various aspects of public school administration, curriculum planning and scheduling; it may result in derogating from the importance of the public school by assigning to it less important subjects, while imposing on it greater administrative burdens; and it may encourage a proliferation of sectarian school systems.

The CCAR report, recognizing ongoing "experiments", set forth certain "guidelines or caveats" which, it felt, should be followed in order to preserve the non-sectarian character of the program in the public schools.

In contrast, the Policy Statement of the National Council of Churches, adopted by its General Board on June 4, 1964, states, in part,

The rapidly increasing number of children and the rapidly increasing costs of education, along with other factors, have caused Roman Catholic educators and parents in recent years to ask for public funds in discharging part or all of their educational responsibility. Assistance is often asked for that portion of the task most clearly identified with 'general education.' Protestant and Orthodox educators and others have gen-

erally favored the use of tax funds for public education, and resisted the use of public funds for church-related schools.

So far this unresolved difference has prevented direct grants to religious elementary and secondary schools; it has also hindered the passage of general legislation for federal aid to public education.

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We know of no legal opinion holding that dual school enrollment violates the federal constitution. Most states' constitutions or educational legislation appear to permit or not forbid dual school enrollment.

We therefore approve further experimentation with, and continuing evaluation of, dual school enrollment for classroom instruction as a viable provision for those who, for conscience sake, maintain separate schools.

*

TEXT BOOK LOAN

The Rhode Island law providing free loans of texts to parochial and other non-public school students went into its second year of operation. The number of books lent (limited to mathematics, science and foreign languages) quadrupled to almost 29,000 with more requests expected. As constitutional safeguards, the books are selected by public authorities and distributed directly to students by local public school bodies. At the time the law was enacted, the Rhode Island unit of the American Civil Liberties Union announced it would support a taxpayer suit to test its constitutionality. No proceeding has as yet been reported.

SUNDAY CLOSING LAWS

The U. S. Supreme Court's 1961 decisions sustaining the constitutionality of Sunday laws on the secular ground of public welfare by no means abated the wrangle over such laws. While litigation often stemmed from the insistence of Sabbatarians on their religious freedom, major controversy, legal action and appeals more often arose through economic rivalry caused by the Sunday exodus of customers from town to suburban discount centers. The Supreme Court's landmark cases of *McGowan vs. Maryland*¹⁰ and *Two Guys from Harrison vs. McGinley*¹¹ merely laid to rest the hopes of Sunday competitors of achieving a final ruling that Sunday laws were unconstitutional. The Crown Kasher Meat Market¹² case held that Sabbatarians may have to suffer hardship in the interest of the general public welfare.

Some of the Sunday laws in the course of their airing or adjudication during the past year displayed odd facets. The Texas Supreme Court (June, 1964) denied an injunction against a discount house, declaring the

Sunday law unconstitutional because of its contradictory provisions: the customer was required to sign a certificate that the items purchased were necessities bought in emergency. Some of the items sold were jewelry and china. Minneapolis (March, 1964) deleted a provision from its Sunday ordinance which provided that those wishing to exercise their "Saturday option" were required to register with the police. Protesting Jews and Seventh-day Adventists characterized this as "Gestapo" in nature.

Enforcement of a Bloomington, Minn., ordinance prohibiting the Sunday sale of groceries by stores employing more than four was enjoined by a County Court in September, 1964, as being contradictory of the state law's total prohibition of such sales. The suit, brought by a discount house in this Minneapolis suburb, was the occasion of interesting dicta by Judge Kane, who said that "for many years, nay decades, the state Sunday closing law was practically a dead letter, and was either not strictly enforced or not enforced at all. Violations were, and are, particularly in the metropolitan area, winked at or ignored". The court then observed that with the advent of shopping centers there was continuing competitive jockeying for advantage, and along with this, "came stirrings of conscience" of varying degrees in various communities. According to the Court,

The inevitable outcome was, and is, a rash of conflicting local regulations of which the one under scrutiny is an obvious attempt to prohibit some but not all commercial activity on Sunday.

In Hot Springs, Ark., a Sunday law was repealed in April, 1964. Enacted only a year before, its sponsor said the law was unfair to city merchants since so many stores were allowed to operate outside the city limits. Because it had "misjudged the desire of its citizens" the City Council of Charlotte, N. C., repealed its Sunday law (RNS 3-12-64). This caused some concern in Raleigh. After repealing its former law, the City Council there had passed a new one identical to Charlotte's, which had previously been upheld in the state Supreme Court. In Minnesota, where Governor Rolvaag had vetoed a Sunday bill the previous year, a poll reported by RNS on May 4, 1964 showed 54% favoring Sunday legislation and 42% favoring Sunday business.

The Kansas Supreme Court (May, 1964) declared a state Sunday law unconstitutional because it could not be uniformly enforced, while the U. S. Supreme Court (February, 1964) declined review of a Kentucky Supreme Court decision upholding a Sunday law. In that case, a department store, convicted of selling toy blocks, claimed violation of the Fourteenth Amendment's due process clause because the statute exempted "works of necessity." The state court had held that "necessity" does not embrace mass convenience or avoidance of mass irritation."

prosecuting or intending to prosecute under the law against birth-control treatment or information, and that since there was no threat of prosecution, the plaintiffs were without proper legal standing to test the law. Justice Brennan, among those voting not to review in this 5-4 decision (*Poe vs. Ullman*¹⁸) felt that the nub of the matter was really the question of the legality of birth-control clinics, none of which existed in the state. Dr. Buxton and Mrs. Griswold thereafter opened a clinic and were subsequently convicted. At last reports, an appeal to the U.S. Supreme Court from the Connecticut high court's decision affirming these convictions was pending.

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Compared with the two preceding years, the year under review was one of public and legislative action rather than of far-reaching constitutional decision. The Supreme Court's decisions of 1962 and 1963 banning public school ceremonial Bible-reading and prayer could not be expected to produce an instant drastic change in long-established mores and patterns. Expectedly, the decisions created a wake of conflicting currents; one striving for accommodation with the ruling, another seeking a species of nullification through non-compliance and indifference, while a third sought reversal of the Court itself through constitutional amendment. The year then, and undoubtedly the year ahead, reflects a time of "digestion" of a profound change. We have long been a pluralistic society, but the past year's forensic, legislative and public controversy over the Court's decisions represents a new high in public and official recognition of this fact. The First Amendment has been "revisited" by many, and a greater, more widespread appreciation of the value of its guarantees has resulted. Controversy over *Schempp-Murray* has not by any means ended, however. Undoubtedly prayer amendment proposals (an issue in the 1964 political campaigns) will again be introduced during the next Congress. Substitute practices, some of them devious, will be launched in school systems across the country, and courts will be called upon to pass judgment on their validity. But the activities of the past year indicate that divisions of opinion and policy will be attended by more light and less heat in the year ahead.

The federal aid programs passed during the year reflect the "to the pupil" or "to the individual" concept. They also reflect the intensification of a related concept, first growing out of the "Sputnik" educational crisis, which was succeeded by the basic educational crisis. Now matured, and in ever-increasing numbers, the post-war babies are knocking at the gates of institutions of higher learning — a great number of which are private and church-related. The concept of direct government aid to such institutions — conditioned only that it be used for specified non-religious purposes — appears to

be a widely accepted solution of the church-state problem involved in such legislation. The multi-billion dollar "breakthrough" of federal aid during the past twelve months would appear to presage more of this type of aid — federal and state. The Supreme Court has not as yet been called upon to adjudicate the constitutionality of such programs. Along "to the pupil" lines, we observe an increase in study and discussion of Shared Time, and Rhode Island's textbook loans to students at non-public schools.

Prosecution and litigation involving state and local Sunday laws will continue in more or less proportion to the increase of discount houses, the devout Sabbatarian caught between the upper and nether millstones of city-suburban competition.

Of the cases awaiting the Supreme Court's adjudication during the ensuing year, decisions involving conscientious objectors and anti-birth control laws are awaited with greatest concern.

Outstanding amidst the dispute and division, the legal moves and litigation over church-state problems during the review period has been the example set by the clergy and lay leadership of all major faiths who engaged in the dialogue with reason, understanding and tolerance.

Footnotes

- ¹ School Dist. of Abington Township vs. Schempp, 374 U.S. 203.
- ² Ibid.
- ³ Engel vs. Vitale, 370 U.S. 421.
- ⁴ Johns vs. Allen, 231 Fed. Supp. 852.
- ⁵ Chamberlin vs. Dade County, 84 Sup. Ct. 1272.
- ⁶ Id., 374 U.S. 347.
- ⁷ Id., 160 So. 2d 97.
- ⁸ Stein vs. Oshinsky, 224 Fed. Supp. 757.
- ⁹ Everson vs. State Board of Education, 330 U.S. 1.
- ¹⁰ McGowan vs. Maryland, 366 U.S. 582.
- ¹¹ Two Guys from Harrison vs. McGinley, 366 U.S. 582.
- ¹² Gallagher vs. Crown Kosher Meat Market, 366 U.S. 617 (cf. Braunfeld vs. Brown, 366 U.S. 599).
- ¹³ U.S. vs. Seeger, 326 Fed. 2d 846.
- ¹⁴ U.S. vs. Jakobson, 325 Fed. 2d 409.
- ¹⁵ U.S. vs. Peter, 324 Fed. 2d 173.
- ¹⁶ Torcaso vs. Watkins, 367 U.S. 488.
- ¹⁷ Lewis vs. Allen, 159 N.Y. Sup. 2d 807.
- ¹⁸ Poe vs. Ullman, 367 U.S. 497.



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New York City enacted an ordinance allowing small businesses operated by families to be open on Sunday, provided the owner observed another day of the week as his Sabbath (September, 1963). In March, 1964, a statewide law was passed which, while conferring no direct right to do business on Sunday, provided Sabbatharians with a defense in any prosecution for violation of a Sunday law. The right of a Sabbath observer to assert the defense, however, was principally conditioned on his uniformly keeping a day other than Sunday as his Sabbath.

With tri-faith support, Massachusetts passed a law (March, 1964) providing that businessmen who close their establishments from sundown Friday to sundown Saturday for religious reasons may legally keep open on Sunday. This support reflected an increasing recognition by all faiths of the need for safeguarding the rights of Sabbatharians, summarized by the National Council of Churches' National Study Conference on Church and State in February, 1964:

We recommend that whenever the principle of a common day of rest remains established in the law, thus tending to create an inequitable situation for those who keep another day of rest, such law be re-written or construed as to seek to remove such inequity.

CONSCIENTIOUS OBJECTORS

The Supreme Court agreed (May, 1964) to review three cases involving the rights of conscientious objectors and the nature or status of their respective beliefs in a Supreme Being. A declaration of such belief is required by the draft law as a prerequisite to securing conscientious objector classification. The objectors' answers in these cases were either in the negative or highly qualified as to the meaning of "Supreme Being." All three in their other responses expressed ethical, humanistic or transcendental concepts.

In *U. S. vs. Seeger*,¹³ the Court of Appeals for the 2nd Circuit ruled that the statute limiting the exemption to persons who believe in a Supreme Being violates the due process clause of the Fifth Amendment. *U. S. vs. Jakobson*,¹⁴ before the same Court of Appeals, was another case in which a conviction for failure to report for induction was reversed. The defendant, expressing humanistic beliefs, had stated that "Godness can be approached only through psychic involvement with reality". In *U. S. vs. Peter*¹⁵ the Court of Appeals for the 9th (California) Circuit, the Court reached a contrary conclusion. Peter's answer as to "Supreme Being" was "it depends on definition", saying that "human life for me is a final value", and "religion is the consciousness of some power manifest in nature which helps man in the ordering of his life in harmony with its demands." The Court held that Peter's philosophy and morals on

social policy without the concept of deity cannot be said to be religion in the sense of that term as used in the statute. In *Torcaso vs. Watkins*¹⁶ (1961) an applicant for appointment as a notary public refused to declare his belief in the existence of God, as required by Maryland law. This requirement was struck down by the Supreme Court as a violation of the First Amendment's establishment clause. The Supreme Court's review of the cases of the conscientious objectors may result in a ruling analogous to that of the *Torcaso* case.

"UNDER GOD" IN THE PLEDGE OF ALLEGIANCE

New York's highest Court, the Court of Appeals, in June, 1964 upheld the inclusion of the words "under God" in the Pledge of Allegiance recited in that state's public schools. The Court, without opinion, sustained the intermediate appellate court and the lower court on the dismissal of an action against the State Commissioner of Education to declare use of the phrase illegal. The case (*Lewis vs. Allen*)¹⁷ had been brought in 1956 by two parents, representing the Freethinkers of America, on the grounds that the phrase (added by Congress two years earlier and later by the Board of Regents) violated the federal and state constitutional principles of religious freedom and church-state separation. Pointing out that there was no penalty for failure to recite the Pledge, the lower court had held that the petitioners' right to disbelieve was guaranteed by the First Amendment, "and neither they nor their children can be compelled to recite the words 'under God' in the Pledge of Allegiance . . . But the First Amendment affords them no preference over those who do believe in God, and who, in pledging allegiance, choose to express the belief." The Supreme Court declined to review the case on November 23, 1964, in effect upholding the decision.

BIRTH CONTROL

Connecticut's Supreme Court of Errors in May, 1964 upheld the convictions (\$100 fines) of Dr. C. Lea Buxton, Obstetrics Department head of Yale University Medical School and Mrs. Estelle T. Griswold for violations of the state's 85-year-old law against birth control information or treatment. The violations took place at a Planned Parenthood Center opened by them to set the basis for a final adjudication of the constitutionality of the law. Previously, the U. S. Supreme Court had refused review of adverse decisions in cases to test the law brought by two pregnant married women (one whose life was threatened by the pregnancy, the other liable to bear an abnormal child) and by Dr. Buxton, to whom the women had applied for prescriptions. The Court's refusal of review of these earlier cases was based on the fact that there was no proof that the state was

THE DIALOGUE

A PROJECT OF THE NATIONAL CONFERENCE OF CHRISTIANS & JEWS

EDITORIAL

Dr. Renwick Jackson, introduced to "Dialogue" readers by Bulletin No. 25 of September, 1963, has selected and woven together the materials for this issue. The editor wishes to express his thanks to his able and judicious colleague both for the contents of No. 29 of "The Dialogue", and for the concluding paragraph of this editorial.

Supporters of the Becker Amendment include those who believe that the Constitution can somehow guarantee the religious nature of the American society and those who seize upon every opportunity to affirm state's rights — all the way from the proper exercise of local responsibility to the fringes, at least, of nullification. The two groups are not coterminous, nor always in alliance. This bulletin is concerned specifically with the views of the second category.

To illustrate — but not exhaust — the views and efforts of the first, I cite efforts in practically every session of Congress since the late forties to introduce the so-called "Christian Amendment." In June, 1949, the General Board of the National Council of Churches adopted a "Pronouncement" (59 to 1) opposing such an amendment. It would obviously be opposed by Jews, and probably by most non-believers. I have heard of no Catholic support for it, and of some well-reasoned opposition. To adopt the Becker Amendment is not necessarily to open the way for the Christian Amendment, which is cited here only to encourage careful consideration of how far "establishment of religion" would be effected, or is implied, by the Becker Amendment.

Congressman Celler, announcing that the hearings of the Becker Amendment by the House Judiciary Committee would begin on April 22, stated that his mail has been heavy and that the greater proportion has been in favor of the amendment. The alert interest

and public debate kindled by the Supreme Court's rulings on prayer and Bible reading offers an opportunity for reasoned discussion and for a growing understanding of the pluralistic nature of American society. This debate can, hopefully, in Walter Lippman's words, "turn our attention to a great reappraisal of the content of American education." Even more, it may move us forward in our search for a public philosophy.

— The Editor

CRITICISM OF THE COURT'S DECISIONS — POLITICAL

The United States Supreme Court ruling that the recitation of the Lord's Prayer and the reading of passages from The Bible in the opening exercises of public schools are "religious ceremonies," and as such are unconstitutional under the First Amendment to the Constitution which forbids "establishment" of religion, has provoked a storm of controversy and much opposition. Around dinner tables and in places such as barber shops I have heard these kinds of comments: "Prayer and Bible-reading in the schools are good things. Why is the Supreme Court against religion?" "We have always had prayers in our schools and we aren't going to stop praying now." "Our country will become godless like Russia."

The Dialogue, July, 1963, reported that many protests have come from public officials. In Alabama, Governor George Wallace said that the State would defy the Court on the use of the Bible and prayer as devotional acts in the public schools: "I don't care what they say in Washington," he said, "we're going to keep right on praying and reading the Bible in the public schools of Alabama. I wouldn't be surprised if they sent troops into the classrooms and arrested little boys and girls who read the Bible and pray."

Also, in Mississippi, Governor Ross Barnett, who defied Federal Court orders in upholding his segregationist stand on education, advised public school teachers to ignore the Supreme Court decision. Speaking in New Orleans, he told every teacher in the State to conduct prayers and to continue readings from the Bible. (*The Dialogue*, July, 1963.)

Senator Frank Lausche (Democrat-Ohio) said that since the Supreme Court decision in 1962 "the cards are stacked in favor of the atheists . . . ; something must be done about procuring justice for those who believe there is a Supreme Being." (RNS, 3-16-64.)

Senator Olin D. Johnston (Democrat-South Carolina) took the same position: "Despite the Supreme Court ruling I am urging school teachers to continue the reading of the Bible and to continue praying in the classrooms. There is no statutory provision to penalize school officials for defying the Supreme Court. They can continue to pray," he pointed out "until a court injunction is issued in each case . . ." Referring to the Supreme Court's daily opening formalities in which its clerk intones "God save this honorable Court," Senator Johnston asked, "What kind of justice is this when the Court calls upon God every day to save it and then turns around and denies the same privilege to the children of our schools?" (RNS, 7-8-63.)

A bit more restrained in expression, Delaware's Attorney General ruled that Bible reading and the recitation of the Lord's Prayer can be continued on a voluntary basis in the State public schools. (RNS, 6-26-63.)

CRITICISM OF THE COURT'S DECISIONS — RELIGIOUS

Equally concerned, some religious leaders have been equally critical. In Los Angeles, Cardinal McIntyre expressed the hope that action would be forthcoming in order to restore the practice of the basic acceptance of Divine Creation and its consequences. "May we remain Americans and not become disciples of the Kremlin." (RNS, 6-8-63.) Bishop Fulton Sheen of New York declared that the Court, in effect, has told the American people "thou shalt not pray." (RNS, 3-16-64.)

A major Eastern Orthodox body, the Syrian Antiochian Orthodox Church, at the eighteenth annual Clergy-Laity Convention of the North American Arch-

diocese, called for Congress to propose an amendment to the Constitution of the United States, if necessary, to overcome effects of the Supreme Court decision banning prayer and Bible reading as devotional acts from the public schools. The Convention adopted a resolution expressing concern that the United States is drifting away from its historic "roots of faith."

They declared that "whereas, it is true that the decision is undoubtedly in accordance with the letter of the Constitution of this nation, it is equally true that the decision may not be in accordance with the spirit of the Founding Fathers of this Great Republic."

Calling on Congress to "reconsider" the decision, they asked the legislators to "attempt the formulation of a new legal guarantee of the freedom of religious practice in all phases of our common life as a nation." (RNS, 8-12-63.)

NON-COMPLIANCE

In those areas where it is the custom to begin the public school day with prayer and Bible reading the Court's decision seems to have had little effect. For example, a 1964 survey of the State of Indiana, initiated by the NCCJ, and carried out under the auspices of the Indiana School Boards Association, revealed that many school districts are disregarding the Supreme Court's ruling. With 85% of the School Corporations responding, the survey reported that 39% of the Districts begin the school day with the Lord's Prayer; 52% with spontaneous prayers; 27.6% with Bible readings; 80% of the schools permit the Gideons to distribute Bibles in the classrooms, primarily in the 4th, 5th, and 6th grades. A number of Superintendents of these schools frankly stated that they presently had enough problems without stirring up community controversy about prayers and Bible readings in the public schools. They said "it is better to let sleeping dogs sleep."

Within the Supreme Court itself, Justice Potter Stewart dissented from the ruling and noted that the decision could limit the free exercise of religion. He stated that "a single obvious example would suffice to make the point. Spending federal funds to employ chaplains for the Armed Forces might be said to violate the establishment clause, yet a lonely soldier stationed at some far-away post could surely complain that a Government that did not provide him the opportunity

for pastoral guidance was affirmatively prohibiting the exercise of his religion." (The Dialogue, July, 1963.)

Further, he believes the decision of the Court will damage the religious beliefs of American school children, "for if a compulsory State educational system so structured a child's life that its religious exercises are held to be an unpermissible activity in schools, religion is placed at an artificial and State-created disadvantage." (ibid.)

CALL TO AMEND THE FIRST AMENDMENT

Gathering up the force of this public sentiment, Representative Frank Becker, a Republican from New York and a Roman Catholic, has sponsored a Constitutional Amendment that has assimilated approximately 140 other proposals in the Congress. The Religious News Service reported that Mr. Becker complained that "although he first introduced his resolution on June 26, 1962, after the Supreme Court had invalidated the so-called Regents' Prayer in the public schools of New York, and re-introduced it on the opening day of the new 88th Congress, January 9, 1963, the Judiciary Committee has refused to call public hearings." He stated that "he is convinced that Chairman Celler (Democrat-New York) will keep all the resolutions bottled up until the end of the Session unless members force the Committee's hand by signing a discharge petition." (RNS, 7-12-63.)

In a personal letter to every member of the House Mr. Becker indicated that some Congressmen had informed him that they had never signed a discharge petition. He declared: "Neither have I in ten years in the House. All discharge petitions now before the House and previously considered had dealt with material things and material benefits. This one deals only with the spiritual. The urgency of the matter leaves me no alternative," he asserted, "if we are to prevent the advocates of a godless society to accomplish in the United States that which the Communists have accomplished in Soviet Russia. I cannot sit idly by and permit this to happen." (RNS, 7-12-63.)

The Becker Amendment reads as follows:

Section 1

Nothing in this Constitution shall be deemed to prohibit the offering, the reading from, or listening to prayers or Biblical Scriptures, if

participation therein is on a voluntary basis, in any Governmental or Public School, Institution, or Place.

Section 2

Nothing in this Constitution shall be deemed to prohibit making reference to the belief in, reliance upon, or involving the aid of God or a Supreme Being in any Governmental or public document, proceeding, activity, ceremony, school, institution, or place, or upon any coinage, currency, or obligation of the United States.

Section 3

Nothing in this article shall constitute an establishment of religion.

Section 4

This article shall be inoperative unless it shall have been ratified as an Amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

Twenty-six Congressmen have joined with Mr. Becker in offering this resolution. The latest reports state that 164 signatures have been attached to a discharge petition which would bring the resolution to the floor for debate and action without Committee analysis. Signatures of 218 Representatives are required for this action.

Those who support the Becker Amendment want the freedom to pray and read the Bible in public life, including the public schools. While motivations are always complex, every citizen who is aware of the positive contributions which prayer and Bible reading may make to our national life will want to understand the sincerity of these concerns.

Some persons of faith who believe in prayer and Bible reading think that these activities are good practices for the schools, the children, and our society. In the New Testament, the Apostle Paul exhorts believers to "pray without ceasing"; many persons take this literally and strive to pray all the time, and desire to ask God's blessing on every undertaking. They want this kind of blessing on the education of their children and strongly desire that it be formally interceded for through prayer and Bible reading in the public schools.



Further, they reason, that this has always been their practice, no one in their community wants to change it, and a Unitarian in Pennsylvania or an atheist in Maryland sound like strange persons in faraway places. They are sure that the majority of the people in the United States agree with their views, and as long as no one is compelled to participate, why should the majority be tyrannized by a small minority?

Some Roman Catholics have been critical of the Supreme Court's decision. There is irony in their response. Commenting on the reactions to the Supreme Court's action, Daniel Callahan in a *Commonweal* article on *The New Pluralism* wrote that

"Jews on the whole welcomed the decisions — no surprise there. Protestants reacted with mixed feelings — that was a little surprising; one might have expected more opposition. But that Catholics should, with near unanimity on the first decision and vigorous if less heated objections on the second, be the most prominent dissenters is remarkable."

Mr. Callahan interprets the Catholic response as opposition to the growing secular nature of American society. He writes that

"The Supreme Court decisions have cast starkly before Catholics the fact that America is ceasing to be a religio-sacral society with the Christian religion riding in the seat of power.

... In the largest sense the decisions confirmed what by now ought to be obvious, that there exists in this country a large Jewish-secular minority (supported by many Protestants) who are not committed to the American religious heritage in the form in which it developed over the course of American history.

... As it happened, it took the Supreme Court to make their voices count; but sooner or later the legislative process would have achieved the same effect."

WIDE-SPREAD SUPPORT

The Roman Catholics are not alone in these concerns; secular expressions are challenging all the religious communities and the religious commitments of the sponsors of the Becker Amendment reveal a widespread concern. There are 6 Protestant; 1 Apostolic Christian; 16 Baptist; 2 Christian Church; 1 Church of

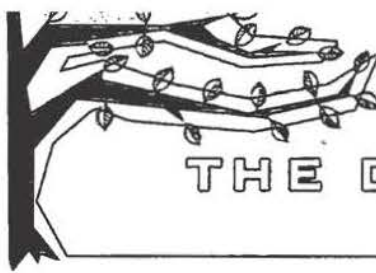
Christ; 7 Congregational Christian; 8 Protestant Episcopal; 2 Evangelical Free; 1 Evangelical and United Brethren; 1 Jewish; 1 Latter Day Saints; 3 Lutheran; 21 Methodists; 25 Presbyterian; 13 Roman Catholic; 1 Schwenkfelder; and 1 Unitarian.

The major support for the Amendment is concentrated in the region east of the Mississippi River; all but eighteen of the one hundred and ten sponsors represent that area. Alabama, Florida, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, and West Virginia show more than one third of their delegations among the sponsors.

Studies of the sponsors by the Baptist Joint Committee on Public Affairs show that when they were checked in relationship to the *Congressional Quarterly* conservative coalition for 1963, 66% were found to have voted 50% or more of the time with the coalition and only 27% had voted with the coalition less than 50% of the time. Since 71% were in the upper half and only 29% in the lower half, the Baptist researchers emphasized that "the relationship can hardly be coincidental." (Report from the Capital, March, 1964.)

This so-called conservative protest is an expression of a broader movement to amend the Constitution. Three proposed Constitutional Amendments that would radically change the U.S. system of government are being considered, and in some cases passed, by the nation's state legislators. These amendments would allow states to amend the Constitution without obtaining, as is now required, the approval of Congress or of a Constitutional Convention; would give the states a completely free hand in apportioning their legislative districts by placing apportionment of seats in state legislatures beyond the reach of the U.S. Constitution and would negate recent Supreme Court rulings requiring states to give more equal representation to city voters; and would establish a super-court with power to over-rule U.S. Supreme Court decisions relating to the jurisdiction of the federal government.

Writing in *Newsweek*, Walter Lippman warned that "the package of the three amendments would dissolve the Union into a mere confederacy of separate states. It would perpetuate in the legislatures of these states a system of representation which antedates the growth of modern cities and it would strip the whole system of the Union of the great constitutional guarantees. The amendments strike as deeply at the foundations of the American Union as anything which has been agitated



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seriously since nullification and secession." (Quoted in "The Disunity Amendments," *The Machinist*, 6-20-63.)

Mr. Lippman's warning, it is important to note, is not directed at the Becker Amendment. The point is that on the whole, the "conservative coalition" in Congress supports both the "State Sovereignty" and Becker Amendments.

There is popular, grass roots opposition to the Court's decision. The *New York Times*, April 13, 1964, reports that an organization called Project Prayer has initiated a national campaign to support the Becker Amendment. Their first rally which drew 2,500 persons was held in the Shrine Auditorium in Los Angeles.

Film actors and actresses, including Rhonda Fleming, Dale Evans, and Gloria Swanson, appeared briefly to attack United States Supreme Court decisions that have held prayers to be unconstitutional in public schools. Mr. Becker spoke to the rally by telephone from Washington.

Sponsors of the rally said that efforts had been made to keep the program non-partisan. However, the speakers included such familiar Southern California ultra-conservatives as D. B. Lewis, the Rev. W. S. McBurnie and Paul and Marion Miller.

The national director of Project Prayer, Sam M. Cavnar, said that future rallies would be held in Georgia next month and in Houston on June 18. Mr. Cavnar was also the director in December 1961 of a political forum called Project Alert, which received widespread notice when a retired Marine Corps colonel told the audience that Chief Justice Earl Warren should be hanged, not impeached.

Petitions calling for the Chief Justice's impeachment were being circulated outside the auditorium.

LIMITED PURPOSE OF COURT'S DECISIONS

Over-all, these numerous protests demonstrate that there are many persons who oppose the Supreme Court decisions and who want a culture in which they can engage in religious devotions in public institutions.

The Supreme Court emphasized that it is not opposed to religion, is not encouraging the spread of secularism, and did not rule religion out of the public schools. Accenting these points, Justice Clark went to some lengths to insist that the Court is not hostile to religion. "It is argued," he said, "that unless these

religious exercises are permitted a religion of secularism is established in the schools."

"We agree, of course, that the State may not establish a religion of secularism in the sense of affirmatively opposing or showing hostility to religion, thus preferring those who believe in no religion over those who do believe." (This latter quotation is taken from *Zorak vs. Claussen*.)

"We do not agree, however, that this decision in any sense has that effect. In addition," he said, "it might well be said that one's education is incomplete without a study of comparative religion or of the history of religion in its relation to the advancement of civilization. It certainly may be said that the Bible is worthy of study for its history and historic qualities."

"Nothing we have said here," he emphasized, "indicates that such study of the Bible or of religion when presented objectively as part of a secular program of education may not be effected consistent with the First Amendment."

"But the exercises here do not fall into these categories. They are religious exercises," he asserted, "required by the States in violation of the command of the First Amendment that the Government maintain strict neutrality, neither aiding nor opposing religion." (*The Dialogue*, July, 1963.)

Justice Brennan also stressed that the "holding of the Court today plainly does not foreclose teaching about the Holy Scriptures or about the differences between religious sects in classes in literature or history. Indeed, whether or not the Bible is involved, it would be impossible to teach meaningfully many subjects in the social sciences or the humanities without some mention of religion." (*ibid.*)

RELIGIOUS OPPOSITION TO BECKER AMENDMENT

Among the religious leaders in all the religious communities there has been opposition to the Becker Amendment. The following statements are representative:

THE REPORT OF THE COMMISSION ON LAW AND SOCIAL ACTION OF THE AMERICAN JEWISH CONGRESS — (Reports, 2-15-64.)

Why we oppose the Becker Amendment.

1. *It threatens the integrity of the Bill of Rights.*
If this amendment is adopted it will set a precedent

for further assaults on the Bill of Rights whenever the Supreme Court hands down a decision protecting civil liberties. A decision upholding freedom of speech or of the press or of association may well evoke an amendment further cutting down the Bill of Rights. The Bill of Rights is America's most precious heritage; it would be disastrous if disaffection with this or that Supreme Court decision should lead to its step by step destruction or even weakening.

2. *It threatens the principle of church-state separation.* Since the adoption of the First Amendment, the United States has escaped much of the bitter religious conflict and sectarian strife that has divided other nations. This has been due in a major part to the truly great contribution the American people have made to western civilization: the concept of the separation of church and state. The Becker Amendment is a direct assault upon this principle.

3. *It threatens the principle of religious freedom.* The Becker Amendment speaks of a "voluntary basis," but every educator knows, and many courts have recognized, that it is unreal to speak of voluntary action on the part of young children in the public schools. As Supreme Court Justice Brennan said in the Bible-Prayer decision in speaking of a provision for excusing from participation those children who ask to be excused: "By requiring what is tantamount in the eyes of teachers and schoolmates to a profession of disbelief, or at least nonconformity, the procedure may well deter those children who do not wish to participate for any reason based upon the dictates of conscience from exercising an indisputably constitutional right to be excused. Thus the excusal provision in its operation subjects them to a cruel dilemma. In consequence, even devout children may well avoid claiming their right and simply continue to participate in exercises distasteful to them because of an understandable reluctance to be stigmatized as atheists or nonconformists simply on the basis of their request."

4. *It threatens the integrity of the public school system.* The public school is the chief instrumentality of our nation to promote and preserve the unity of our people. Sectarian prayers or similar practices in the public schools can have no more damaging effect than by dividing the children into groups of Protestants against Catholics, Christians against

Jews, believers against nonbelievers. Children of different religions pray in different ways. Some kneel and cross themselves. Some clasp their hands and bow their heads. Some pray with head covered and some with head uncovered. And to some all public prayer is objectionable. Different religions, too, hold sacred different versions of the Bible. Catholics do not accept the King James version; Jews do not accept the New Testament, and Buddhists in the State of Hawaii do not accept as holy any part of the Bible. In each community there will be, as has happened so often in the past, conflict and controversy as to whose Bible shall be read and whose prayer shall be recited. If there is one place which should be kept entirely free of sectarian strife and religious rivalries it is the public school.

5. *It is not helpful, but hurtful to religion.* It is unreal to expect that an appreciation of religious values can be communicated to our children by the rote recitation of formalized prayer in public school classrooms. Whatever is good and meaningful in prayer must inevitably be lost by its mechanical repetition in an atmosphere devoid of the religious spirit which only the home and church can provide. If the prayer selected by state authorities for public recitation is taken from the liturgy of one faith, the action is unfair to and a violation of the religious freedom of children adhering to other faiths. If it is formulated so as to appear non-sectarian, it not only infringes upon the rights of those affiliated with no religious body, but it poses the danger of a new, public school religion which, in seeking to be least offensive, will succeed only in being least meaningful, and yet most pervasive.

THE BAPTIST JOINT COMMITTEE ON PUBLIC AFFAIRS —
(Report from the Capital, March, 1964)

1. The Baptist Joint Committee reaffirms its conviction that laws and regulations prescribing prayers or devotional exercises do not contribute to a free exercise of religion and should not be encouraged.

2. The Baptist Joint Committee also expresses a deep concern lest such laws and regulation become the means for confusing the moral values of American society for a devotion to religious insights. While the Committee is enthusiastic about much in the American heritage as a national way of life,

the equation of religious ideas and practices with our national culture will erode rather than strengthen the American heritage.

3. The Committee holds that it is the business of the public schools, operated under law, supported by taxation, and attended by pupils under compulsory school attendance laws, to transmit the cultural legacy of our land. This requires the objective recognition of religion as part of the experiences of the people and as one force operating in our society. These premises, however, do not constitute religion and should not be advanced as the ultimate commitments for which people exist.

4. The Committee recognizes that some political leaders may make appeals for the establishment of religious acts through legalized means to arouse public sentiment. This we regard to be in bad taste as a violation of the principle of separation of church and state. This is the basic principle of the Constitution of the United States that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

5. Conversely, the Committee appeals to Baptists everywhere to inform themselves carefully regarding the fundamental principles of freedom and to participate as informed citizens in the creation of a social order in which people of all religions or of no religion have the equitable civic treatment which they merit as people. Legislative representatives and political leaders should be made aware of our Baptist support for a clear distinction between the roles of the churches and those of state agencies.

AN EDITORIAL IN AVE MARIA — (April 4, 1964)

In our issue of December 21 we said of the problem of prayer in public schools: "... it seems to us that it is a panic reaction to suggest that only a constitutional amendment can solve what is certainly a serious problem for our society."

However, there is a reason for restating this position at this time. Not too long after this appears we're going to be hearing a great many statements in favor of God, prayer, the Constitution and public schools. (Not always in that order.) On April 22 the House Judiciary Committee will begin sessions on the desirability of an amendment to the Constitution which would override the recent Supreme Court decisions on this matter.

Because some of the testimony before Congressman Celler's committee will suggest that opposition to this amendment involves opposition to God, the Constitution and the public schools, we wish to repeat our position before the oratory begins.

We favor prayer at all times . . . for everyone. We oppose organized prayer practices in public schools when they defy the ruling of the Supreme Court. We do not, at this time, see any convincing argument for a "prayer amendment" to the Constitution. In fact, we see very grave reasons against such a move, the most important of these reasons being (as we said in our issue of December 21): "Authority over religious education should not be conveyed by majority vote."

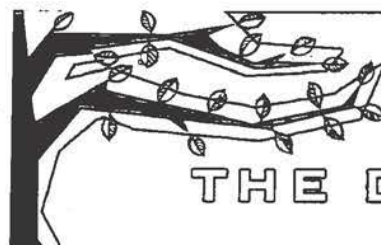
OTHER RELIGIOUS COMMENT

CHURCH-STATE STUDY CONFERENCE OF THE NATIONAL

COUNCIL OF CHURCHES OF CHRIST — Early in February, 1964, the National Council of Churches conducted its first four-day National Conference on Church and State. Some 400 delegates from every major Protestant denomination in the country assembled in Columbus, Ohio, to participate in the Conference. On the concluding day the Conference adopted a resolution expressing its "acceptance and support" of the Supreme Court's decisions banning state-sponsored Bible reading and prayer recitation in the public schools. An amendment by a delegate to strike out the word "support," so that the National Council would not approve and support the decisions, but merely accept them, was overwhelmingly defeated. (The committee which reported the resolution said in part: "We believe that Christians should welcome the decisions . . . (They) are consistent with our concern for the religious liberty of all men and our unwillingness to coerce in any way a person's response in faith to the gift of God's grace in Jesus Christ.") Earlier, the General Board of the National Council had asserted that "neither true religion nor good education is dependent upon the devotional use of the Bible in the public school program."

PROTESTANT EPISCOPAL CHURCH IN THE UNITED STATES

— In a statement approved by the governing body of the Protestant Episcopal Church, Presiding Bishop Arthur Lichtenberger expressed his support



of the Supreme Court's ruling and declared that it was not hostile to religion but that it reflected "the Court's sense of responsibility to assure freedom and equality for all groups of believers and non-believers."

LUTHERAN CHURCH IN AMERICA — Dr. Franklin Clark Fry, head of the Church as well as of the Lutheran World Federation, stated that public school recitation of the Lord's Prayer "debased" it and that public school reading of the Bible was of "dubious" worth as a religious or educational experience.

UNITED PRESBYTERIAN CHURCH — The chief executive officer of the Church and former president of the National Council of Churches, Dr. Eugene Carson Blake, issued a statement jointly with the moderator (chairman) of the Church expressing support for the decision and underscoring their firm belief "that religious instruction is the sacred responsibility of the family and the churches."

METHODIST CHURCH — Bishop John Wesley Lord of Washington, D.C.: "Unless Bible reading and prayer are performed in an atmosphere of religious devotion often not possible in the public school, the very act may be profaned and secularized to the detriment of the pupils."

**ROMAN CATHOLIC OPPOSITION
TO THE BECKER AMENDMENT —**

Catholic Telegraph (Cincinnati): "Don't Tamper: In our view, it will be less confusing and safer to leave the country's basic declaration about religion untouched . . . The two clauses about religion, one forbidding the establishment of an official American religion and the other guaranteeing the inviolability of religious freedom, admirably express traditional American convictions. There will always be some disagreement over the precise meaning of these ideas, but if we must rely on amendments to apply these ideas to particular situations, the amendments could become endless, and the Bill of Rights would become a confusing patchwork of words."

Catholic Universe Bulletin (Cleveland): (After referring to Pope John's and Cardinal Ritter's declarations for freedom of conscience): "It will seem impossible to square with such principles a school prayer amendment to the Constitution which would

legalize religious exercises which are initiated, sponsored or directed by public school authorities." (This editorial was reprinted in the *Catholic Chronicle of Toledo*.)

Catholic World: "Campaigns . . . to change the Constitution are deplorable."

Catholic Herald Citizen (Milwaukee): "Christians — Catholics and Protestants — would properly be disturbed if their children in public schools were expected to be present for the saying of a Mohammedan or Buddhist prayer. Catholics and other citizens have objected to the public school system being used as an auxiliary to Protestantism. The present decision of the Supreme Court makes the point more clear: tax-supported educational systems are not to be used to promote a specific denominational religion."

SOME GUIDELINES RECENTLY FORMULATED BY AN UNOFFICIAL GROUP OF RELIGIOUS LEADERS —

1. Religious activities are a prerogative of individual persons and voluntary groups and are not to be delegated to the state or to its (coercive) agencies.
2. It is a usurpation of the rights of persons and voluntary groups for the state to intrude into the realm of religion.
3. The proposed amendments would institute not "freedom of religion" but *governmental control of prayer*, at least in public schools.
4. The First Amendment is an "article of peace" (John Courtney Murray, S.J.), and the changes proposed would disrupt that peace and precipitate interfaith struggles to gain control of the government that controls the public-school prayers.
5. What the public school administration and classroom teachers institute, schedule, supervise and conduct cannot be considered "voluntary" in the sense of "spontaneous" for the children in the school.
6. If a prayer or a scripture-reading is to be used in the school, someone must select it; even if the children themselves do this, it is then administered to classes collectively, and in that sense is "imposed" upon all students in the class.
7. The selection of devotional acts, if it not be wholly arbitrary, must be done by *majority vote* or by *rotation*; but there is no faith-group that is not in a minority somewhere in the country, and its



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adherents would then be subjected to the devotional usages of other faiths, or else the devotional practices of several groups would be used interchangeably — which devout religious people consider “indifferentism.”

8. Deeply religious people *care* what they pray; the content and attitude and posture of prayer is *important* to them. One prayer is *not* the same as another to them. The casual and routine recitation of inoffensive prayers is no great service to them. They are not without ample places and opportunities to pray without resorting to public settings which they must share with the irreverent and the nonbelievers — who are equally citizens.

9. The Sermon on the Mount and other portions of the New Testament are critical of “making a show” of religion, “to be seen by man” (Matthew 6 *passim*), which is what formalized public prayers can often become.

10. Opposing changes in the First Amendment is not opposing God; it is insisting upon the free choice of every human soul whether to worship and in what form; it is serving God and preserving the fullest religious freedom for every citizen.

11. Since the Bill of Rights has not been amended in the entire history of the United States, it is an issue of extreme gravity, and should be considered and debated thoroughly before action is taken which would be virtually irreversible.

THE CHRISTIAN CENTURY EDITORIALIZED — (April 1, 1964)

The numerous efforts to circumvent the United States Supreme Court's decisions on Bible reading and prayer in the public schools are variously motivated. Some of the efforts rise from a sincere but misguided notion that the Supreme Court's rulings have jeopardized religion in the United States. Some of the attacks on the court's decisions can be charitably explained only as products of ignorance. When Senator Lausche says, “For practically 170 years no one found any distress in prayers to God which have been spoken in various ways at public functions and schools, “Jews, Unitarians, secularists, Roman Catholics and others whose children have been unwillingly subjected to religious services and instruction in public schools may have to excuse his ignorance, but they do not have to stand idly by

while that kind of ignorance destroys their freedom from religions imposed, supported and coerced by the state. Some of the efforts to amend the First Amendment are entirely motivated by political considerations. Whipping the Supreme Court, even when it faithfully interprets the Constitution, is a popular pastime, and a political candidate who runs on a platform that “defends God” expects from Providence a reciprocal courtesy. The American Jewish Congress views attempts to amend the Constitution to permit prayer and Bible reading in the public schools as “the most serious challenge to the integrity of the Bill of Rights in American history.” The danger is even graver than that. Frenetic attacks on the Bill of Rights imperil the very soul of the nation and jeopardize every man's right to worship and obey God in freedom. God does not need our defense, but we need to defend ourselves against religion-intoxicated fanatics, sincere but bungling religionists and opportunistic politicians who offer us their kind of religion and their brand of God in exchange for God-given religious freedom.

— and on April 15 added

Although Section 3 of the proposed amendment is not substantive, it is a booby trap for the unwary. It reads: “Nothing in this article shall constitute an establishment of religion.” Yet in effect this proposed constitutional change would cancel both the “no establishment” and the “free exercise” clauses of the First amendment by inviting formalized religion into vast areas of the public life. In Sections 1 and 2, quoted earlier, the proposal would destroy the First Amendment's guarantees of religious liberty and then in Section 3 deny that it has done so. If adopted the Becker amendment will imperil religious freedom. It seeks to change what cannot be changed without destroying the essence of American democracy.

ARE AMENDMENTS THE REMEDY?

The national Jesuit magazine, *America*, has vigorously criticized the 1962 and 1963 Supreme Court decisions which the Becker Amendment would overrule (see *The Dialogue*, issues of July and October, 1962, and July, 1963.) But in their issue of May 25, 1963, the editors said:

"... we may be sure that an amendment of the First Amendment will at least be talked about. Let us do our thinking about it now, before the discussion becomes heated. . . . if (the move) should succeed, it would only shake the faith of the American people in the firmness of the constitutional guarantee of our most basic civil liberty, freedom of religion. From a purely formal point of view, of course, everything in the First Amendment is as much subject to amendment by the people as any other part of the Constitution. But for all practical purposes, the First Amendment's religion clauses ought to be regarded as unamendable.

"But it will be said, the Supreme Court has already

changed the meaning of the First Amendment and the people must assert themselves against the court. We fully agree that the thinking behind some of the court's decisions is bad political philosophy, bad history and bad constitutional law. But the court has more than once changed its mind when it became evident that it had departed too far from the sense of the people."

An *America* editorial of April 18, 1964, confirms the position taken earlier, and adds that the amendment "would not solve the basic question of the relationship between religion and education in this country." (See, in the same issue, the more basic discussion, by Father Canavan, S.J., of "Conscience and Pluralism.")





AMERICAN JEWISH ARCHIVES



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A summary of news reports from leading newspapers, wire services and the Religious News Service, and excerpts from articles and editorials in leading church magazines dealing with religious issues as they affect public affairs. These items are not intended to provide an exhaustive report on the issues in question, but do represent, however, the most current information available. They are suggestive of the complex nature of these issues and are intended to stimulate further study and conversation across religious lines. Comments and criticism from readers are sincerely invited.

Editor, THE DIALOGUEDr. Claud D. Nelson