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3101 Clifton Ave, Cincinnati, Ohio 45220
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BICENTENNIAL CONFERENCE ON RELIGIOUS LIBERTY

A PAPER ON "CONTEMPORARY ISSUES OF CHURCH-STATE RELATIONS"

by Rabbi Marc H. Tanenbaum

National Interreligious Affairs Director, American Jewish Committee

WEDNESDAY, APRIL 28, 1976, PHILADELPHIA, PENNSYLVANIA

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At the outset, I want to express my deep personal appreciation to the Christian and Jewish sponsors of this Bicentennial Conference on Religious Liberty. This is not just another conference. It is a work of redemption, an act of moral reparation, in the life of our nation and of all our people.

The Bicentennial Year was proclaimed by the last president of the United States as an opportunity to celebrate the remarkable achievement of 200 years of the American experiment in democratic freedom and liberty. Millions of Americans, myself included, were thus led to believe—or, at least, to hope—(obviously naively) that the Bicentennial might become an occasion for some more mature, thoughtful, systematic examination of the values, ideals, and historic forces which have made America the oldest and in many ways still the greatest constitutional democracy on earth. We thought, too, that the Bicentennial observances would enable us to probe deeply the reasons for the current "malaise of our civilization" (Robert Heilbroner) in the wake of Watergate, Vietnam, and the revelations of widespread moral corruption on almost every level of our society. Such a national spiritual and intellectual "retreat" would in fact have been the most appropriate observance in keeping with the highest qualities of our national character, certainly our national need. Indeed, that kind of disciplined reflection and self-examination of who we are, where we are, how we got this way, and where we go from here would have constituted a therapeutic and rehabilitative service of potential hope and moral encouragement to the American people, our own government, and possibly even to the world community at large as we embark together on our common journey into the third century of this murky and increasingly risky nuclear-space age.

With rare exception, Bicentennial observances thus far have taken the "low road" in American life. The "exceptions," it deserves to be said, are to be found mostly in the programs of the Catholic, Protestant and Jewish agencies. For the vast majority of Americans, and non-American visitors and tourists, the Bicentennial has become an experience glutted with red-white-and-blue gadgets and trinkets, ties, blouses, beer glasses, ball

point pens, liberty bells, even toilet seats—in sum, the Bicentennial observance of 200 years of revolutionary independence and liberties has become shockingly trivialized and mocked by advertising hucksterism and commercial exploitation.

That is one of the reasons why this Bicentennial Conference on Religious Liberty assumes, in my judgment, more than conventional significance. We are afforded not only an opportunity but are faced with the moral obligation to try to place the Bicentennial and the American experience into a perspective that gives insight into the authentic spiritual, cultural, and political character of our nation, and their meanings for us today, and possibly tomorrow. And if we do our work well here and elsewhere throughout the country during the months ahead, we may yet be able to succeed in salvaging something of the potential high meanings and values implicit in our 200th birthday from the morass of materialism and *schlocki*-ness, which are but the latest evidences of the hedonism, consumptionism, and paganism that dominate our national value system. (See *America and Its Discontents* by Daniel J. Boorstin, on the role of advertising as the central value-producing agency of our society.)

In considering our subject of "Contemporary Issues of Church-State Relations," it would be helpful to keep in mind that the very founding of the American Republic took its primary impetus from a determined search by our Puritan forebears for religious liberty. In many ways American history has been one long adventure in the pursuit of a more adequate and viable set of relationships between church and state, between religion and society, than had existed anywhere else, or anytime before the American experiment was launched. Because so much of the character of American society is staked out on the ways in which we cope with and resolve church-state issues, and relationships between groups in our society, it is increasingly understandable why debate over these issues continuously evokes such high emotion on the part of Protestants, Catholics, Jews, secular humanists, and others. But precisely because religious liberty was central in the motivations for the founding of America, and also because freedom of conscience is the parent liberty from which derives many of our other liberties*—free

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*— "In the American system, religious freedom is the progenitor of practically all other freedoms. .Consider freedom of speech Today it is generally thought of in terms of political speech; the right to attack the government and condemn its policies.. Historically, however, freedom of political speech came late on the scene, it came after freedom of religious speech had been won The struggle for freedom of speech in England from which we inherited our tradition, was initially a struggle for freedom to speak religiously .." (*Freedom and Separation. America's Contribution to Civilization*, by Leo Pfeffer)

speech, freedom of assembly, the right to privacy—the obligation is all the greater to negotiate our respective communal differences, when they occur, with disciplined restraint in speech and action, with the same respect for the conscience of the other that one seeks for one's self, and with the avoidance of the imputation of bad faith or prejudice which in itself can become an act of prejudice. In short, American democracy is a relatively brief interlude in the history of human freedom, and the experience with genuine religious liberty for all Americans on the level of authentic equality in our pluralistic society is an even briefer chapter. As we have learned from the frightening Watergate nightmare, constitutional democracy with all its superior virtues is still a fragile human invention. Democratic life can and will survive only through the tender loving care and the creative sympathies, reconciling skills, constructive negotiations of statespeople, and most especially interreligious statespeople. The resolution of differences on the level of rhetorical street brawls, name-calling, verbal violence in speech and print will not only confuse the issues but may also shock the delicate and intricate system called American pluralism, and if continued indefinitely, could well hammer it to its knees, a victim of group conflict, false pride and recklessness.

The critical need for these qualities of living mutual respect and accommodation in the face of differences, and the wreckage that results to social and political systems and to human lives when such interreligious caring and statesmanship are absent are seen all around us—Ireland, Cyprus, Lebanon, India-Pakistan-Bangladesh, Israel-Palestinains, Uganda, Chile, South Africa: the list is tragically long and depressing. In virtually each one of the communal conflicts that now pockmark practically every single continent of our inhabited globe, religious-sectarian claims are inextricably mixed with economic, social and political claims. But it is the religious dynamic with its invariable assertion of absolute truth, ultimate and exclusive rights, and in some pre-ecumenical cases, monopolies of salvation, that impart to what might be otherwise conventional group conflicts—that normally would yield to rational negotiation and compromise of differences—an overlay of heightened emotionalism and ideological fanaticism whose outcome predictably becomes the daily massacres and bombthrowings in the streets of Beirut, the pubs and neighborhoods of Northern Ireland, and the supermarkets and tourist buses of Jerusalem. And when you add to that lethal chemistry of religion and politics and insane proliferation of arms and nuclear weaponry that is contaminating every corner of the world community, then you know for a certainty that all of us have a God-bidden responsibility to help find a better way for ourselves and for the rest of the

human family of resolving differences, especially when real and painful grievances are involved.

Our heritage of religious liberty is complex and ambiguous. While economic and political factors played a significant role in the motivations that led to the great Puritan exodus of 1629 from England to America, there can be no doubt that the chief motive for the founding of the Massachusetts Bay Colony was religious. (See *The Puritan Oligarchy: The Founding of American Civilization* by T.J. Wertenbaker; also *Orthodoxy in Massachusetts 1630-1650* by Perry Miller.)

Puritanism was essentially and primarily a religious movement; attempts to prove it to have been a mask for politics or money-making are false as well as unhistorical. In the broadest sense, Puritanism was a passion for righteousness; the desire to know and do God's will. Led by country squire John Winthrop and others, the group believed that the only safeguard against the forces of evil represented in their thinking by King Charles I and his arbitrary and oppressive rule, the Church of England and its insistence on absolute conformity, lay in establishing a society consisting of a confederation of congregations buttressed by a sympathetic government. This alone, they thought, would cleanse the Churches of unworthy ministers and immoral communicants, remodel worship upon the Biblical model and dethrone Bishops. Since this seemed impossible of accomplishment in England, they proposed to bring it about in distant America by founding there a Wilderness Zion. "We came hither because we would have our posterity settled under the pure and full dispensations of the gospel, defended by rulers that should be of ourselves," wrote Cotton Mather in his *Magnalia*.

These Puritans had a definite mission—to establish a community based on the Hebrew Commonwealth of the Bible rather than a mere colony. New England, to them, was a New Canaan which the Almight had set apart for an experiment in Christian living. They felt, as John Winthrop remarked on the way over, that they were "a city upon a hill, with the eyes of all the people" upon them; an example to prove that it was possible to lead the New Testament life, yet make a living.

One of their first acts upon reaching the site of their new homes was to form themselves into a church by entering into a solemn Covenant with God. For the Covenant, the congregations claimed direct authority from the Bible and direct precedent in the history of Israel. "The covenant of grace is the very same now that it was under the Mosaical dispen-

sation," stated William Brattle. "The administration differs but the covenant is the same." Urian Oakes, in his election sermon of 1673, emphasized God's covenant with the Children of Israel and how they were led into the land of promise (*New England Pleaded With*). The Covenant gave to each congregation an independence which would have been impossssible had it been constituted by any superior human authority. Thus, the Congregational Church in New England happened to be organized on a democratic basis, not because the Puritans were in love with democracy, but because leaders such as John Cotton and Thomas Hooker insisted that the First Church of Boston and the First Church of Hartford copy the exact organization of the First Church of Corinth and the First Church of Philippi, about which they knew very little since the apostles and evangelists did not say much about them.

Congregationalism, because of its emphasis upon localism, would have been hopelessly weak had it not had the full support of civil authorities. Since the failure of the Puritans to gain such support in England was one of the major reasons for the migration, it was natural that in their new commonwealth they would take measures to tie the government with the Church.

The relationship of Church and State is set forth in some detail in the *Platform of Church Discipline*:

> It is the duty of the magistrate to take care of matters of religion . The end of the magistrate's office is not only the quiet and peaceable life of the subject in matters of righteousness and honesty, but also in matters of godliness, yea, of all godliness Moses, Joshua, David, Solomon, Asa, Jehosophat, Hezekiah, Josiah are much commended by the Holy Ghost for the putting forth of their authority in matters of religion On the contrary such kings as have been failing this way are frequently taxed and reproved by the Lord.
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> It was the duty of the magistrate to restrain and punish
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> idolatry, blasphemy, heresy, venting corrupt and pernicious opinions that destroy the foundation, open contempt of the word preached, profanation of the Lord's Day, disturbing the peaceable administration and exercise of the worship and holy things of God and the like.
>
> Church government stands in no opposition to civil government of commonwealths. .the contrary is most true that they may both stand together and flourish, the one

> being helpful unto the other in their distinct and due administrations

As for religious toleration, the Puritans sought religious freedom for themselves but did not believe in religious toleration for others. "'Tis Satan's policy to plead for an indefinite and boundless toleration," declared Thomas Shepard, while Urian Oakes denounced freedom to worship as one chose as "the first born of all abominations." After their arrival in New England, they insisted upon orthodoxy, and as early as 1631, the General Court passed a law declaring that

> to the end the body of the Commons may be preserved of honest and good men...no man shall be admitted to the freedom of this body politic but such as are members of some of the Churches.

Before the end of the century, the freemen (who alone could vote for governor, deputies, and magistrates) had become a minority in every town, while those who were not members of churches ("the unsanctified"), but who were in sympathy with the established order, constituted a majority. Those whose religious views differed from the Puritan fathers could suffer imprisonment, whipping, and even hanging.

The religious zeal of the first settlers, Wertenbaker writes (p. 76), was less apparent in the second and third generations; the ministers who had wielded powerful political as well as moral influence commanded less respect and love; the charter upon which such hopes had been based had been annulled; the unity of Church and State in the towns had been disrupted; despite all the efforts to exclude them, strangers had come in who were out of sympathy with the church and government; there were loud demands for the extension of the franchise; in Boston the organization of the Anglican congregation of King's Chapel bore testimony to the break which had been made in the wall of orthodoxy. Before the end of the 17th century, the experiment of a Bible commonwealth had definitely failed. The ideals of the founders, however, still exercised a powerful influence upon the minds and hearts of the people, not just in New England, but as well in other parts of the thirteen colonies.

Shortly before independence in 1776, Dr. Martin Marty observes in his study, *The Righteous Empire*, the Americans were still living off a 1,400-year-old charter. The charter went back to the Emperor Constantine, in the fourth century; its theoretical base had been provided by St. Augustine.

According to this reading, religion was established by law. Establishment meant official favor and status. The government encouraged one religion and discouraged or persecuted all others. The civil authorities saw to it that somehow there would be fiscal support for religious institutions. In turn, the civil powers found that their rule was then blessed by religious authorities. They were able to claim rule "by divine right." In such a combination—and, Dr. Marty adds, "it tended to prevail almost everywhere that Christians were present in any numbers for 1,400 years"—the dissenters were either driven out or hemmed in.

After 1776, and certainly after 1789, it was clear that the two-party system of establishment *versus* dissent within the churches was doomed. Here were thirteen small "nations" becoming one out of many. Nine of them recognized official establishments of religion. All of them had a significant number of drop-outs and dissenters. No single church body was strong enough to prevail in the new United States. What some called multiple establishment, official support of several faiths, was soon seen to be unworkable. Only one choice remained. The churches had to be cut off legally and fiscally from support by civil authorities, and many in the churches wanted to prevent the government from disturbing them. The result was the drawing of what James Madison, a committed Presbyterian, called "a line of separation between the rights of religion and the Civil authority."

Madison's text became the basis of the Virginia Declaration of Rights that was a decisive response to the struggle of the Presbyterian and Baptist sects who sought relief from oppressions of the Act of Toleration. Before 1776, the Anglican Church was supported by taxation, and enjoyed a monopoly of performing marriages in all Southern colonies and in parts of New York. It was disestablished in New York, Maryland and the Carolinas, and complete religious liberty was adopted in those states during the war. In Virginia, however, it took a ten-year contest, which Jefferson called the severest of his life, to separate church from state. Finally, the *Virginia Statute of Religious Liberty*, drafted by Jefferson, passed the Assembly on 16 January 1786. The exercise of religion, it declares, is a "natural right" which has been infringed by "the impious presumption of legislators and rulers" to set up their "own modes of thinking as the only true and infallible;" and "to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves," which "is sinful and tyrannical." The statute roundly declares, "No man shall be compelled to frequent or support any religious worship, place or ministry whatsoever."

It even warns later assemblies that any attempt on their part to tamper with this law "will be an infringement of natural right." That action formally launched the present epoch of American church-state relations.

As one reflects on that background of the struggle to establish religious liberty in America during the past 200 years, a number of convictions emerge:

1) Far too many Americans, I believe, take for granted the monumental achievement of religious liberty which is the fruit of the First Amendment of our Constitution. By "religious liberty" we mean essentially the following:

> The inherent right of a person to religious commitment according to his or her own conscience, in public or in private to worship or not to worship according to his or her own understanding or preferences, to give public witness to one's faith (including the right of propagation), and to change one's religion—all without threat of reprisal or abridgment of his/her rights as a citizen.
>
> (*Journal of Church and State*, 1973)

Sanford H. Cobb, an expert on the history of religious liberty, claimed that the American pattern of religious freedom was "the most striking contribution of America to the science of government." Indeed, it is that, but for religious people the separation of church and state has also assured the possibility of the freest expression of the human conscience, described by John Locke in these words:

> Civil power, right, and dominion neither can nor ought in any manner to be extended to the salvation of souls, or can any such power be vested in the magistrate by the consent of the people for no man can, if he would, conform his faith to the dictates of another All the life and power of true religion consists in the inward and full persuasion of the mind. It is one thing to persuade, another to command, one thing to press with arguments, another with penalties .. The church itself is a thing absolutely separate and distinct from the commonwealth.

If the memories of the persecutions of the Protestant sectarians, the Catholic and Jewish immigrants under the established churches of America's colonies have grown too dim

in our recollection, certainly the struggles today for the rights of freedom of conscience on the part of Christians and Jews in the Soviet Union, Poland, Pakistan, Libya, Uganda and elsewhere ought to strengthen our appreication of this precious human right and spiritual value, and fortify our resolve to preserve it here and elsewhere.

2) America is the one nation on earth that has not witnessed religious wars. There have been persecutions, harassments, prejudice and intimidations. More tragically, there have been massacres of native Americans and enslavement of millions of our black brothers and sisters. But in none of these brutalities—certainly during the past 100 years—has religious ideology—the organized desire to impose one's religious views upon another by force and through the use of civic power—been salient. Even less so has there been a resort to the use of physical force or coercion in relations between the religious groups of our country. Religious liberty has made the difference. The imposition of constitutional limits on the power of government to interfere with religious conviction, and on religious groups to interfere with government or to use government as an agency to dominate society has made the difference. All of us who care about the continued preservation of civic peace have a stake in preserving those constitutional principles which have made America a haven of interreligious civility.

3) The disestablishment of the "Evangelical Empire" which dominated America during the first 100 years of our history, and the emergence of voluntarism as the means of identification with religious communities has resulted in an unparalleled growth and vitality in religious life in America today. During the colonial period of our history when churches were established by states, no more than 7% of our population was identified with religious institutions. Today at least some 65% of the American people identify themselves with the Catholic, Protestant, Evangelical, Greek Orthodox, and Jewish bodies. Religious vitality and religious commitment have flourished in freedom.

4) Pluralism and dialogue have resulted in an entire new culture of interreligious relationships characterized increasingly by mutual respect and mutual acceptance. But pluralism and dialogue also obligates all of us to a new set of reciprocal responsibilities. Dialogue, Martin Buber has

written, is intended not to undermind the "other," the partner in dialogue, but is intended to confirm the other in the fullness of his or her selfhood. Each religious self is defined by a group of interests. That implies that to understand one's partner one must reach out to hear and to listen to those matters which are of supreme importance to the other. To do less than that is to reduce dialogue to flirtation, and flirtation has been aptly defined as paying *attention* without any *intention*.

Put another way, each one of us—Catholic, Protestant, and Jew, man and woman, black, red, brown, and white—comes to the dialogue table with a particular agenda. Jews come to the dialogue bearing on their hearts their deepest concerns about the welfare and security of their brothers and sisters in need—and today these are the security and survival of our three million brothers and sisters in Israel; the defense of the human rights of three million Soviet Jews and of Jews in Arab countries; and combatting a resurgent, vicious anti-Semitism and verbal violence against Jews and Judaism that is microphoned to the world from the forums of the United Nations by petrodollar-financed Arab governments, the Soviet Union, and some third world nations in the keep of Arab sheiks. These have been among the primary issues that have genuinely hurt the Jewish people. The sympathetic understanding, response and identification on the part of millions of Christian people in the United States and abroad with Jews in this period of duress has been one of the most heartening developments in recent decades, and I take this occasion to express my deepest personal and professional gratitude for those acts of friendship expressed when they counted most. From a Jewish point of view, that ourpouring of understanding would not have been possible without the ongoing communication that has been taking place, especially during the past decade, between Catholics, Protestants, Evangelicals, Greek Orthodox, black Churches and Jews in virtually every major city in the United States and elsewhere in the world. The Jewish community is able to give strong testimony out of these experiences that the dialogue does work when people open up their true feelings and share their fears and hopes with brothers and sisters who care.

But Protestants, Evangelicals, Catholics, Greek Orthodox, blacks, American Indians, Hispanics, ethnics, women, also have particular agendas, issues that hurt, aspirations that need assistance and collaboration in order to be realized, and above all, they have the same need as do Jews for a sympathetic hearing from someone who genuinely cares about their fate and welfare.

Elsewhere I have written about each of the agendas of the several religious, racial and ethnic groups I have just referred to. Here I want to address myself to the Catholic agenda, insofar as it bears on our subject of "Current Issues in Church-State Relations." I am aware of and sensitive to the fact that there exists within the Catholic community a sense of grievance against the Protestant and Jewish communities, but Catholics themselves are not exempt from responsibility for helping to create the very conditions that some Catholic leaders deplore. Let me explain what I mean:

The priority issues on the Catholic agenda, as I read them, are abortion, birth control—the right-to-life issues—aid to parochial schools, and such public morality concerns as pornography and censorship. If one studies carefully the programs and actions of the United States Catholic Conference, it is abundantly clear that Catholic leadership is also vitally concerned about a whole range of other serious domestic and international issues which they share with Protestants, Jews and others.

But abortion, the right-to-life issues, and aid to parochial schools have emerged as the focal issues on the Catholic moral and political agenda; they have in fact been projected to the nation as the Catholic equivalent to what Israel and Soviet Jewry mean to American Jews. The issues, of course, are not the same—the right-to-life issues are profoundly moral theological questions which presuppose a specific theological and doctrinal commitment; Israel and Soviet Jewry are far more human rights and national self-determination issues which do not require theological assent as preconditions for understanding and support.

For years, Catholic leadership has publicly advocated the abortion and other right-to-life issues as "Catholic" issues. These have become rallying points involving Catholic identity and in effect the mobilization of Catholic peoplehood. The effect of that formulation of issues is that if they are perceived in the popular mind as "Catholic" issues they need not necessarily be "Protestant" or "Jewish" or broadly "American" issues. The effort to win support for the "Catholic" issues of abortion through the means of civic legislation inevitably is then perceived as an imposition of parochial views on the general public, and therefore meets with resistance from many non-Catholics, and, regrettably, hostility from others.

When you add to that chemistry the manner in which some

right-to-life groups have in their advertising, posters, and press releases literally written a scenario in which the world consists of "angels" (pro-right-to-lifers) and "demons" (antis), you have assured the alientation of most of the American people from your cause. (Some of the posters showing a foetus with a dagger plunged through its heart, and the inscription, "Don't Join the Murderers" verges, I must confess, on pornography.)

The underlying pathos of this situation is that the reverence for life issue is not only a Catholic issue. It is profoundly an issue of Biblical morality. And if you scan the world scene today in terms of the growing waves of dehumanization—of massacres, tortures, dying by mass starvation, terrorism—the preservation of human life in all its stages—from womb to tomb—is an overwhelming moral humanitarian issue that should appeal to the conscience and concern of even the most hard-bitten secularist.

And so the first requirement of interreligious statesmanship, may I suggest, is to de-sectarianize the right-to-life issues and find creative ways to engage thoughtful, caring Americans of all religious traditions, or of none, in a national dialogue in which I am confident a great many will recognize the moral stake they have in this cause whose ultimate end must be a movement to humanize the human condition—while there is still time.

This is not to say that all Protestants and all Jews must nor will accept unequivocally the Catholic doctrinal position on abortion, birth control, euthanasia, and related issues. But this is an appeal to be far more honest with each other about right-to-life questions than we have been thus far. There is, in fact, a more extensive pluralism of positions within each of our communities than our official spokesmen are generally prepared to acknowledge. It is not entirely fair nor accurate to suggest to our Catholic friends and neighbors that the organized Jewish community favors legalized abortion on demand, any more than it is accurate to state that the overwhelming majority of the Catholic people are 100% against abortion and against birth control. In point of fact, there is a sizable segment of the Jewish people in our Orthodox and traditional Jewish communities whose views toward abortion, birth control, euthanasia and related issues are practically identical with those of the Catholic church; and historically, indeed, precede the Catholic position by centuries. Opportunities ought to be provided in Jewish national life for that position, which is based on firm Biblical and rabbinic theology, to get a fair and representative hearing in the organized national

Jewish structures. Opportunities should also become possible for coalitions to be formed between those in the Catholic, Protestant and Jewish communities who share common moral theological commitments of traditional orientation to affirm them in the national arena and to get as fair a hearing as do the other prevailing liberal options. A reasoned, serious national dialogue, not a polemic from behind barricades, can only help raise public sensitivity and consciousness about the sanctity of human life, a result in whose benefits all of us have a stake.

Similarly, with regard to aid to parochial schools. In an article appearing in the *Journal of Church and State* (Spring 1973) by the Baptist scholar, Dr. James E. Wood, Sr., entitled "The Impermissibility of Public Funds and Parochial Schools," a review is given of the Supreme Court decisions of 25 June 1973 (*Committee for Public Education* v. *Nyquist, Levitt* v. *Committee for Public Education, Sloan* v. *Lemon*) which have struck down five programs of public assistance to church schools as unconstitutional. Dr. Wood asserts that

> the significance of these decisions is that they constitute but one of two instances when the Supreme Court of the United States has rendered decisions on the question of public funds to parochial schools, and they mark the virtual elimination of all presently existing parochial school aid plans for public funds

The article adds that

> at least some Catholic leaders and educators still hold out the view of some future plan(s) of public aid to parochial schools Such persons are quick to point out that the Court has not outlawed all forms of public assistance to parochial schools. They take comfort in what they euphemistically call "constitutional" forms of government aid to parochial schools, such as real estate tax exemption, bus transportation, health services, textbooks, and school lunch programs

He also notes that proposals are afoot for advocacy of federal and state supported education vouchers, and auxiliary services.

Finally, Dr. Wood notes that Msgr. William Novicky, Superintendent of the Cleveland diocesan schools, declared that he would urge his board to do away with tuition, and rely instead on donations to churches, which are tax deductible. Here one is reminded of the tax research study done several years ago by William E. Brown for the volume *Can Catholic*

Schools Survive?, co-authored with the Rev. Andrew Greeley. From his research Brown concluded that, contrary to popular opinion, direct state subsidy of 20% in the place of the present policy of granting tax deductions for contributions to church schools would be financially disadvantageous to the Catholic community.

For both historic and religious reasons, which I have tried to outline earlier in this paper, I am firmly committed to the principle of the separation of church and state and feel with Justice Powell that the First Amendment and all that it has meant in sustaining religious liberty is "regarded from the beginning as among the most cherished features of our constitutional system." I am no less committed to the support of both the right and the role of church schools, all religiously-related schools, in our free society. Indeed, I am proud of the fact that a president of the American Jewish Committee, Justice Louis Marshall, played a decisive role in the 1928 Court case of *Pierce* v. *The Society of Sisters of the State of Oregon* (268, U.S. 5.10) that resulted in the landmark decision that supported the right of Catholic and all other parents to educate their children in parochial schools.

All that has to do with law, with history, and I suppose also the subjective fact that I am a product of the Jewish parochial system to which I owe much of what I am and what I do today. But I am not happy solely with that formalistic stance which for me personally is an inadequate response to the human issues that are raised by the aid to parochial school issues. It bothers me terribly that many good Catholic and Orthodox Jewish people, friends and neighbors, and parents of children who are friends of my children, feel they are being dealt with unfairly by American society. Many of the Catholic and Jewish parents I know are middle class people with limited financial resources who are having a difficult time making ends meet in a period of inflation. All of them pay taxes which go to support the public education system, and they carry the additional burden of having to pay added tuition for their parochial schools. There is a sense of having to bear "double taxation," a form of "taxation without representation," and I know from personal experience that the anger and resentment of Catholic and Jewish parents are real and substantial.

From an ecumenical and interreligious perspective, and for me personally, it is a failure of moral responsibility to be indifferent to these honest feelings of Catholic and Jewish parents, and simply to continue to say no to them by engaging only in support of *amicus* briefs that result in denial

of any financial relief to these hard pressed people. For some time now, a number of us at the American Jewish Committee have felt that the time is long past due to take a different stance, namely, that of turning to find what we can do positively to aid our Catholic neighbors and fellow citizens. Under the leadership of Dr. Murray Friedman, AJC director of our Pennsylvania region, the Philadelphia chapter of AJC has taken a position of support of the auxiliary services bill of Pennsylvania. In turn, the national Domestic Affairs Commission of AJC has recently adopted a resolution in support of auxiliary services. The text of that resolution follows:

> . .benefits directly to the child, such as 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 such programs, *while others, educationally diagnostic and remedial in nature, such as guidance, counseling, testing and services for the improvement of the educationally disadvantaged, where offered public school students, may also be made available to all children at public expense, regardless of the school they attend, provided however that such programs shall be administered by public agencies and shall be in public facilities and do not preclude intermingling of public and private school students . where feasible.*
>
> (March 1976)

Recently, I arranged a meeting with Father Paul Reinert, Chancellor of St. Louis University, to explore how we might collaborate in promoting increased support for church-related higher education. We have determined to join with Catholic and Protestant educators in a coalition in Washington in order to help promote increased federal grants to private and public higher education, on the grounds that

> the mere fact that an educational institution is affiliated with or sponsored by a church or a religious sect should not necessarily bar it from public funds
>
> (AJC Board of Governors position, March 5, 1969).

That action is consistent with a resolution on higher education that the AJC adopted in May 1965 that declared, in part:

> We endorse the purposes and objectives set forth in the proposed Higher Education Act of 1965 now pending in

the 89th Congress, first session, and in particular the comprehensive approach to the needs of higher education today inherent in this proposed legislation.

It is encouraging to read in these last few days in the 1976 report of the National Catholic Education Association on "Catholic Schools in America" and in Father Greeley's latest study that a stabilizing trend has developed with Catholic schools and that the commitment of Catholic parents to their school system remains high. That fact is summarized in the *New York Times*, April 25, 1976:

> The precipitous enrollment decline that threatened the existence of this country's Roman Catholic parochial schools has eased, and the schools are now drawing new strength from an emphasis on spiritual and moral values that many parents find lacking in public schools
>
> After a decade in which social, religious and financial influences forced the closing of more than 3,000 schools and caused enrollments to fall from 5.5 million to 3 4 million, there is a feeling among Catholic educators that the worst is behind them.

It is a matter for Catholic educators to determine what measures are required to reduce their costs of running their schools and to respond to parental requests for increasing the quality of education offered. But that does not absolve any of us outside of the Catholic community from remaining indifferent to the quality of education, the health and welfare that affects the lives of 15 million children who happen to be Catholic or Jewish or Protestant. "The salvation of mankind," Alexander Solzhenitzyn reminds us in a prophetic utterance, "will depend on everyone becoming concerned about the welfare of everybody everywhere."

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