

STATE AID TO PAROCHIAL EDUCATIONAL INSTITUTIONS IN THE
UNITED STATES: A COMPARATIVE STUDY OF ROMAN CATHOLIC
AND SEVENTH-DAY ADVENTIST ATTITUDES

Thesis written in partial fulfillment of the
requirements for the degree of Master of Arts.

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PREFACE

This thesis has been written to investigate a current problem - the support of church-related educational institutions in a secular society. In the United States public and parochial schools exist side by side, the rights of each guaranteed by constitution and protected by law. The Roman Catholic and Seventh-day Adventist Churches have developed, under these guarantees, denominational educational systems devoted to the maintenance of spiritual values in the young. However, the increasing demands of an expanding curriculum and the increasing school population place an onerous burden upon both public and parochial schools. Many supporters of the public school system see unnecessary and expensive duplication in the parochial systems and are critical of the "divisive" influence of parochial education. They are further suspicious of church attempts to secure public aid for religious establishment in their schools.

The problem is not unique to the United States. Recent developments in the city of Dartmouth, where Catholic schools are being transferred to the public school system, show that the problem is current in Nova Scotia.

The Dartmouth settlement shows that this perplexing issue can be solved by men of good will. Moreover, it is highly probable that developments in education in the United States will influence Nova Scotian education in this area as they have in many others.

Assistance in the study was received from many sources. The writer would like to acknowledge the help given by Dr. Leif Tobiassen, of Andrews University, Berrien Springs, Michigan; M. E. Loewen of the General Conference of Seventh-day Adventists; D. L. Michael of the Canadian Union Conference of Seventh-day Adventists; and Professor Donald Weeren, Acting Dean of the School of Education of St. Mary's University. Finally, this paper would not have been possible without the guidance and patience of Professor Francis R. Phillips thesis director, to whom I am sincerely grateful.

INTRODUCTION

The question of state aid to church related educational institutions is part of the larger problem of the relationship of Church and State in the education of modern society. Surveys of church-state relationships reveal a range of accomodation extending from complete state control of education in the U.S.S.R. to church control in Spain.¹ The United States Constitution provides for a separation of church and state. Historians argue that this is the only solution tenable in a pluralistic society.² However, the right of the

¹See William W. Brickman and Stanley Lehrer (ed.), Religion, Government and Education (New York: Society for the Advancement of Education, 1961).

²See for example Arthur Gilbert, "The Challenge of Religious Pluralism," Liberty, LIX (March-April, 1964), p. 15.

But see also Henry Ehlers and Gordon C. Lee (ed.), Crucial Issues in Education (New York: Henry Holt and Company, 1960), p. 102.

The argument in Ehlers and Lee runs thus:

The United States Government is not a Christian, a Jewish, or a Mohammedan nation; neither is it agnostic nor atheistic. Our democratic society is a co-operative interactive society; and where we cannot agree on a set of beliefs, such beliefs cannot be a part of our democracy - except in so far as we are free to disagree.

churches to be involved in education in United States is guaranteed by law. The question then is, "What relationship should exist between Church and State in the United States?" Should Church and State move towards a closer relationship? State aid to parochial schools, free bus transportation for church school pupils, religious instruction in public schools, increased tax exemptions for religious organizations all remain contentious issues.

Quite understandably, those most involved are those most outspoken.³ The Roman Catholic Church with its vast system of elementary and secondary schools as

³The following is a copy of a table in Liberty, September-October, 1960, p. 4.

PAROCHIAL ELEMENTARY SCHOOLS IN THE U.S.

	<u>Schools</u>	<u>Teachers</u>	<u>Enrollment</u>
Catholic Parochial Schools	10,278	107,050*	4,262,100
All Lutheran Bodies	1,587	6,032	173,474
Seventh-day Adventists	1,054	2,251	42,382
National Union of Christian Schools	201	1,340	38,041
National Association of Christian Schools	141	950	16,500
Protestant Episcopal Church	108	563	7,943
Mennonite Christian Day Schools	133	259	6,412
Religious Society of Friends	33	135	4,052
Southern Baptist Convention	56	165	3,485
Los Angeles Baptist City Mission Society	20	134	3,134
Presbyterian Church, U. S.	16		
	<hr/> 3,349	<hr/> 11,829	<hr/> 295,423

*Includes 76,011 teaching sisters

well as its many distinguished American universities, is by far the greatest parochial school system in the United States. The Catholic Church has taken a prominent part in the debate and is pressing strongly for state support. Taking an opposing stand is the Seventh-day Adventist Church. Should this relatively small sect be used in a comparative study? Yes, for Seventh-day Adventists have the highest ratio of students to church members of all denominations having parochial schools: 1:7 as compared with the Catholic ratio of 1:8.⁴ Adventist interest is sustained: In the United States twice as many Adventists are high school graduates as the general public, and three times as many have completed college.⁵

However, the cost of maintaining a separate school system in the face of rising enrollments and increasing costs is a cause of anxiety for all churches involved. The question of why one church vigorously campaigns for state aid for parochial schools while another adamantly refuses it is the problem of this study.

Conclusions are valid and significant only when

⁴"Catholic Heat", Time, March 3, 1961, p. 66.

⁵Booton Herndon, The Seventh Day: The Story of the Seventh-day Adventists (New York: McGraw-Hill Book Company, Inc., 1960), p. 216.

differences have been compared against a common background.⁶ It can be maintained that the attitudes of these denominations are comparable despite differences in religious philosophy, numerical size, and attitudes toward the issue, for both are church-school systems devoted to securing for their adherents an end that transcends life. Similarities and differences in approach will emerge in the thesis.

"Even the most objectively designed writings cannot be entirely free from personal biases. The question is whether it is not futile to conceal them under professions of objectivity."⁷ As qualifications the writer offers: twelve years attendance in the public schools of Nova Scotia; membership in the Seventh-day Adventist Church and graduation from one of its colleges (Atlantic Union College, South Lancaster, Mass.); and postgraduate study at a Catholic University administered by the Jesuit fathers.

It is in the spirit of the following quotation that the task is undertaken.

In a pluralistic society opinions differ; and in a free society, no single opinion ("theory," "answer,"

⁶George Z. F. Bereday, Comparative Method in Education (New York: Holt Rinehart and Winston, Inc., 1964).

⁷Ibid., p. 71.

"faith") is privileged over another, except insofar as it can be supported by evidence. If we are not free to seek the evidence, then we are not in a position to defend any answer to a problem. It follows that when problems are controversial, not less, but more, discussion of these topics is required. Unless of course, one fears that in a free contest of facts one's pet prejudices may lose out.⁸

⁸Ehlers and Lee, op. cit., p. 104.

CHAPTER I
HISTORY AND PHILOSOPHY OF
SEVENTH-DAY ADVENTIST EDUCATION

History of Seventh-day Adventist Education

The educational system of the Seventh-day Adventists is characteristically an American phenomenon and bears in many particulars the impress of that nation's traditions. It was, indeed, the constitutional guarantees and the growing spirit of tolerance in the developing American society which provided the milieu for the naissance and growth of the denomination. The development and maturation of the denomination then closely paralleled that of the republic.

The Seventh-day Adventist denomination was officially organized in 1863, although the name had been adopted three years earlier.¹ The new Church had already been developing for a period of some twenty years before assuming the organic structure which in a general way it still retains.

¹Arthur Whitefield Spalding, Origin and History of Seventh-day Adventists, Vol. 1 (Washington, D. C.: Review and Herald Publishing Association, 1961), p. 305.

Seventh-day Adventists first thought that little education was necessary beyond instruction in the tenets of their faith. Gradually they became education minded. Two problems which faced the denominational leaders in the early years led to a systematic effort to establish schools: the growing demand for denominational workers, and the emerging awareness that children in the public schools were often exposed to influences which tended to undermine religious beliefs and lessen commitment to the service of the denomination.

Certain individuals had been operating their own church schools some ten years before the denomination was officially organized. The first Seventh-day Adventist church-school was opened in Buck's Ridge, New York in 1853. During the next ten years Michigan spearheaded the move to establish a system. Several schools were in fact established, the most influential of which was at Battle Creek, Michigan in 1869. This school was directed by Goodloe H. Bell, a graduate of Oberlin College with several years experience in the public schools of the State. He had established this school at his own expense as a private project, but in 1872 it was acquired by the local Adventist church and became the first official Adventist school. The church leaders were by now convinced

that a denominational school system was imperative for the growth of the church.

In 1872 Ellen G. White wrote her first comprehensive essays on the philosophy and objectives that were to inspire and guide the schools of the church.² Largely due to her inspiration attendance grew rapidly from an initial enrollment of twelve. Mrs. White's husband, James, added strong support with a series of articles in the church paper, The Review and Herald. Church members were urged to assume the responsibility of educating the youth especially for the ministry. The General Conference convened a special committee to study the problems of education, and on March 11, 1873, the general session of the Conference voted to establish a denominational college. Battle Creek College was opened the following year. The college offered a five-year classical curriculum, a three-year English course, and a special two-year course for older students who did not have proper entrance qualifications. To open the way for expansion of the educational program, including work-study opportunities, the college was moved to Berrien Springs in 1901 and renamed Emmanuel Missionary College. Today it

²Ellen G. White (1827-1915), author of the book Education, was a pioneer educational reformer and most prominent leader of the early church.

serves as the undergraduate college for Andrews University situated nearby on an adjacent campus.

Meanwhile the denomination had turned its attention to other parts of the country, establishing in 1882 Healdsburg College in northern California and South ~~Lancaster~~ Academy in South Lancaster, Massachusetts. The former was moved to Angwin and renamed Pacific Union College; the latter was the forerunner of Atlantic Union College. During succeeding years secondary or combined secondary-tertiary schools were opened in Alabama, Maryland, Nebraska, Tennessee, and Washington, as well as in countries such as Australia, Denmark, England, Germany, South Africa, South America, and Canada.

An important step was taken in 1909 when the denomination opened a medical college known as the College of Medical Evangelists in Loma Linda, California. In following years schools of dentistry, physical therapy, nursing, dietetics, and one for graduate studies were organized into a university. In keeping with the need for a better educated ministry, the denomination opened a theological seminary in Washington, D.C. Later a graduate school was added, both moving to Andrews University in 1959.

The development of church schools teaching the

primary and elementary grades followed the establishment of secondary schools and colleges. Despite the fact that the first few Adventist schools were privately operated elementary schools, growth at this level was slow at first due largely to the lack of trained teachers. A teacher-training department was established at Battle Creek College in 1886 with its graduates being quickly absorbed in elementary schools. At this time many parents pressed for denominational schools, and as the colleges grew in strength and numbers and more teachers became available, the number of church elementary schools increased.

The formative years for the Seventh-day Adventist educational system were naturally ones of change and experimentation. Nonetheless, by 1900 the basic pattern was set. The opening years of the twentieth century saw a tremendous growth in Adventist schools, and from 1950 onwards there has been a second period of rapid expansion.³

³The following figures give some idea of the growth that has taken place.

In 1874 the first church school was opened with an enrollment of twelve. By 1900 the denomination was operating thirty-five secondary schools and colleges, and 200 elementary schools with a total enrollment of about 7,500. In 1958 the denomination was operating forty-three tertiary schools (college level) and seventy-five four year secondary schools.

Philosophy of Seventh-day Adventist Education

Our ideas of education take too narrow and too low a range. There is need of a broader scope, a higher aim. True education means more than the perusal of a certain course of study. It means more than a preparation for the life that now is. It has to do with the whole period of existence possible to man. It is the harmonious development of the physical, the mental, and spiritual powers. It prepares the student for the joy of service in this world and the higher joy of wider service in the world to come.⁴

Perhaps no other paragraph states the basic philosophy of Adventist education more succinctly. There is included the belief in a transcendent after-life, the need to develop all facets of human nature, and the dedication of life to service.

The philosophy and specific aims of the denominational schools were reviewed in the 1964 Autumn Council Action of the General Conference of Seventh-day Adventists. Philosophy is defined as

...the persistent attempt of man's intellect to

The number of elementary schools had risen to 4,330 with an enrollment of 226,063, and by 1960 the number of elementary schools in the United States alone was 1,054 with an enrollment of 42,382. This is the second largest Protestant elementary school system in the United States and is larger than any outside the United States.

These statistics are taken from Kenneth H. Wood, "One Hundred Years of Amazing Growth," The Review and Herald, CXL1 (November 12, 1964), p. 3.

⁴Ellen G. White, Education (Mountain View: Pacific Press Publishing Assn., 1942), p. 13.

understand and describe the world in which we live and of which we are a part. It is an effort to solve fundamental problems, to gain a comprehensive view of the universe, and to find answers to questions on the origin, nature, and destiny of matter, energy, life, mind, good, and evil.⁵

The entire school program should be determined by the philosophy of education, for "all philosophies of education ultimately rest on the conception of the nature of man that is held by the makers of the respective educational systems."⁶ The Adventist Church "recognized that God, the Creator and Sustainer of the earth and of the entire universe, is the source of knowledge and wisdom."⁷ It is the belief of the church that "fallen men cannot achieve the purpose for which they were created without a God-centered education that teaches them to open their minds to the unseen but all powerful Spirit of God, the only agency that can bring a rebirth of the original nature and an enduring reformation of life habits and mental outlook."⁸ Ellen G. White

⁵"1964 Autumn Council Actions," The Review and Herald, November 26, 1964, p. 822, preamble to the statement of educational philosophy.

⁶Richard Hammill, Philosophy of Seventh-day Adventist Education, (Washington, D.C.: Department of Education, General Conference of Seventh-day Adventists), p. 9.

⁷The Review and Herald, Loc. cit.

⁸Hammill, op. cit., p. 8.

forthrightly states that the aim of Adventist education is "to bring man back into harmony with God, and so to elevate and enoble his moral nature that he may again reflect the image of the Creator."⁹

Although the educational program of the church gives primary emphasis to the perfecting of character it "makes abundant provision for the acquisition and interpretation of that which is appropriate from the store of common secular knowledge and skills for mental, social, vocational, and physical development."¹⁰ Even in the secular studies, however, the religious philosophy of the church is the touchstone permeating all instruction and work. The church operates a school system so that education may be in harmony with denominational standards and ideals and so that parents may have transmitted to their children their own ideals, beliefs, attitudes, values, habits, and customs. The system seeks to make Bible study one of the basic subjects of the curriculum with Biblical teaching permeating all phases of study and instruction.

The church has found that its schools are

⁹Ellen G. White, Counsels to Parents and Teachers (Washington, D. C., Review and Herald Publishing Assn., 1938), p. 49.

¹⁰The Review and Herald, loc. cit.

successful instruments not only for encouraging the retention of members but for producing workers for the denomination. "Far more youth who are trained in our schools remain loyal to the church through the years than those who do not have the benefit of Christian education. "Believers who have been trained in Adventist schools make more effective church leaders and workers."¹¹

The guiding principle is that "all children should be permitted to have the blessings and privileges of an education at our schools, that they may be inspired to become laborers together with God."¹² Therefore, the Church holds as one of its chief goals the enrollment of every school-age child in its own schools. However, no sanctions are imposed on parents to enforce this. Where the church operates no schools, members are urged to send their children to public schools.

Primary responsibility for the care and education of children rests with parents. "Since God has given children to parents, and the little ones belong to them and not to the state, we believe the parents have the

¹¹Department of Education, General Conference of Seventh-day Adventists, The Story of Our Church (Mountain View: The Pacific Press Publishing Assn., 1956), p. 61.

¹²Ibid.

right to determine where and how their children are to be educated."¹³ The teacher shares in the responsibility of the parents who are God's representatives. "Fathers and mothers and teachers need to appreciate more fully the responsibility and honour that God has placed upon them, in making them, to the child, the representatives of Himself."¹⁴

The Church recognizes "...the right of the government to require that children be educated to an extent that will enable them to fulfill their duties as citizens."¹⁵ It praises the work of the public schools, but contends that since they serve children of diverse faiths, they cannot give the kind of religious instruction which Adventist children need. Because Adventists believe that the greatest amount of religious freedom obtains where there is a separation of church and state, they refuse in principle to accept state aid for their schools. "To operate our world-wide system of schools costs us dearly, but we do it gladly, not seeking nor accepting government aid in return for the school taxes

¹³Hammill, op. cit., p. 5.

¹⁴White, Education, p. 244.

¹⁵Hammill, loc. cit.

we willingly pay, because we have found the results justify whatever the cost may be."¹⁶

According to the policies of the denomination, the local church is responsible for the largest share of finance for the church schools. The local churches are organized into local (state) conferences or synods and are directed by an educational superintendent appointed by each conference. The conference assumes the responsibility for maintaining secondary schools; and the union conference (composed of four or five state conferences) operates and bears the responsibility of generally financing the colleges. The General Conference, with headquarters in Washington, D. C., assumes the major responsibility for the graduate and professional schools.

The Seventh-day Adventist school system has grown from birth to maturity in a period of less than one hundred years until it now occupies a significant position in American parochial education. Such growth has been accompanied by the many problems of development including finance. As the thesis develops it will show that Adventists continue to refuse state aid, although such aid would greatly ease the financial burden. It

¹⁶Hammill, op. cit., p. 6.

will be shown in the following chapter that a different history and philosophy of education have produced the opposite attitude toward state aid in the Roman Catholic Church.

CHAPTER II
HISTORY AND PHILOSOPHY
OF ROMAN CATHOLIC EDUCATION

History of Roman Catholic Education

From its beginning the Catholic Church has been aware of a teaching mission. In its earliest days the Church engaged in moral and religious teaching. It soon provided secular instruction as well. The first Christians showed relatively little interest in formal education, in fact, for the first three centuries after Christ there was no such thing as a Christian school.¹ There were schools attended by Christians and schools in which Christians taught, but none of these fulfilled the modern sense of the word school.

Because Christians did not expect the world to last long, they were concerned primarily with moral and religious teaching which could best be carried out in the home. Moreover, since there was a well-established system of classical schools already in operation, a Christian

¹Edward J. Power, Main Currents in the History of Education (New York: McGraw-Hill Book Company, Inc., 1962), p. 152.

could acquire a secular education without creating any special Christian schools. Many Christians, however, were aware of the classical or pagan learning and saw the need for an intellectual foundation for their faith. While the dangers of pagan education were stressed, the value of classical learning was often promoted by Christian scholars. Christianity found itself in a dilemma in regard to the value of the classics and the needs of Christian formation. In time this dilemma was resolved.

The resolution was often fraught with painful effort. Through much of the early Christian period it was not unusual to find both Christian students and Christian teachers in the classical schools. Christian thinkers and teachers gave their views on the educational question and thus laid the foundations of a Christian theory of education. The most prominent of these Christian educators were: Clement of Alexandria (ca. 150-215), Origen (ca. 185-254), Jerome (331-420), Ambrose (340-397), Chrysostom (344-407), and Augustine (354-430).²

Although a system of Christian schools was not in existence in the early Christian period, some Christian institutions were operated which came close to

²See Power, Ibid., pp. 160-183.

being schools with specifically Christian objectives. These were the catechumenal, catechetical (of three types), and cathedral institutions. Catechumenal institutions which, were intended to prepare a prospective Christian for baptism, employed the question-and-answer method. The teachers were clerics, usually bishops or priests. Catechetical schools were of three types: places for secular education and quite advanced learning; institutes for the religious instruction and formation of practicing Christians; and preparatory schools for boys aspiring to the Christian priesthood. Boys who aspired to the clerical life were first educated in the regular pagan schools and then apprenticed to a bishop for clerical training. The informal training led to the formation of the cathedral school. When the Roman political and social system collapsed, the classical school collapsed with it, so the burden of secular education was added to the clerical school. Boys who were to become priests went to the bishop when they were eight or ten and took their whole education in what was called the episcopal school. As the Church spread, parishes were formed in the rural areas and parish schools were organized mainly by priests to give instruction to boys who might become priests. Parish schools were found after the fifth century and from that time on one of the

important functions of the pastor of the parish was to supervise education in his parish.

The first true Christian school, created around the fourth century, was the monastic school. In spite of the exclusiveness of the monastic schools, which were intended for novices and often prohibited the admission of anyone else, these schools were both Christian institutions and schools in a proper sense. Moreover, during the dark years that were to follow and envelope Europe, the monasteries, largely because of their educational aspects, were the true homes of Christian culture. From the twelfth century on, however, the role of the monastic orders declined as the secular branches of the church received new emphasis along with the rise of towns, cathedrals, universities, and mendicant orders. Among the mendicants were the Dominicans, who, in eagerness for education, began to flood the universities in the belief that an educated clergy was one of the best ways to combat heresy.

Popes and various Church Councils frequently reminded parish churches of the obligation to maintain schools. A Council held in Rome in 853 insisted that elementary education be given in all parishes and that schools of instruction in the liberal arts be established in all cathedrals. Som~~e~~ two years later a Council at

Valens re-echoed this decree. In 908 the Bishop of Modena in appointing a new priest set as his first duty the task of maintaining a school and educating those boys who came under his jurisdiction. The Third Lateran Council of 1179 decreed that every cathedral school should have a master assigned to teach not only boys who wished to become clerics but also any children whose parents requested education, even if fees could not be paid. The fact that so many reminders had to be issued drawing attention to the Church's mission, probably meant that either decrees were being shelved at the diocesan or parish level or that the times were too turbulent for enforcement. What is important, however, is the obvious determination of the Church to maintain and extend education.

Thus, a broad range of educational institutions was maintained by the church and its agencies in the Middle Ages. The parish churches in the towns or on the manors maintained schools in reading, writing, and music. The mendicants orders, the monasteries, collegiate churches, and cathedrals provided principally the secondary and higher education not only in the seven liberal arts, but also in medicine, law, and theology. From the twelfth century on the principal role of educator at the highest

level was taken up by the Franciscans and Dominicans.³

The educational program of the Church was severely restricted in countries in which the Reformation proscribed Catholic activities. Higher education was especially affected. In areas where the monasteries and their schools were destroyed and their funds confiscated, these higher institutions were practically depopulated. In England the Reformation dealt a severe blow to every type of Catholic school from the University downward. It became necessary for Catholic educators to leave England to organize the work of keeping alive the training of Catholic clergy and laity no longer possible under Queen Elizabeth's Acts of Supremacy and Uniformity.

For the next two centuries and more, until the French Revolution, the very notion of a Catholic education in the British Isles was alien and proscribed. The grammar schools and the universities were reseeded with orthodox dons and teachers loyal to the new Anglican Establishment. Catholic dons and teachers conformed, or resigned, or were dismissed, or went into exile abroad, or sought the best of both worlds by conforming outwardly while continuing to teach from the standpoint of their faith. Catholic families were split asunder, on the fateful issue of whether to attend the Anglican parish churches and send their children to the Anglican grammar schools pending a change of wind, or hold fast to the faith of their fathers by doggedly refusing to compromise whatever.⁴

³Hastings Rashdall, The Universities of Europe in the Middle Ages, F. M. Powicke and A. B. Emden (ed.), 3 volumes (Oxford: Clarendon Press, 1936).

⁴A. C. F. Beales, Education Under Penalty (London: The Athlone Press, 1963), p. 1.

In the Catholic reaction distinct measures on behalf of the schools were adopted by the Council of Trent and certain provincial councils. The older religious orders renewed their educational efforts, and new orders, notably the Jesuits, entered the field.

In the New World, meanwhile, European settlers were beginning to establish social institutions obviously patterned on Old World institutions. Among these were the Church-operated schools. The Catholic Church was first in establishing schools in what is now the United States. Records show that mission schools were established by the Franciscans in Florida and Mexico as early as 1629, which is four years before the oldest school in the thirteen colonies.⁵ Catholic education was also established by French missionaries in the Mississippi Valley, the Great Lakes region, northern Maine, and New Orleans.

The first Catholic schools in the English speaking colonies were established in Maryland. One authority contends that the first English school was established at Newton, Maryland in 1640 by Jesuits accompanying early settlers.⁶ Another suggests that

⁵Patrick J. McCormack, History of Education (Washington: Catholic Educational Press, 1957), p. 653.

⁶Ibid., p. 654.

the foundations of Catholic education were actually laid at St. Mary's City in 1640 and that the next recorded establishment was at the before-mentioned Newton, a centre of underground Catholic activity.⁷ A short-lived Catholic school was established about this time by the Jesuits in New York City. Following this aborted start, the Bohemia Manor school was established in northeastern Maryland, operating from 1744 until 1765.

During the century-and-a-half of the colonial period, the Catholic community, at once suspected and feared by the Protestant majority, lived apart from the main stream of life. Penal laws, modelled on those of the mother country, limited the freedom of Catholics to worship, to take part in civil life, and to educate their children. The school situation was particularly repugnant to Catholics. The schools were declared "belligerently Protestant"⁸, yet Catholic parents were forbidden to send their children out of the colonies for education. Catholics, as well, were barred from the teaching profession.

However, as the Church grew and Catholic Americans

⁷Neil J. McClusky, S. J., Catholic Viewpoint on Education (Garden City: Image Books of Doubleday and Company, Inc., 1962), p. 12.

⁸Ibid., p. 11.

made Common cause with their fellow citizens in the Revolutionary War, toleration was accorded the small community numbering approximately 30,000.⁹ In addition, the development of a political philosophy that all religious groups should have equal rights under the federal constitution gave Catholics the freedom to develop schools. After the War of 1812, Catholic immigrants streamed into the United States.

The growth of the Catholic school system seems to have kept pace with the numerical growth in church membership.

As a matter of fact, the foundation of the Catholic parish-school system in the United States dates from the early years of the Maryland colony. It represents, therefore, a development covering a period of over 250 years. Broadly speaking, we can distinguish two great periods in its development - the first, extending down to the Revolution, and the second, from that epoch-making event to our own day. The salient feature of this growth throughout the whole time is its dependence upon the growth of the Church in general. A direct relation existed between the development of the church and the development of Catholic schools. We can see the proof of the existence of this relation during the first period in the fact that wherever Catholic settlements were formed and Catholic life reached any degree of maturity, Catholic schools were set up and a corresponding educational development took place.

⁹By 1820 the Catholic population was calculated as 195,000. Ten years later it was 318,000; in 1840, 663,000; in 1850, 1,606,000. The total doubled again before 1860, and again in both census 1880 and 1900. See McCluskey, Ibid., p. 13.

In settlements where Catholic life was weak or short-lived, either no schools were established, or those that were had only a short or desultory existence. In the post-revolutionary period the relation is even more clearly illustrated.¹⁰

The influx of Catholic immigrants after 1815 renewed Protestant fears, and the Protestant-Catholic amity developing since the Revolutionary War was severely strained. As a result of certain "anti-catholic"¹¹ pressures, the church was compelled in the last half of the nineteenth century to begin building schools on a large scale. "Out of this period came the world's most important system of church-run schools now consisting of 10,600 elementary and 2,500 high schools."¹²

The school question was one of the issues which brought the Catholic bishops of the United States together in 1829 for the first of seven Provincial Councils of Baltimore that took place between 1829 and 1849. The

¹⁰J. A. Burns, The Catholic School System in the United States (New York: Benziger Bros., 1908), p. 39.

¹¹The reading of the King James Version of the Bible and the attempts of Protestants to proselitize among Catholic children lead to loses in Catholic membership, so that a Methodist minister could boast that in a twelve year period the Catholics had lost 1,900,000 children. See Richard J. Gabel, Public Funds for Church and Private Schools (Washington: University Press, 1937), p. 487.

¹²"How Big is the Crisis for Catholic Schools?", U. S. News and World Report, February 3, 1964, p. 61.

first urged that the loss of Catholic children made the establishment of free Catholic schools imperative. The Congregation of the Propaganda in 1875 urged thorough equipping of the schools and stressed the necessity of engaging competent teachers so that the Catholic schools would be the equal of the public schools. By the Third Plenary Council of Baltimore in 1844, Catholic parents were not only exhorted but commanded to send their children to Catholic schools. Due allowance, however, was made for parents with sufficient reason. The Council, furthermore, by its decrees which touched upon all matters regarding the supervision of schools and the training of teachers, laid the foundations for the development, organization, and administration of this remarkable system of schools.

The parish or elementary schools are today organized on a diocesan basis, administration quite often being entrusted to a school board consisting of the bishop together with priests of the diocese appointed by the bishop. In many dioceses the chief officer of administration is the diocesan superintendent assisted by community supervisors. Of the 125 dioceses in the United States, 117 have school superintendents or directors of education.¹³

¹³McCormick, op. cit., p. 662.

A significant advance in higher education dates from the establishment of the Catholic University of America at Washington in 1889. Originally a graduate school in theology, it now includes schools of Philosophy, Civil Law, Canon Law, Architecture and Engineering, Social Sciences, Arts and Science. Through its affiliates its influence extends throughout the country.

The tremendous growth of the Catholic school population imposes a staggering burden on school administration. Recent statistics show that one-eighth of all United States school children go to Catholic schools.¹⁴ Catholics, in addition to paying taxes for public schools, are spending 400 million dollars a year to build parochial schools.¹⁵ Even so, Catholic school buildings are overcrowded. To meet the demand Catholics are pursuing a policy of state aid which is entirely consistent with Catholic educational philosophy.

¹⁴In 1964 there were 10,600 pupils in grade schools and 2,550 in high schools. Between the years 1945 and 1962 Catholic school enrollment went from 22.9 million to 38.8 million - an increase of 69 per cent. Before World War II, one school-age youngster in twelve was enrolled in a Catholic school; in 1964 the ratio was one in eight. Statistics from U. S. News and World Report, loc. cit. Source: U. S. Office of Education: National Catholic Education Association.

¹⁵Ibid.

Philosophy of Roman Catholic Education

One of the clearest statements of the philosophy, purpose, and scope of Catholic Education is contained in an encyclical letter of Pope Pius XI.¹⁶ The encyclical states that the primary purpose of education is to prepare man for an end that transcends the present life.

Since education consists essentially in preparing man for what he must be and what he must do here below, in order to attain the sublime end for which he was created, it is clear that there can be no true education which is not wholly directed to man's last end...

God, as revealed in Christ, must be at the centre of all true education.

In the present order of providence, since God revealed to us in the Person of His Only Begotten Son, who alone is "the way, the truth, and the life," there is no ideally perfect education which is not Christian education.

The goal of Christian Education is Christian formation.

The proper and immediate end of Christian Education is to co-operate with divine grace in forming the true and perfect Christian, that is to form Christ Himself in those regenerated by baptism.

The life of the man who has received a Christian

¹⁶Pope Pius XI, The Christian Education of Youth (Divini Illius Magistri) (New York: The America Press, 1958). Succeeding quotations are taken from this encyclical.

education will manifest the teaching of Christ.

The true Christian, product of Christian education is the supernatural man who thinks, judges and acts constantly and consistently in accordance with right reason illumined by the supernatural light of the example and teaching of Christ.

The supernatural perfects the natural life, elevating and perfecting it.

Christian Education takes in the whole aggregate of human life not with a view of reducing it in any way, but in order to elevate, regulate and perfect it, in accordance with the teaching of Christ.

Thus the "point de départ" in the Catholic philosophy of education is the reality of the supernatural as revealed in and through Jesus Christ. The Catholic belief that man is a creature of God destined to share in the divine life, answers the two questions upon which every philosophy of education is based: What is man? What is his purpose?

Man is born into three societies: the family, civil society (including the state), and the Church, and each of these is involved in his education. Each has distinct rights, yet all are properly ordered to ensure balance and harmony within the total educational process. The family into which man is born has the primary right and responsibility to educate.

The family therefore holds directly from the creator the mission and hence the right to educate the offspring, a right inalienable because inseparably joined to the strict obligation, a right anterior to

any right whatever of civil society and of state, and therefore inviolable on the part of any power on earth.

However, the right of the family in education is not an absolute or despotic one, but is, in the words of the Encyclical, "dependent on the natural and divine law, and therefore subject alike to the authority and jurisdiction of the church and to the vigilance and administrative care of the state in view of the common good."

The rights of the Church in education transcend the rights of the other societies.

Education belongs pre-eminently to the Church by reason of a double title in the supernatural order, conferred exclusively upon her by God Himself; absolutely superior, therefore, to any other title in the natural order.

In the church-family relationship, therefore, are two facts of supreme importance: the offering of the church's office and its acceptance by the parents.

...the church placing at the disposal of families her office of teacher and educator and the families eager to profit by the offer, and entrusting their children to the church in hundreds and thousands.

The state shares in the right and responsibility to educate by virtue of the authority it has to promote the common temporal welfare.

The function therefore of the civil authority residing in the state is twofold, to protect and to foster, but by no means to absorb the family and the individual, or substitute itself for them.

Accordingly, in the matter of education it is the right, or to speak more correctly, it is the duty of the state to protect in its legislation the prior rights, already described, of the family as regards the Christian education of its offspring, and consequently also to respect the rights of the Church in the same realm of Christian education.

The state has the right to educate by virtue of its right to informed and responsible citizens necessary to support a properly ordered society. This right is, however, secondary to that of the family.

Now this end and object, the common welfare in the temporal order, consists in that peace and security in which families and individual citizens have the free exercise of their rights; and at the same time enjoy the greatest spiritual and temporal prosperity possible in this life, by the mutual union and co-ordination of the work of all. The function therefore of the civil authority residing in the state is twofold, to protect and to foster, but by no means to absorb the family and the individual, or to substitute itself for them.

The primary function of the state is, therefore, to supply the parents with the facilities to fulfill their duty. The state has no right to establish monopolies. Upon this last point the Church has established its case for state support of parochial schools. If the work of education is being done adequately by private schools, "the state has no right to put them out of business by unfair tax-supported competition."¹⁷ The argument is based on the principle of distributive justice, which

¹⁷Austin J. Fagothey, S. J., Right and Reason: Ethics in Theory and Practice (St. Louis: The C. V. Mosby Company, 1959), p. 437.

calls for a fair and proper distribution of public burdens and benefits among the community. According to this principle it is morally wrong to deprive certain parents of the taxes which are actually theirs. The Encyclical puts it thus:

However, it is clear that in all these ways of promoting education, both public and private, the state should respect the rights of the church and of the family concerning Christian Education and, moreover, have regard for distributive justice. Accordingly, unjust and unlawful is any monopoly, to make use of government schools, contrary to the dictates of their Christian conscience, or contrary even to their legitimate preferences.

CHAPTER III

HISTORICAL BACKGROUND OF THE PROBLEM

The problem of state aid to church-related educational institutions is part of the larger problem of church-state relationship. The aid controversy can only be understood against the background of the development of religious liberty in the United States. A brief survey of the historical background of the problem will bring it into clearer perspective. The survey may be conveniently divided into three periods. In the Colonial and Revolutionary period many of the basic principles were established. In the second period, extending from the adoption of the Federal Constitution until the closing of the nineteenth century, the basic principles were tested and new ones evolved. In the third period, the twentieth century, the principles continue to be challenged and interpreted.

Colonial to Constitutional Period

The first settlers transplanted their cultures and national traditions to the New World. European tradition favoured close co-operation between Church

and State.¹ Germany was divided between Catholicism and Lutheranism according to the principle of "cuius regio eius religio." Holland legally endorsed the Dutch Reformed Church; England, the Church of England; Sweden, the Lutheran Church; and Scotland, the Presbyterian Church. Immigrants transferred their churches to the colonies. The Anglican Church was established in Virginia and the Carolinas; the Dutch Reformed Church in New Netherland; the Lutheran Church in Delaware; and the Congregational and Presbyterian Churches in New England. Although there were regions, such as Rhode Island, Maryland, and Pennsylvania where a measure of freedom of religion was allowed, yet in the majority of colonies establishment was the rule.

Establishment was commonly understood to mean two things: Financial support by the state to the church through allocation of tax money or gifts of public land; Enforcement of public worship and doctrines of the established church with punishment for offenders.

From the earliest times it was assumed that the state would dictate to people on religious matters.²

¹F. J. Yetter, "Separation of Church and State: What Does It Mean," Liberty, LVIII (September-October, 1963), pp. 15-17, 28.

²Richard B. Dierenfield, Religion in American Public Schools (Washington, D. C.: Public Affairs Press, 1962), p. 5.

Some Non-conformists, notably Roger Williams, objected. Williams believed, not only that every individual should worship God according to the dictates of his own conscience, but also that those who did not believe in God should be able to practise their non-belief. Williams' idea of religious freedom took root and increased in strength as more dissenting groups came to America.³

The effect of religious establishment on education was the teaching and enforcement of religious conformity. For example, The New England Primer, the standard text, contained word lists and readings from the Bible and the Shorter Westminster Catechism. In the South both private and public schools were under the control of the Anglican Church. In the Middle Colonies religious orthodoxy was demanded from certified teachers. The earliest tradition in the colonial period then was not one of separation at all but of close co-operation between church and state. Some, who today campaign for state aid in the parochial schools cite this period as a precedent.

The second period is often called the era of multiple establishment. During this time there was a gradual change to a pluralistic religious community where state sanction for a number of churches became general

³Ibid.

practice. The first step in multiple establishment was taken when it ceased to be an offence to attend other than the established church. A second step was taken when towns gained the right to decide, by election, which church would be supported by municipal taxes. Here then was the thin end of the wedge which eventually resulted in dissenting groups levying taxes to support their own churches. The final step in multiple establishment came about when many religious groups were granted the right to collect taxes for their own activities. Often Catholics and Jews were excluded.

This period of multiple establishment is also cited by some as a precedent for impartial state co-operation with all religious bodies. Others, however, see it simply as a stage in the transition from state support of a single religion to complete freedom of religion.

The struggle for separation of church and state took place mainly in the eighteenth century. Although established on the federal level by the ratification of the Bill of Rights by two-thirds of the States, separation was not accepted as a state principle until 1833, when Massachusetts abolished compulsory support of religion. This idea grew during the third quarter of the eighteenth century due to several factors. The first, the "Great Awakening", stimulated interest in the free exercise of

private judgment and the rights of conscience. The second was the growing multiplicity of denominations: Sharp rivalries and dissensions resulted. The third, and perhaps the most important force for separation, was the influence of the "Age of Enlightenment." When the concept of the natural rights of man was applied to religion, it was interpreted to mean that as long as the state exercised the right to judge the value of any religious belief or force citizens to pay taxes to support a belief that they did not accept, then there was no freedom or equality of conscience. Among those who accepted the concept and worked hard for the complete separation of church and state were James Madison, Thomas Paine, and Thomas Jefferson.⁴

A precedent for the First Amendment was furnished when a number of the colonies incorporated the notion of separation of church and state in their constitutions at the time of the Revolution. When, therefore, the United States Constitution was ratified, nine of the original Thirteen Colonies had included virtual separation in their constitutions. Only four permitted the use of public funds for the support of religious worship and ministers: Maryland, which abolished establishment in 1810; Connecticut, which abolished it in 1818; and Massachusetts,

⁴Ibid., p. 9.

in 1833.

Although the majority of states denied public assistance to religious bodies at the time of the Constitutional Convention in 1787, it was not certain what position would be taken by the Convention. The Constitution eventually contained only one sentence in regard to religion. However, there were demands for a clearer guarantee of individual rights.

When the Bill of Rights was being drafted by the first Congress, Madison supported the imposition of guarantees of religious freedom in both state and federal constitutions. Although the guarantees in the states were not enforced, they were incorporated in the First Amendment: "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the People peaceably to assemble and petition the Government for a redress of Grievances."

This provision has committed the government to the principle of the separation of church and state even though the idea was not at the time included in the state constitutions. This law has been referred to for over one hundred seventy years of American history whenever the issue of state aid to parochial schools has been raised. It has been criticized in not defining clearly what is

meant by "no law respecting an establishment of religion." Proponents of state-aid maintain that the amendment does not prohibit close co-operation between church and state nor forbid impartial government assistance to all religious groups. Strict separationists however, maintain that the amendment forbids even religious inscriptions on coins, chaplains in Congress and the Armed Forces and prayers in schools. These issues have been clarified, or at least given interpretation, by specific issues decided from time to time in the Supreme Court.

Early National to Modern Period

This period covers the years from the adoption of the Federal Constitution to the beginning of the twentieth century when the public school system evolved from the various parochial and private schools. Since education was placed in the hands of the states, there was no uniform national policy in regard to religion and the public schools. The need for an educated electorate stimulated the development of a system of education universally open and free. A public school system could not teach religion without violating the First Amendment. Moreover, by implication the Constitution forbade the granting of public funds to religious schools.

Both Protestant and Catholic groups opposed the prohibitions against religion in the public schools.

Horace Mann of Massachusetts is credited by many as the chief exponent of the public school system. The Massachusetts School Act of 1827 allowed school committees to select textbooks, provided the books were not sectarian. The American Sunday School Union tried to enforce the ouster of Mann as Secretary of the State Board of Education because of his refusal to comply with their wishes. Mann was supported by the governor, the Board, and the legislature, and eventually won. Mann, a Unitarian, was not opposed to religious teaching in the schools, but only to sectarian teaching. He contended that the Bible, if used without comment, was acceptable to Catholics who regarded the idea of individual interpretation of scripture as Protestant teaching quite repugnant to them. Hence, the public schools, in which the Protestant principle was enshrined, were actually sectarian. The Catholics based their demands for public aid to their schools on this principle. They felt that their children could not attend public schools where "Protestantism" was taught, or any schools where no religious instruction was given. Catholic appeals for public assistance were denied in the notable hearings of the New York Common Council of 1841.

A number of Protestant groups also requested public aid. Demands were made all over the country in the period

1830-1870 especially by Episcopalians and Lutherans. The vast majority of these requests were denied as violations of the principle of separation. A number of states enacted legislation specifically banning such aid.

After 1865 the United States became increasingly heterogeneous ethnically and religiously as the non-Protestant population grew. The separation of church and state was supported more strictly than ever; by some as a guarantee of impartiality of treatment in religion; by others as a "protection" against Catholic interests and doctrines.

The Catholics, on their part, built up their own schools as a protection against Protestantism and secularism in the public schools. The Third Plenary Council of Baltimore urged parents to send their children to parochial schools. The Catholic Church has continued to support this stand.

After the Civil War, Catholic pressure for public assistance was met with stiffening resistance. In 1868 the Fourteenth Amendment was passed:

No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the Laws.

In 1876 Congress suggested what the national

policy should be by passing a law requiring all new states admitted to the Union to adopt an ordinance guaranteeing religious freedom but insuring a public non-sectarian school system. By 1900 the principle of separation had gained wide acceptance among the states through constitutional provision, state law, attorney general's ruling, court decisions, and prohibitions on the use of public funds for sectarian purposes.

The Modern Period

At the beginning of the twentieth century a general calm prevailed church-state relationships. Protestants seemed generally satisfied with the public schools, and Catholics turned their energies towards enlarging their own school system. The conflict was still smoldering though beneath the peaceful surface.

In the twentieth century most of the important developments have taken place since World War I. A notable exception with far-reaching consequences was the "released time" program advocated first in 1913 by the Superintendent of Education in Indiana who proposed that children should be released from schools for a period each week when they would go to the church of their choice for religious instruction.

Since World War I there has been renewed interest in religion. Protestant Fundamentalists' fears of the

teaching of biological evolution in the public schools led to the famous Scopes Trial in 1925. The growth of Protestant Neo-orthodoxy has encouraged many groups to support moral teaching in the schools as a defence against growing secularism. In 1929 the encyclical letter of Pope Pius XI on The Christian Education of Youth restated the official Catholic position that since the church deals with supernatural affairs, its right to educate its children supercedes that of the state.

In the twentieth century the question of public aid to parochial schools again came to the forefront especially in the realm of federal aid. Federal aid bills have been largely confined to the twentieth century but a few were proposed earlier. The Northwest Ordinance of 1787 encouraged "religion, morality, and knowledge" by reserving one square mile of land in each township for the maintenance of public schools. The Ordinance did not state how this was to aid religion. The Morrill Act of 1862 did not mention religion but two later bills provoked controversy. The first of these was a bill proposed by Representative Hoar of Massachusetts who wished to establish minimum standards for state education systems. His bill was opposed by professional educators and the National Education Association. The Catholics regarded it as an attempt to suppress Catholic education. The bill was

never passed. The second, sponsored by Senator Blair of New Hampshire, proposed to give federal financial aid to those public schools which met specific conditions. The bill was introduced five times during the period between 1880 and 1890 and never passed; Senator Blair blamed its defeat on the Catholic Church, although it was also opposed by other groups.⁵ The first successful federal aid bill in the twentieth century was the Smith-Hughes Act passed in 1917 for the extension of vocational training. It stated that "no portion of any moneys appropriated under this Act for the benefit of the states shall be applied directly or indirectly . . . for support of any religiously or privately owned or conducted school or college." Thus federal aid again became an issue in the controversy of public support for denominational education.

Since World War II educational groups stirred by the challenge of Soviet science, have pressed for federal aid without federal control. Three types of bills have been proposed:

- (1) Those which would deny federal aid to sectarian schools even for "auxiliary services."

⁵R. Freeman Butts, The American Tradition in Religion and Education (Boston: Beacon Press, 1950), p. 144.

- (2) Those which would allow federal aid to sectarian schools for auxiliary services.
- (3) Those which would give the funds to states and allow them to use the money in any way the state constitution permitted.

The Catholic Church opposed the first as discriminatory. Protestants generally oppose the second as a violation of the principle of separation. The third pleased no one.

Notable among post-war legislation was the National Defence Education Act of 1958 stimulated by the startling success of the USSR in 1957. The Act, supporting science, mathematics, and language instruction in public schools and providing loans for college students, was unsatisfactory to Catholics because it limited assistance to public schools although no distinction was made between parochial and public at the post-secondary level. Total federal aid under the Act now runs to about five billion dollars per year.⁶

President John Kennedy's 1961 Education Bill which would have allocated federal money for public school construction, was caught between the two views: aid for

⁶"The Big Federal Move Into Education," Time, April 30, 1965, p. 32.

parochial schools as voiced by Catholic spokesmen, no direct aid to Church schools as stated by the President himself.

The Johnson administration's Elementary and Secondary Education Bill of 1965 seems destined to be the most significant federal school and legislation in the history of the United States, "as significant as the passing of social security legislation."⁷ The Bill authorized the spending of \$1.3 billion per year. The real break-through is that the Federal Government has seemingly ended the long-standing taboo against full scale participation in education. Not since the Northwest Ordinances of 1787 has the government become involved in such large scale task at the pre-college level. The \$5 billion annual disbursement at the college level under the National Defence Education Act had little effect on the 26,000 public school district. Moreover, the parochial schools were not included.

Bills for general aid to education have been pending in all but twelve of the last ninety-six sessions of Congress since 1867, but all previous bills have floundered on one of three issues: aid to church-supported schools; aid to racially segregated schools; fear of federal

⁷Ibid.

control.⁸ The Johnson Bill avoided the first, and perhaps thorniest of these obstacles by providing "just enough direct aid to parochial schools to satisfy Catholics without outraging constitutional sentiments."⁹

The key to the handling of the sticky parochial school problem is found in the President's message supporting the legislation. Assistance would be provided "for the benefit of all children within the area served, said Mr. Johnson including those who participate in shared services or other special educational projects."¹⁰ "Shared time services" refers to school programs in which parochial students attend some classes in public schools. One report shows that this concept is now functioning in thirty-five states.¹¹ The federal government in co-operation with the states had long had a subsidized vocational program. A recent survey shows, for example, that forty per cent of seventh and eighth grade children in private and parochial schools were receiving instruction in domestic science and industrial arts financed out of public funds.¹²

⁸Ibid.

⁹"The Education Bill," Time, January 22, 1965, p. 19.

¹⁰Ibid., p. 19.

¹¹Ibid.

¹²McCluskey, op.cit., p. 12.

Parochial school benefits under the Act would be both direct and indirect. Under Title 1, \$1.06 billion will be available to local school districts for specific projects including special classes for children from private and parochial schools on a "shared time" basis. Under Title 11 parochial students will share in \$100 million for textbooks, library books, periodicals, and phonograph records. Title 11 stipulated that public and parochial school students will be able to use libraries or laboratories or take advanced or remedial courses in "supplementary education centres." This last section has received most enthusiastic support from educators since no strings are involved and funds may be used in any way the local district sees fit.

The Education Bill may be the beginning of a new era in church-state relations and education in the United States. It remains to be seen how the act will be interpreted by the courts in the tests of constitutionality that are bound to come.

CHAPTER IV
AID AND THE LAW

The Constitution says nothing directly about the problem of state aid to parochial schools and very little about religion. Religion is mentioned only in Article VI which forbids religious tests for office holders, and in the First Amendment, which prohibits any establishment of religion but insures its free exercise. There is no mention of education, since the division of powers apportions that responsibility to the states in the Tenth Amendment.

State laws have more to say on the question of aid. The complexity of the problem at the state level arises from the variety of state laws and the differences in interpretation by state and federal courts.

At this point therefore, matters specifically relating to the problem of public assistance to parochial schools, but not those dealing with the broad range of the church-state relationship can be discussed.

The First Amendment to the Constitution

As finally adopted, the First Amendment reads:
"Congress shall make no law respecting an establishment

of religion, or prohibiting the free exercise thereof; or abridging the freedom of Speech, or of the Press; or the right of the People peaceably to assemble and petition the Government for the redress of Grievances." The Amendment ratified by a two-thirds vote of the states became law in 1791.

Sources of Authority Other Than Law

When considering rulings on the matter of religion and public education, reference is often made to Madison's "Remonstrance" and to Jefferson's letter to the Danbury Baptists. In reference to religious liberty, Jefferson states that the First Amendment builds "a wall of separation between church and state." The phrases "wall of separation" and "separation of church and state" are often quoted in legal articles and discussions as epitomizing the complete religious freedom under the First Amendment.¹

The Fourteenth Amendment

The First Amendment affects only the Congress. The Fourteenth Amendment, which enjoins the states to refrain from abridging civil liberties, was ratified in

¹See William Addison Blakely (ed.), American State Papers on Freedom in Religion (Washington, D. C.: Review and Herald Publishing Association, 1943).

1868. The heart of the Amendment is that: "no state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny any person within its jurisdiction the equal protection of the laws."

For a time after passage, the Fourteenth Amendment was not applied to the problem of religious freedom in the states. It was so interpreted for the first time in 1923 in the case of Meyer V. Nebraska. Later, in the case of Pierce V. Society of Sisters in 1925, Minersville School District V. Gobits in 1940, and others, the freedom of religion expressed in the First Amendment was applied to the states under the authority of this Fourteenth Amendment.

In 1876 Congress passed a law making it mandatory for new states to set up a system of non-sectarian public education.

Federal Aid Acts

A number of acts involving religion and public education were passed during the twentieth century. Some of these, such as the School Lunch Act of 1946 and the National Defense Education Act of 1958, gave money to

both public and parochial schools. The latter act provided for specific programs such as guidance, science equipment, and foreign language materials.

In contrast to these bills which deal with specific matters, a number of general aid bills have failed to pass Congress largely due to difference of opinion between Catholics and some Protestant groups. Such measures as the Barden Bill, the Kelly Bill, and the Kennedy Administration Bill of 1961 have been defeated largely because they could not satisfy both parties. The Johnson bill is notable because it has reached a compromise on the religious issue.

State Law

The problem of public aid to parochial schools receives different treatment in the various states. All state laws expand the principle of separation of church and state but actual practices vary. While federal aid to church-operated schools has been generally on the increase, payment from state treasuries to parochial schools has not been applied with any consistency. As we have seen, in early America it was not uncommon for public funds to be used in parochial schools. In some cases the sectarian school was the only one serving the community.

As time went by, however, more of the states

adopted a constitutional amendment prohibiting the payment of public funds to any church school. This movement was probably accelerated by the 1876 ordinance of the Federal Congress requiring all new states to establish non-sectarian public schools. In 1958, forty out of forty-eight states constitutions explicitly forbade giving public aid to sectarian schools or institutions.²

Free Textbooks

In 1962 only four states used public funds to provide free textbooks for parochial schools: Louisiana, Mississippi, ^{New} Mexico, and West Virginia. In these states books are distributed to parochial school children under court rulings that interpret the law as allowing textbooks for all children whether they go to public or private schools.

Public Transportation of Parochial School Children

State laws covering public transportation to private and parochial schools vary greatly. Sixteen states permit the use of public school buses for the transportation of children to schools other than public schools.³

²Fred F. Beach and Robert F. Will, The State and Non-public Schools (Washington, D. C.: U. S. Government Printing Office, 1958), p. 15.

³Kansas, Michigan, New Hampshire, New Jersey, New York, Oregon, California, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Missouri, Rhode Island, and Wisconsin.

In cases where the law does not specifically limit transportation to public school children it is the duty of the courts to decide if parochial school children may be transported at public expense.

An abundance of examples illustrates that although the law guarantees freedom of worship and separation of church and state, the legislatures tend to interpret freedom and separation in a number of ways. The confusion is compounded by a multitude of conflicting court decisions some examples of which follow.

Supreme Court Decisions

The United States Supreme Court rules primarily on questions involving violations of the Constitution and federal statutes. On occasions it has declined to consider questions which did not involve a federal issue. Where a federal issue is not involved a Supreme Court ruling cannot be made. The Court will not judge unless a specific violation is presented and will not pass judgment in regard to the constitutionality of a state law unless injury is shown. Many existing laws may, therefore, be unconstitutional, yet they remain binding by default until they are tested by way of a specific violation brought before the Court.

In the field of federal aid all programs in the opinion of the Court, are permissible by default. This

situation arises because the Court has never ruled on federal aid to church-operated schools.⁴ The absence of rulings can be traced to the following technicalities: lack of provision for judicial review, and citizen's lack of standing to sue. The first point is illustrated in the situation whereby federal spending ordinarily includes no provision for judicial review, i.e.; no federal courts may review the legislation before it becomes law to test its constitutionality. Because of the absence of such a provision, the only challenge to such legislation must come in the form of suits.

The second point, the citizen's lack of standing to sue, arises from the fact that for the court to rule, a case must be brought before it. In order for a case to arise, a citizen must show that he has a standing to sue, that is, that he has suffered an injury requiring a judicial remedy. The court ruled in 1923 that the individual does not have standing to sue the federal government.⁵ Because of this ruling, existing federal aid to parochial schools has been immune to review by the courts as regards constitutionality.

⁴George R. LaNoue, Public Funds for Parochial Schools (New York: National Council of the Churches of Christ in the U. S. A., 1963), pp. 3,4.

⁵Massachusetts v. Mellon, 262 U. S. 447 (1923).

There is therefore, nothing significant in the fact that no federal aid programs have been litigated. These programs are precedents only for what Congress and President regard as within the First Amendment and are not precedents as far as the Supreme Court is concerned. In the light of past history it would seem that the Mellon doctrine of 1923 is so firmly established that legislation in the immediate future to allow a citizen standing to sue is quite unlikely.⁶

In regard to issues brought before the court it is impossible to predict what direction a ruling will take because of the changing personnel of the court and the fact that each case is decided on the basis of its individual merits. Several important precedents that relate to the problem of state aid have been established by Supreme Court Decisions. Among these is the notable decision in *Pierce v. Society of Sisters*.

The *Pierce* case occurred when a 1922 Oregon law required all children to attend a public school. Foremost among the organizations protesting the law was the Society of Sisters of the Holy Name of Jesus and Mary. In the majority opinion, the court reaffirmed the principle laid

⁶William Alfred Loveless, "Federal Aid and the Church-Operated College: A Case Study" (Unpublished Ed. D. dissertation, Dept. of Education, University of Maryland, 1964), p. 45.

down in the Meyer v. Nebraska Case, that the state cannot tell parents where to send their children to school.⁷ The decision in part reads:

Under the doctrine of Meyer v. Nebraska, 262 U. S. 390 we think entirely plain that Act of 1922 unreasonably interferes with the liberty of parents and guardians to direct the upbringing and education of the children under their control . . . The child is not the mere creature of the State; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations.⁸

This decision has been regarded as the "Magna Carta" of the private schools and encouraged expansion, especially of the Catholic system.

With their position secure Catholic educators began to seek indirect aid from public funds. This was done through the logic of the "child benefit" theory which reasons that children attending parochial school are entitled to the benefits of certain tax moneys since it is the student who benefits, and not the school, and hence there is no breach of the constitution. The theory was tested in 1929 when a Louisiana law providing textbooks for all children in the state permitted money to be given to parochial schools by the state authorities for the purpose of books. A certain Cochran protested

⁷Meyer v. Nebraska, 262 U. S. 390 (1923).

⁸Pierce v. Society of Sisters, 268 U. S. 510 (1924)

to the State Supreme Court that he was being taxed to support sectarian education. The State Court ruled against him and he appealed to the U. S. Supreme Court. The decision of the Supreme Court stated that:

One may scan the Acts in vain to ascertain where any money is appropriated for the purchase of school books for the use of any church, private, sectarian, or even public school. The appropriations were made for the specific purpose of purchasing school books for the use of the school children of the state, free of cost to them . . . The school children and the state alone (not the sectarian schools) are the beneficiaries.⁹

This decision has encouraged proponents of state aid to seek further support under the "child benefit" theory in the form of school lunches, transportation, and textbooks, and free medical service. The "child benefit" theory was again tested in 1947 in the case of *Everson v. Board of Education*. A 1941 New Jersey law allowed local boards to provide bus transportation for both public and parochial school children. One township of the state reimbursed Catholic parents for money spent in transporting children to parochial schools. *Everson*, a taxpayer, protested that these payments were unconstitutional on both state and national levels. The Supreme Court voted five-to-four upholding the constitutionality of the payments. In writing for the

⁹Cochran v. Board of Education, 281 U. S. (1930).

majority opinion, Justice Black stated:

State-paid policemen, detailed to protect children going to and from church schools from the very real hazards of traffic would serve much the same purpose and accomplish much the same result as state provisions intended to guarantee free transportation of a kind, which the state deems to be best for the school children's welfare . . .

This court has said that parents may, in the discharge of their duty under state compulsory education laws, send their children to a religious rather than a public school if the school meets the secular educational requirements which the state has the power to impose. See *Pierce v. Society of Sisters*, 268 U. S. 510. It appears that these parochial schools meet New Jersey's requirements. The State contributes no money to the schools. It does not support them. Its legislation, as applied does no more than provide a general program to help parents get their children, regardless of their religion, safely and expeditiously to and from accredited schools.

The First Amendment has erected a wall between church and state. That wall must be kept high and impregnable. We could not approve the slightest breach. New Jersey has not breached it here.¹⁰

The U. S. Supreme Court in 1961 upheld the constitutionality of public payment for parochial school transportation by declining to bear an appeal from a group of taxpayers in Newton, Connecticut.¹¹

¹⁰Everson v. Board of Education, 330 U. S. 1 (1947).

¹¹Snyder v. Town of Newton, 147 Conn. 374, 161 A. 2nd. 770 (1960); Cert. denied, 365 U. S. 299 (1961).

State Court Decisions

State laws covering public education are so extensive and complex that mention can be made of only those significant decisions which have had a direct or indirect bearing on the problem of public aid to church-operated schools.

One of the complex public aid problems is that which involves the use of church buildings for public school children. Here there is no unanimity of opinion in the courts. In some cases the use of church property was thought to have sectarian influence. Several states have declared the use of church building for public education to be illegal. In these cases the use of religious personnel and sectarian teaching during school time has probably had some influence on the decision.¹² On the other hand, certain state courts have ruled that there is no violation if there is no sectarian teaching in the public school section of the building. School boards may lease or rent church buildings in Iowa, Indiana, Kentucky, Illinois, Wisconsin, and Connecticut. Iowa, and Kentucky have made apparently contradictory decisions - in some cases allowing, and in others forbidding rental. This apparent contradiction is resolved by the fact that

¹²Dierenfield, loc. cit.

courts decide each case on the question of whether sectarian influence is exerted in each particular case.

Another somewhat similar problem is the use of public school facilities by parochial schools. Here again opinions and court decisions show wide divergence. In 1964 the Attorney General of Maryland ruled that public school facilities may be used by parochial schools for secular education. In what some authorities have termed "a precedent-setting opinion," Thomas B. Finan found no constitutional barrier at the state level to co-operation between public and parochial schools. The ruling was made in response to a Hagerstown Catholic school's application for permission to hook into Washington county's closed-circuit television network. Mr. Finan's opinion held that "constitutional provisions, while they prescribe state neutrality toward religion, do not require hostility to it.

Mere accommodations to religions and religious institutions are not forbidden, especially where the subject is to further the secular education of school children.

The arrangement contemplated here would do no more than provide secular educational opportunities for school children, without the expenditure of any additional money by either the state or the county.

It follows, "that enabling legislation to permit it would be constitutional."¹³

¹³"Parochial School's Use of Public Facilities Held Legal," Liberty, July-August, 1964, p. 31.

The opposite stand was taken in a recent ruling by the New York State Department of Education that athletic fields and other public school facilities in the state may not be used by parochial schools. The ruling resulted from an appeal by the Catholic Mothers Clubs in Niagara Falls, N. Y. for a reduction in the fees paid the Niagara Falls School District each time Bishop Duffy High School used a public school football field. The Catholic school had been renting the field since 1963. When the board reviewed the matter it decided that the public school facility could not be rented legally at all. The Mothers Clubs appealed to the State Department of Education which upheld the decision of the local board. In issuing the decision, the Deputy Education Commissioner said that the New York State law forbids the use of public school facilities for functions controlled by "a society, association or organization of a religious sect or denomination . . . the use of the city school district athletic field by a parochial or diocesan school of whatever denomination, is specifically prohibited by law."¹⁴

¹⁴"Rule Catholic Schools Cannot Rent Public School Fields in New York," Liberty, January-February, 1966, p. 32.

The transportation of parochial school children at public expense continues to be a contentious issue. Such transportation, approved by courts in California, Maryland, Kentucky, and New Jersey, has been declared illegal by courts in Wisconsin, South Dakota, Delaware, New York, Oklahoma, Washington, and Iowa. Most of the decisions of state courts find that public transportation of parochial pupils aids the school in its sectarian purpose.¹⁵ The Oklahoma Supreme Court decided that "the appropriation and directed use of public funds in transportation of public school children is openly in direct aid to public schools as such."¹⁶ The Everson ruling does not seem to have had much effect on subsequent rulings of State Supreme Courts. A decision in Iowa in 1947 and another in Washington held the practice to be illegal. Dierenfield concluded that such decisions show that a Supreme Court ruling is not necessarily binding on all states but applies directly to the one in which the injury has been alleged. He thought it probable that more tests of the legality of individual state laws on the transportation issue might find their way through the state courts to the Supreme Court.¹⁷

¹⁵Dierenfield, op. cit., p. 37.

¹⁶Gurney et al v. Ferguson et al., 122 Pac. (2d) 1002 Oklahoma (1942).

¹⁷Dierenfield, op. cit., p. 38.

The "child benefit" theory, which was the basis for favorable rulings in transportation cases, is also the main support of the practice of supplying free textbooks to parochial school children. Again logic and practice vary from state to state. An early New York State decision forbade the practice on the grounds that "it seems very plain that such furnishing is at least indirectly in aid of the institution, and that, if not in actual violation of the words, it is in violation of the true intent and meaning of the Constitution and in consequence equally unconstitutional."¹⁸ Seven years later, in 1929, the Louisiana Supreme Court took the opposing view maintaining that the law was enacted for the children themselves and not for the schools they happened to attend.¹⁹ The Cochran case, decided on the same grounds, was appealed to the United States Supreme Court which concurred.²⁰ The Mississippi Supreme Court in a similar case also held that the "child benefit" decision is valid.²¹

¹⁸Smith v. Donahue et al., 195 NYS 722, (1922).

¹⁹Borden v. Louisiana State Board of Education, 123 So. 655 (1929).

²⁰The Oregon Supreme Court in 1961 overthrew a twenty-year-old Oregon law allowing school districts to furnish textbooks to parochial schools.

²¹Dierenfield, op. cit., p. 38.

As the "child benefit" philosophy receives greater judicial support more children are included in auxiliary services in the schools. These services embrace both public and parochial schools. For example, some 3,500 students of parochial schools in St. Louis County are receiving tax-supported speech and hearing correction instruction in what observers consider a landmark program in church-state relations.²² This is believed to be the first time that a large tax-supported program, originally set up for the benefit of public school children, has been made available to pupils in religiously oriented schools.²³ A therapist employed by a public school district and using equipment purchased from tax funds comes to the school and conducts the special therapy classes without charge.

Such services were available only to public school pupils until Missouri Attorney General, Thomas F. Eagleton, ruled that it should be expanded to non-public school students. Principal beneficiaries of the new program will be students in Catholic schools, since they are by far the largest non-public student group in St. Louis County.

²²"Parochial School Students Qualify for Speech, Hearing Program," Liberty, January-February, 1964, p. 32.

²³Ibid.

Children of Lutheran and Jewish schools also receive the aid, and it is available to private schools desiring to participate.

State and Federal Law and the Strategy of Support

Obtaining funds for religious schools almost certainly comes first at the federal level.²⁴ This is true for three reasons: Most state constitutions prohibit public funds going to church-operated schools; At the state level judicial review of legislation is relatively easy; and in most states there are precedents, in terms of prior litigation, that forbid grants of public funds to church-operated schools.²⁵

In discussing what he called the strategy of supporters of public aid to parochial schools, La Noue said that first an attempt is made to incorporate aid into a series of federal education bills in order to set a legislative precedent. Then, when a precedent is set, it is argued that there is no constitutional barrier to providing aid to parochial schools, and further, that to withhold aid from religious schools is discrimination. Finally, expansion of federal aid is pushed where the

²⁴Loveless, op. cit., p. 46.

²⁵La Noue, op. cit., p. 38.

parochial schools can participate and blocked where constitutional barriers remain. Such practices, La Noue reasoned, shift responsibility for supporting education financially away from the state and local government to the federal government.²⁶

Argument based on precedent is an effective one. It can be used to justify public aid or to indict a school for taking it. For example, if a representative of a church-operated school opposes a given aid program on the ground that it is a violation of the Constitution, his position is tenuous if it can be shown that his school or church has in the past participated in a similar aid program. Legislation or practice, as precedent, then becomes a powerful argument to condone or condemn.

²⁶Ibid., pp. 38, 39.

CHAPTER V

AID AND ADVENTISM

Since the founding of its first school in Battle Creek, Michigan, in the 1850's, the Seventh Day Adventist Church had gradually evolved policies to deal with the many problems connected with state aid. The first official statement of policy actually grew out of a problem in an Adventist mission outside the United States.

The period from 1891 to approximately 1900 was a time of expansion of Adventist educational institutions throughout the world, particularly in the United States, Australia, Canada, and Africa. Questions concerning state aid soon arose. At the Church's General Conference session in 1893 a South African delegate reported that he could obtain without cost a farm of 3,000 acres to open a Seventh-day Adventist mission school. There were immediate objections raised from the floor, and after much discussion and several amendments, a resolution was finally passed:

Whereas, In view of the separation which we believe should exist between the church and the state, it is inconsistent for the church to receive from the state pecuniary gifts, favors, or exemptions, on religious grounds: therefore

48. Resolved, that we repudiate the doctrine that church or other ecclesiastical property should be exempt from taxation, and further,

49. Resolved, that we use our influence in securing the repeal of such legislation as grants this exemption.¹

This, the first recorded official statement of policy regarding federal aid to the Church set the precedent for further statements in regard to public aid.²

It was later pointed out to the General Conference Session that the land offered was not a gift from the government but from a private company. The distinction was fine but important, since at that time the property was not owned by the government but by the British South African Company, a large land-owning concern. The General Conference therefore sent its president, O. A. Olsen, to Africa in October 1893 to investigate. He found that the British South African Company was no longer giving free land grants to any denomination.³

¹General Conference Bulletin, February 15-19, 1893, p. 269. The General Conference bulletins are available in the library of the General Conference of Seventh-day Adventists in Takoma Park, Maryland, quoted in Loveless, op. cit., p. 59.

²Loveless, loc. cit.

³"Agenda for the Committee of Religious Liberty Problems and Materials for Study" (Religious Liberty Department of the General Conference of Seventh-day Adventists, Washington, D. C., 1948), p. 94 cited by Loveless, op. cit., p. 60.

Late in 1893 the denomination received 12,000 acres of free land for the founding of a mission among the natives of Mashonaland. This transfer was made after A. T. Robinson, an Adventist minister, secured a private interview with Cecil Rhodes, premier of Cape Colony and head of the British South African Company. The land was selected and the Solusi Mission, the first extended foreign mission project of the denomination, was established.⁴

Much argument and criticism followed the acceptance of the African land. Certain leading officials in the General Conference strongly opposed accepting any land without paying for it; others insisted that, since it was given by a private company and not by the government, it was wholly within denominational policy. The acceptance was, however, clearly out of harmony with the policy taken at the General Conference sessions a few months before. The action was strongly criticized by A. T. Jones who contended that the African missionaries had "sold themselves for a mess of African pottage."⁵ In answering from Africa in 1894, S. N. Haskell questioned the validity

⁴"Agenda," p. 95.

⁵A. T. Jones, "Editorial Comment," American Sentinel, no vol. no. (November 22, 1894), p. 401, quoted in Loveless, op. cit., p. 61.

of the opposition of the National Religious Liberty Association, a department of the General Conference of Seventh-day Adventists.

The problem was discussed right up to the General Conference session of February 21, 1895, when a resolution was passed which instructed the General Conference Association to pay an equivalent for any government land that might be secured in Africa or any other part of the world.⁶ In keeping with this action, the Foreign Mission Board, which met on March 17, 1895, made recommendations for the carrying on of mission work in Zambesia, suggesting that land secured from the government should be purchased and not received as a grant. The session further recommended that a letter should be written to Messrs. Rhodes and Jameson of the British South African Land Company "expressing appreciation . . . for favors offered us," but suggesting that it would be "more satisfactory to them and also to ourselves" if the Church should pay for the land.⁷

The proposal to refuse the gift never passed. In January, 1895 a letter arrived in Washington from

⁶General Conference Bulletin, February 21, 1895, p. 283, cited by Loveless, Ibid., p. 62.

⁷Minutes of the Foreign Mission Board of Seventh-day Adventists, March 17, 1895, quoted in Loveless, loc. cit.

Mrs. Ellen G. White, who was at the time living in Australia. Mrs. White, considered a prophetess by the Church, wrote about the matter and instructed the men in Africa to accept the land free of charge.

The decisions surrounding the eventual acceptance of the Solusi Mission land form a background for the denomination's stand regarding acceptance of public aid to education. The years following 1895 were comparatively quiet in regard to debate on the question of government aid to Seventh-day Adventist educational institutions. In 1906 the Religious Liberty Association began publishing Liberty magazine. The church was occupied in establishing and extending its educational institutions. The pages of Liberty magazine and the minutes of the General Conference Committee remained relatively free of any discussion of federal aid until the middle of the 1930's.⁸

Aid problems came to the attention of the denomination as a result of the establishment of the Federal Emergency Relief Administration in 1933. This agency developed extensive educational programs in the United States, including various forms of adult education, nursery schools, vocational rehabilitation, part-time

⁸Loveless, op. cit., p. 63.

employment of college students, and employment of needy unemployed teachers of schools closed or partly closed for lack of funds. Several Seventh-day Adventist colleges were participating in the emergency program on behalf of their students. This inconsistency aroused the opposition of C. S. Longacre, associate secretary of the Religious Liberty Department of the General Conference and arch-enemy of any public aid program, who in March 1934 wrote a letter of inquiry to a number of Adventist college presidents asking for information about their institution's participation in the Federal Emergency Relief program. Answers indicated that students worked on school property only, that they could not use any of the money for personal needs, and further that the schools controlled these funds completely.⁹

These findings indicate that the concept of "student benefit" was already being used as logic for accepting public aid for Adventist students. While no figures are available, an estimate of the number of students participating in such aid indicates that in 1934 approximately 180 college students in Seventh-day Adventist

⁹Letter from William M. Landeen, President of Walla Walla College, to C. S. Longacre, Religious Liberty Department of the General Conference of Seventh-day Adventists, April 5, 1934, cited by Loveless, Ibid., p. 64.

schools participated in the Federal Emergency Relief program.¹⁰

In 1935 the Federal Government launched a full-scale student aid program under the newly created National Youth Administration. Under this depression program, the federal government spent over \$93,000,000 on the higher education of some 620,000 students.¹¹ The program made it possible for many students to stay in college who otherwise would have been forced to leave. This was the first extensive federally supported student aid program.¹² Because many of the Seventh-day Adventist colleges had been participating in the Federal Emergency Relief Program, they continued to do so.

This participation was not, however, regarded with favor by many members of the Church who regarded the government action as a breach in the "wall of separation" of church and state. In October 1936 at the Autumn Council each union and local conference was directed to appoint a

¹⁰Loveless, op. cit., p. 65.

¹¹John S. Brubacher and Willis Rudy, Higher Education in Transition (New York: Harper and Brothers, 1958), p. 228.

¹²Rexford G. Moon, Jr. "Student Aid and the Federal Government," Higher Education and the Federal Government, ed. Charles G. Dobbins (Washington, D. C.: The Brookings Institution, 1961), pp. 63, 64.

religious liberty secretary to oversee religious liberty issues in his area. The wording of the action was as follows:

WHEREAS, There has been pronounced backsliding and apostasy from the fundamental principles of our American ideals of civil and religious liberty; and

WHEREAS, The struggle to maintain our heritage of liberty requires eternal diligence and watchfulness; therefore,

We recommend, That union and local conferences appoint such religious liberty secretaries as are best qualified by education and experience to conduct religious liberty before the state legislatures and city councils when compulsory Sunday-observance bills, the teaching of religion in the public schools, the appropriation of tax funds to religious institutions, and other religious measures come before these legislative bodies for consideration.¹³

The following year at the Autumn Council, a further resolution was passed:

WHEREAS, There are many subtle influences undermining and weakening the ideals of the founders of the American Republic, and seeking to nullify and override the constitutional guarantees of civil and religious liberty; therefore,

Resolved, That the Religious Liberty Association of America . . . redouble its efforts in defending the fundamental principles of constitutional government so that all men and all religions may enjoy the same privileges and liberties before the law. The Religious Liberty Association reaffirms its objectives to keep the church and the state separate; to prevent church organizations from securing financial help from the State treasury; to frustrate all efforts of

¹³Actions of the Autumn Council of the General Conference Committee, October 21-28, 1936, Fort Worth, Texas, p. 38, quoted in Loveless, op. cit., p. 67.

religious organizations to secure the enactment by the State of religious legislation; and, above all, to maintain and preserve the inalienable rights of all men as set forth in the Declaration of Independence and Constitution of the United States.¹⁴

In both these resolutions there is a strong feeling against state funds for church organizations. Policy matured in the decade that followed.

The debate over the specific provisions of the National Youth Authority meanwhile continued. Some church members favored the aid since it was for the individual student, while others contended that indirect institutional aid was involved. The Autumn Council in 1938 appointed a special committee known as the Government Aid to Students Committee. This committee failed to report to the Autumn Council; a second committee to study the same problem was appointed. Soon after, E. D. Dick, committee chairman, sent a letter to committee members, informing them of the recommendations of the former committee which included a resolution to continue participating in the National Youth Authority program "so long as doing so does not involve the question of governmental dictation or control as to our educational policies."¹⁵

¹⁴Actions of the Autumn Council of the General Conference Committee, October 21-28, 1936, Fort Worth, Texas, p. 38, quoted in Loveless, op. cit., p. 67.

¹⁵Letter from E. D. Dick, secretary of the General Conference of Seventh-day Adventists, to members of the Government Aid to Students Committee, November 21, 1938, quoted in "Agenda," p. 248, quoted in Loveless, op. cit. p.68.

The committee reported in January 1939 declaring that "it would be inopportune for us at this time to declare ourselves regarding the denomination's attitude toward receiving government aid for students . . . inasmuch as the Government itself is giving reconsideration to the matter."¹⁶

The National Youth Authority was dissolved January 1, 1944, the problem unresolved. However, with the coming of the Second World War and the gearing of the nation, including educational institutions, to meet the emergency, new problems of state aid presented themselves. It has been suggested that except for the interruption of World War II the National Youth Authority would have continued as a permanent project, thus giving the country a dual system of schools, one operated by the states and another operated by the federal government.¹⁷

The decade of the 40's was decisive for the formation of a denominational policy in regard to public

¹⁶Quotation in a letter from J. L. McElhany, President of the General Conference of Seventh-day Adventists, to C. S. Longacre, Religious Liberty, Department of the General Conference, September 20, 1944, quoted in Loveless, op. cit., p. 69.

¹⁷Hollis P. Allen, The Federal Government and Education (New York: McGraw-Hill Company, Inc., 1950), p. 110.

aid. The denomination was faced with a twofold problem. In the first place there was no agreement as to exactly how the so-called principle of separation of church and state was to be understood. Second, there was no general agreement as to how Adventist schools should relate themselves to the increasing federal interest in education. Articles opposing the use of public funds for church-operated schools appeared more frequently in Liberty magazine, the official voice of the Religious Liberty Department of the General Conference.¹⁸ In 1942 the Autumn Council passed an official resolution condemning the "use of public tax money to support private and parochial schools."¹⁹

While most of the discussion in 1943 centred on the elementary and secondary level, the Congress did consider a bill that would grant aid to schools of nursing. There was a critical shortage in the field of nursing and the demands of the military increased the need. The government, therefore, made funds available to nursing schools for the benefit of student nurses. To receive benefits the student nurse contracted to make herself

¹⁸R. L. Benton, "Use of Tax Funds for Religious Institutions," Liberty, 36 (Fourth Quarter, 1941), pp. 28, 29.

¹⁹Actions of the Autumn Council of the General Conference Committee, October 20-28, 1942, pp. 57, 58, quoted in Loveless, op. cit., p. 70.

available for military or essential civil service upon graduation. The General Conference committee expressed its displeasure with the situation: "We do not approve of our schools of nursing applying for or accepting this proposed federal aid."²⁰

Religious liberty leaders in the denomination were not at all pleased with the current direction of events. C. S. Longacre stated at the time that if any religious institution accepted public funds, it would "ultimately have to submit to state control, because whatever the government supports financially it will in time administer."²¹ H. H. Votaw expressed similar views: "Those who clamor for government aid in support of sectarian institutions," he wrote, "are playing with fire."²² The Religious Liberty Department had left no doubt as to its position.

It became increasingly evident that the Church

²⁰Informal minutes of the General Conference Committee, June 10, 1943, quoted in Loveless, loc. cit.

²¹C. S. Longacre, "Early Seventh-day Adventist Attitudes and Methods in Fostering Religious Liberty," undated. (Mimeographed.), quoted in Loveless, Ibid.

²²Herbert H. Votaw, "Government Aid and Governmental Control," Liberty, 16 (First Quarter, 1946), p. 25, quoted in Loveless, op. cit., p. 71.

must give considerable thought to its relationship with the civil power. As a result, a special subcommittee on Religious Liberty Problems was established in 1948. In preparation for the work of this committee the Religious Liberty Department compiled a handbook of materials called Seventh-day Adventist Principles and Practices of Religious Liberty and the Separation of Church and State.²³ The material is taken from many sources, with much of it coming from the pages of Liberty magazine. One of the twelve sections, "Religion and Education," examined the problem of state aid. In defining the meaning of separation of church and state the document stated that "the official functioning of the state must be kept separate from the official functioning of the organized church. There must be no interlocking of their respective institutional processes by law or the administration of law."²⁴

J. I. Robinson, who was appointed chairman of the committee, questioned the validity of the so-called principle of complete separation of church and state. His

²³The material consists of 322 mimeographed pages and is available in the library of the Religious Liberty Department of the General Conference in Washington, D. C.

²⁴"Agenda," pp. 90-92.

observations are of great significance. In a personal paper issued on September 8, 1949, he expressed his acceptance of the principle of religious liberty and rejection of the so-called principle of separation of church and state. He pointed out that the Church has a "thus saith the Lord" behind the principle of religious liberty, but "a policy of separation of church and state lacks this clear injunction and must be formulated by Church administration with limited application."²⁵ This was possibly the first time that a prominent Church leader publicly questioned the universality of the principle of separation of church and state while affirming the universality of the principle of religious liberty.²⁶ Robinson regarded the concept of separation as relative with primary emphasis being given not to the absolute separation, but to time, place and circumstance. If adopted, the idea of separation becomes an administrative choice and not a moral principle. There was much opposition to Robinson's position.

The 1948 Autumn Council considered the problem of

²⁵J. L. Robinson, "Religious Liberty vs. Separation of Church and State" (personal position paper, September 8, 1949), p. 10. (Mimeographed.), quoted in Loveless, op. cit., p. 74.

²⁶Loveless, op. cit., p. 74.

the Church's relationship with the state again and passed a series of important resolutions reaffirming the Church's historic position on religious liberty. It was hoped by some that the doctrine of separation of church and state could have world-wide application as it was reaffirmed. However, the representatives realized that, because of varied forms of government, the application of the doctrine should be left to the "discretion of Division Overseas Committees."²⁷ Action was taken on both the educational and medical branches of the Church's work. It was recommended that in the United States no medical institution accept government aid for operation or maintenance.²⁸

In regard to Adventist educational institutions, it was recommended that while funds "for the salaries of teachers or for the maintenance, operation or support of the services which the school supply" should be rejected, this should not prejudice the acceptance of the "regular functions of the public health department."²⁹

²⁷Actions of the Autumn Council of the General Conference Committee, October 18-27, 1948, p. 14, quoted in Loveless, op. cit., p. 75.

²⁸Ibid., p. 18.

²⁹Ibid.

This was the first clear policy statement of the Church's relationship to the government.³⁰ Important decisions followed at the next Autumn Councils.

In the meantime religious liberty leaders made their position clear. In a prepared statement to the Senate Labor and Public Welfare Committee, Dr. Frank Yost, then associate secretary of the Religious Liberty Association of Seventh-day Adventists, declared that state aid was an illegal and dangerous policy. He observed that "parochial schools are extraordinarily successful recruiting grounds for any church." For a Church to receive either state or federal aid was to use public funds "to inculcate sectarian teachings, to enhance the influence of the Church at interest."³¹ Dr. Yost reflected the views of the other religious liberty secretaries who, several months later sent a letter to Congressman Barden upholding his Bill H. R. 4643 to provide certain aid to state public elementary and secondary schools. In this letter opposition was expressed

³⁰Loveless, op. cit., p. 76.

³¹Frank H. Yost, "Prepared Statement to Committee on Labor and Public Welfare," January 31, 1949. (Typewritten.), quoted in Loveless, loc. cit.

to state funds for parochial schools.³² The statement also clearly stated that the primary purpose of Adventist education is to make more Adventists.

The acquisition of Camp McQuade, a large military base in California, by the Central California Conference of Seventh-day Adventists in October, 1948 again raised the controversy of public aid. Public benefit allowance, a policy by means of which the federal government disposed of surplus military property to benefit education, made it possible for the Church to acquire the base free of charge. It was accepted and subsequently converted into a secondary school. A group of outraged California laymen protested: "Signs of the impending union of church and state in America are already in evidence on every hand."³³ The writers indicated that there were only three courses open to the Church if it was to avoid "inconsistency and hypocrisy." If the denomination were to accept Camp McQuade, it could confess publicly that it had misled the American

³²Letter from Herbert H. Votaw, C. S. Longacre, and Frank H. Yost, Religious Liberty Department of the General Conference of Seventh-day Adventists, to the Honorable Graham A. Barden, U. S. House of Representatives, June, 5, 1949, cited in Loveless, op. cit., p. 77.

³³Letter from the Layman's Committee, for general circulation, undated. (Mimeographed.), quoted in Loveless, op. cit., p. 78.

people with respect to its position on separation of church and state. Secondly, it could pay the government \$349,000 (fair value) in cash for the transaction of "an honest sale." Thirdly, it could "repudiate this proposition and all that it stands for."³⁴

The Religious Liberty Department again took up the controversy. H. H. Votaw, secretary of the General Conference Department of Religious Liberty, in a letter to a member of the General Conference committee, asserted that the denomination made a grave error in accepting Camp McQuade. He reminded the members that he alone had opposed accepting the camp when the vote was taken. He further predicted that the denomination would lose the respect of the leaders of other churches who believed in the separation of church and state.³⁵

Current Official Policy

The state aid question was again discussed at the Autumn Council of 1949. The Council's action is at present the latest official statement of the denomination's position on the question of public aid to parochial education. The

³⁴Ibid.

³⁵Letter from H. H. Votaw, Religious Liberty Department of the General Conference of Seventh-day Adventists, to members of the General Conference Committee, July 5, 1949, cited in Loveless, op. cit., p. 79.

action with respect to "Government Grants to Educational Institutions in the United States" is:

WHEREAS, The Seventh-day Adventist Church in the United States is in full accord with the principles of the separation of church and state as set forth in the Federal Constitution, and has through the years supported this principle;

We recommend, 1. That in the United States the denominational policy for our schools of all grades shall be to refrain from accepting gifts of money, land, buildings, or equipment from government; or grants from public tax money for the salaries of teachers; or the maintenance, operation, or support of the services which the school supply.

This shall not be construed to prejudice the acceptance of the regular functions of the Public Health Department, such as public health nurses' services, vaccinations, inoculations, or tuberculosis surveys; not shall it forbid the acquisition for a consideration, of war surplus.³⁶

Another significant recommendation was with respect to "Government Grants to Medical Institutions in the United States":

WHEREAS, Our medical institutions are an integral part of our denominational program;

We recommend, 1. That in the United States our medical institutions refrain from accepting any government aid for operating or maintaining these institutions.

2. That inasmuch as our medical institutions render a recognized service to the medical needs of the communities in which they are located, government

³⁶Actions of the Autumn Council of the General Conference Committee, November 7-16, 1949, St. Louis, Missouri, p. 26. See also "Government Grants in the United States," General Conference Working Policy, p. 272, quoted in Loveless, op. cit., p. 80.

grants for capital development may be accepted. However, it shall be understood that a grant shall be received only after careful study by the operating board, and approval by the union and General Conference committees.³⁷

It is significant that, while the denomination policy accepts government grants for capital development, it does not accept government aid for the training of Adventist nurses.³⁸ M. E. Loewen, Secretary of the Public Affairs and Religious Liberty Department of the General Conference of Seventh-day Adventists, discussed the logic of this policy. His principle arguments turn on two points - the use of public funds for parochial education, and fear of government control. On the first point Mr. Loewen asserts that "Seventh-day Adventist nurses are evangelistic missionaries and their training should not be financed by tax dollars." On the second point he contends that "Government support eventually will require Government control."³⁹

The importance of these 1949 actions cannot be overemphasized as they represent the official position of the Church today. No change has been made in the official

³⁷Ibid., pp. 26, 27.

³⁸See Informal minutes of the General Conference Committee, June 10, 1943.

³⁹M. E. Loewen, "The Use of Federal Funds in Seventh-day Adventist Nursing Education," College Teacher Section Meeting Minutes, August, 1964, p. 39.

church position since that time. Since 1949, however, many new government programs have developed and new agencies and laws have appeared. There has also been new emphasis given to older programs. The dramatic and far-reaching government interest in education and growth of denominational educational institutions have caused the Church to maintain an active interest in the church-state question in education.

On two occasions between 1949 and 1961 action was taken to set up committees to study the problem, but in each case no report was given.⁴⁰ As specific problems have come up, they have been dealt with on the local level, but no comprehensive study has been given to developing a position that will include or exclude present or future state aid programs. In 1961, however, action was taken to refuse participation in government loans to institutions.⁴¹ The reasons cited were: to adhere to the principle of separation of church and state, and "to adhere to the no-debt policy." More recently a committee was selected to prepare a statement

⁴⁰Actions of the Autumn Council of the General Conference Committee, October, 21-28, 1954, p. 45 and Minutes North American Division Council, October 21-28, 1961, p. 6., cited in Loveless, op. cit., p. 81.

⁴¹Actions of the Autumn Council (pertaining to the North American Division), October 24-29, 1961, p. 10., cited in Loveless, Ibid.

for the Autumn Council on Church-State Relations in 1965. However, to this time no report has been rendered.

View of Adventist Educators

Concern has been voiced recently by Adventist educators in regard to the Church's policy on state aid, particularly at the post-secondary level. When Congress passed the National Defence Education Act in 1958, questions arose as to whether Seventh-day Adventist colleges could accept undergraduate student loans. The administrators of Seventh-day Adventist colleges met at La Sierra College in the summer of 1949 and voted to recommend to the General Conference that colleges be permitted to participate in the student loan program.⁴² The colleges now participate. Much of the concern was voiced as a result of answers to a questionnaire circulated by W. A. Loveless in preparation of his Doctoral dissertation. Some of the answers are both interesting and enlightening.

Many educators confessed to a confused mind in regard to the problem. "Part of the time," one said, "I feel it is advisable to take all the aid we can get because

⁴²Minutes of the Sixth Biennial Meeting of the Administrative Officers of Seventh-day Adventist Colleges in North America, July 20-24, 1959, p. 24., cited in Loveless, Ibid., p. 82.

we are taxpaying citizens, and at other times I think that the possibility of government control and manipulation makes the accepting of federal aid undesirable."⁴³ Another said that he had "given up the search for an absolute and timeless consistency in church-state relations, because I believe none exists. Church and state are, perforce, unequally yoked together and must learn to co-exist on the basis of the shifting sands of expediency."⁴⁴

Responses showed that of the thirty-three educators questioned, eighteen agreed with the 1949 policy, and fifteen disagreed. Twenty-one felt that the 1949 action was not an adequate policy for their particular institutions. Many felt that there was some inconsistency in allowing medical institutions to accept capital grants and forbidding such assistance for educational institutions. It was generally suggested that more time be given to careful study of the problems involved in accepting state aid. Many said that both they and their boards were not adequately informed about current government programs and policies. Eight of the college presidents questioned indicated that their institutions would be moving into

⁴³Loveless, op. cit., p. 83.

⁴⁴Ibid.

more extensive involvements with federal aid programs. All the presidents considered research grants, surplus real and personal property, and student loan programs to be acceptable under the terms of the 1949 action.

A group of questions involved the so-called principle of separation of church and state. The majority felt that participation in aid programs was not necessarily a violation of the separation principle. Seventy-four per cent of the respondents felt that separation was possible and desirable in present American culture. The idea of complete separation was rejected almost unanimously, whereas the principle of religious freedom was considered the important consideration.

The primary benefit received from government aid was seen to be the achieving of academic excellence. Financial stability and the provision of higher quality education both in equipment and faculty were the most frequently mentioned benefits. Government control was the most significant problem arising from accepting federal aid with the "secularizing" of schools close behind.

The Church's reluctance to accept state aid was explained by reference to the tradition of separation maintained by the church. This tradition is enforced with moral sanctions, and as shown here, developed through

the years. Some of the selected responses included in Dr. Loveless's thesis are of interest. To the question "What in your opinion, is the most important reason for the hesitancy of the Seventh-day Adventist Church in accepting federal aid?" the following were among the answers:

Fear of control, based on experience with other governments in the past.

The record of history.

We must refrain if we are to be consistent; if we accept aid, we admit weakness of our program and the need for support both financially and morally.

We must be free to proclaim a distinctive message without any restrictions whatsoever and without being obligated in any way to anyone outside our church organization.

Breach of church-state separation.

Such systems usually become corrupt sooner or later, the denomination wishes to lend its support to the separation idea as long as it remains a governmental principle, because it is believed to be the best principle of government yet devised. That does not mean that our position is inflexible. We wish to support principles of government which give the best promise of freedom.

The fear that when any church receives tax funds for its strengthening, the church will lose its own vigor, and ensuing controversies over such participation will weaken it.

Tradition and unwarranted fear of federal control or interference.

As a minority group, we fear our rights might be abrogated by the majority; fear that other groups would profit more from such advantages. (That is not the basis for a high-principled stand.) Surely there

is no danger in allowing government vaccinations and food for children--either can be withdrawn and the church will not be affected. When, however, the government pays operating expenses, the taxpayer is supporting a church he may not believe in, and the church is leaning on Caesar for support.⁴⁵

There is obviously abundant evidence to show that the problem of church-state relationship will continue to demand the attention of members of the Seventh Day Adventist Church.

⁴⁵Ibid., pp. 206, 207, Appendix.

CHAPTER VI
AID AND CATHOLICISM

Church and State

The Catholic position that not only favors state support for parochial schools, but actively campaigns for such support, has its roots in Catholic philosophy. The issue of church-state relations has been an area of concern for the church since biblical times. The Church, has claimed exclusive spiritual powers; the state has derived authority from God in temporal matters; the individual has responsibilities to each, and each to the individual.

After the period of Roman persecution, Christianity obtained official recognition as a "religio licita" by Constantine in 313 and in time an even higher status in the Empire. The ideological basis for Christianity in relation to the state was delineated by St. Augustine (354-430), Pope Gregory the Great (540-604) and others. The coronation of Charlemagne by the Pope as Holy Roman Emperor in 800 had more than symbolic significance; for at this time a coterminous alliance came into existence - pope and king, church and state.

The medieval history of church-state shows a struggle between Pope and temporal power over such issues as lay investiture—a struggle that ended in the edict Unam Sanctam (1302). The growth of nationalism and secularism saw the development of anti-clericalism, the decline of the authority of the Church in temporal matters and state interference in what the Church regarded as its exclusive rights. The Church continued to assert its rights and responsibilities in regard to its members, adapting itself to the peculiarities of law and tradition in various nations - by concordats in some strongly Catholic states such as Spain and Italy guaranteeing the special rights of the Church, and in others, such as the United States, by co-operation with civil authority and with the various elements of the pluralistic society.¹

Since early times statements in regard to church-state have been made by notable church authorities. One of the most important was from Pope Leo XIII:

The Almighty, therefore, has given charge of the human race to two powers, the ecclesiastical and the civil, the one being set over divine, and the other over human things. Each in its kind is supreme, each has fixed limits within which it is contained, limits

¹For a more complete resume of the development of the church-state problem see: William W. Brickman and Stanley Lehrer, op. cit.

which are defined by nature and special object of the province of each, so that there is, we may say, an orbit traced out within which the action of each is brought into play by its own native right. But inasmuch as each of these two powers had authority over the same subjects, and as it might come to pass that one and the same thing - related differently, but still remaining one and the same thing might belong to the jurisdiction and determination of both, therefore, Who foresees all things, and Who is the author of these two powers, has marked out the course of each in right correlation to the other. For the powers that are, are ordained of God. Were this not so, deplorable contentions and conflicts would often arise, and not infrequently men, like travelers at the meeting of two roads, would hesitate in anxiety and doubt, not knowing what course to follow. Two powers would be commanding contrary things, and it would be a dereliction of duty to disobey either of the two . . .

There must, accordingly, exist between these two powers, a certain orderly connection, which may be compared to the union of soul and body in man . . . Whatever, therefore, in things human is of a sacred character, whatever belongs either of its own nature or by reason of the end to which it is referred, to the salvation of souls, or to the worship of God is subject to the power and judgment of the Church. Whatever is to be ranged under the civil and political order is rightly subject to the civil authority. Jesus Christ has Himself given command that what is Caesar's is to be rendered to Caesar, and that what belongs to God is to be rendered to God . . .²

In church-state conflicts that do develop, the Church holds the right to defend herself. Pope Leo XIII continues:

Inasmuch as the destiny of the State depends mainly on the disposition of those who are at the head of affairs, it follows that the Church cannot give countenance or favor to those whom she knows to be imbued with a spirit of hostility to her;

²Ralph L. Woods (ed.), A Treasury of Catholic Thinking (New York: Thomas Y. Corwell Company, 1953), p. 261, 262.

who refuse openly to respect her rights; who make it their aim and purpose to tear asunder the alliance that should, by the very nature of things connect the interests of religion with those of the State . . .³

The Church of course must adapt to varying circumstances and situations. Jacques Maritain develops the point that the Church desires harmonious relations with all governments.

The Church has constantly shown in the course of history that political and social changes have no terrors for her and that she has a sense singularly free from illusions of the contingent character of human institutions. She teaches obedience to temporal authority and to just laws since all legitimate rule of man over man comes from God; but (saving the case of a temporal power having a ministerial rule in regard to the spiritual authority, as happened with the Empire in the Middle Ages) the Church does not institute the temporal authority, she sanctions the rule of government, and without forbidding resistance, by force if need be, to tyrannical rule. With a view to the advancement of her work for the salvation of souls, and so that States also shall respect the ends that are proper to the spiritual nature of man, the Church seeks to act in harmony with the secular power. But she is not unaware that at most times—since the world which turns away from God is subject to a Prince who is not God (*totus in maligno positus est mundus*) — to deal with the temporal power is a little like dealing with the devil. And on the whole one devil is as good as another. A new ruler who establishes his authority cancels out the rights of his predecessor. In truth the Catholic Church took a long time to adjust itself to the bourgeois regime, perhaps because the medieval order which was formed under her protection continued to occupy a place in her memory as it had so long occupied her guardian care.⁴

³Ibid., p. 263.

⁴Ibid., p. 265.

From these and other statements it can be seen that Catholics regard Church and State as two independent but related societies. The Church is supreme in purely religious matters, the state in purely temporal matters. The Church must not interfere in matters of a purely civic nature, nor the state in the teaching and practice of religion. However, there will always be some relationship between Church and State, because the same persons who are members of one society are members of the other. "The two societies should harmoniously cooperate where their interests touch, and arrive at a working agreement."⁵ The church can be of help to the state by developing morally virtuous, and law-abiding citizens. The State can help the Church by fostering religion and granting scope for its activity.

Maritain's statement reiterates the Church's policy of adapting itself to less than ideal political situations - ranging all the way from the favored position occupied by the Church in Spain to the position in present day America. How has the policy been adapted and interpreted in the United States? A noted American Jesuit has put the issue succinctly:

⁵Fagothey, op. cit., pp. 426, 427.

The separation of Church and state is not the theoretical ideal, but is often the best working arrangement. If a religion holds that it is the only true Church, its theoretical ideal can be nothing less than that all men should be members of it - in a country in which all citizens belong to the same religious body a separation, not merely a distinction, between the two would be a pointless fiction; but even here provision would be necessary for the possible minority groups. But in countries such as ours, where the people profess many different religions and are split up into any number of sects, a practical separation of Church and state seems to be the only workable arrangement. As the facts of history show, it has succeeded admirably.

It is well to note that the term separation of Church and state is used in different senses in different parts of the world . . .⁶

In view of the above statement, what then is the attitude of the Catholic Church in regard to Jefferson's "wall of separation" which so many Protestants, including Seventh-day Adventists, regard as a high and impregnable barrier separating church and state? Many Catholic thinkers regard the "wall of separation" as one of many metaphors used by opponents of state aid to church schools to "do the work of rational argument." It is further contended that the use of the metaphor has hurt the cause of inter-denominational understanding, "shutting off reasonable dialogue between groups of Americans that usually are quite ready to listen to one another on the subject of civil rights."⁷ The metaphor of "the wall" is

⁶Ibid., p. 427.

⁷McCluskey, op. cit., p. 123.

unfortunate because no real wall can keep completely apart two institutions that largely share the same constituency and the same concerns for the common good. Even the word "separation" is misleading. Catholic thinking would prefer the word "independence" as a more accurate description of the American system. It was in this sense that Innocent XI used the metaphor a century before the United States was a nation, at a time when the French Church was struggling to maintain its independence in the face of increasing secular power. Pope Innocent wrote to Louis XIV:

Everyone sees what destruction and ruin, not solely in France but in the rest of the Christian world, would follow for the Catholic Church, what confusion of sacred and profane things, if the wall between the spiritual and secular power were to be breached, with the influence of such an example spreading daily ever wider. In addition, unless so absurd and so certain an error is corrected a grave risk and danger to souls in this kingdom will result.⁸

The principle that Innocent was trying to uphold was obviously not that which Jefferson was defending in his message to the Danbury Baptists. Separation of Church and State, in the Catholic mind, is valid only as a means to an end. The real issue is religious liberty. The concept of religious freedom will determine how much

⁸Innocentii Pp. XI Epistolae ad Principes, 1, 225 (Romae: Typ. Vaticana, 1890). Quoted by McCluskey, Ibid., pp. 124, 125.

separation there should be. McCluskey supports this opinion by quoting Dr. Wilber G. Katz, former dean of the University of Chicago Law School. "Separation ordinarily promotes religious freedom; it is defensible so long as it does, and only so long." Those who would make separation an end in itself are further advised that "the basic American principle of Church-state relations is not separation but religious liberty."⁹

Most Catholic students of the subject of church and state, however, fully accept "separation of church and state" as opposed to "union of church and state", but they resent the implication that the church is under the state. An article in America, leading Jesuit periodical, lauds what its editor regards as a happier phrase used by the National Study Conference of Church and State of the National Council of Churches which describes the American situation as "a free church and a free state within a free society."¹⁰

There is, therefore, no question in the Catholic mind of attempting to set aside the constitutional principle of non-establishment by a series of breaches in "the wall of separation." "Rather, this constitutional

⁹Ibid., p. 134.

¹⁰"Free Church, Free State," America, August 8, 1964, p. 122.

doctrine of non-establishment which has been translated into a slogan or figure of speech must not be so distorted and misapplied that it stifles religious liberty instead of preserving it."¹¹ In the present discussion of educational aid and in drafting aid proposals, Catholics see a danger that the confusing of ends and means will infringe the liberties of parents and children. "Almost seven million children attending non-public schools, and the millions of parents who choose such schools for them will suffer serious deprivation of basic freedom unless this freedom is protected by the provision of aid on an equal basis, if aid is to be given."¹² Hence, as a matter of religious freedom, and in keeping with distributive justice, Catholics expect public aid to parochial schools.

Certain attempts have been made in the past to arrive at some satisfactory solution to the problem of state aid. Five of the most representative will now be considered, and certain controversies which have been associated with them will be discussed briefly.

¹¹Federal Aid for All the Schools, a collection of editorials and articles from America, (New York: The America Press, 1962), p. 14.

¹²Ibid.

The Lowell Plan

One of the earliest compromise plans between state and church officials was the Lowell plan in Massachusetts. In 1831, the town budgeted fifty dollars annually for the maintenance of a separate district school for Catholics. In June, 1835, Father Connolly, assistant pastor of St. Patrick's Church, insisted on having Catholic teachers and textbooks not hostile to the Catholic Church, and entered into an agreement with the local authorities through the school committee under the following conditions: 1. That the instructors must be examined as to their qualifications by the committee, and receive their appointments from them. 2. That the books, exercises and studies should all be prescribed and regulated by the committee, and that no other whatever should be taught or allowed. 3. That these schools should be placed, as respects the examination, inspection and general supervision of the committee, on precisely the same footing with the other schools of the town.

According to the arrangement, the schools were supported by public funds, the Catholics supplying the buildings. By 1844 there were one grammar and five primary schools devoted exclusively to Catholic children, with an

average enrollment of 638 pupils.¹³ The plan was continued until 1852. Much of the pressure for abandonment came from the Know-Nothing movement which supported greater secularization and was regarded by Catholics as "an outburst of sectarian bigotry."¹⁴

The New York Controversy

Legislative enactment in 1813 provided for the distribution of public money for church schools in New York City. By this legislation all denominational schools were given a share in the school fund. By 1822, five Catholic schools shared this aid to the extent of \$1.96 per pupil per year.¹⁵ By 1825, however, all financial aid was discontinued for Catholic and denominational schools, with the exception of orphan asylums.

In 1840, Governor Seward recommended to the legislature, that schools should be established in which children would be taught by teachers of their own creed and nationality. Bishop Hughes petitioned the City

¹³J. J. Walsh, Education of the Founding Fathers of the Republic (New York: Fordham University Press, 1935), p. 13.

¹⁴William J. McGucken, S. J., Ph. D., The Catholic Way in Education (Chicago: Loyola University Press, 1962), p. 83.

¹⁵John D. Redden and Francis A. Ryan A Catholic Philosophy of Education (Milwaukee: The Bruce Publishing Company, 1942), p. 126.

Council for a share in the school fund for eight parochial schools then in operation. The petition was denied. The Bishop forwarded a second petition claiming support for the Catholic schools not as religious corporations but as citizens who had already paid taxes into the common school fund. The Council rejected the petition. The question of state aid to religious schools was finally settled by decree of the State Legislature that no funds were to be given to any school wherein "any religious sectarian doctrine or tenet should be taught, inculcated, or practised."¹⁶ A special act of the legislature established the Board of Education of New York City, in 1842, and henceforth all funds for school purposes were to be used exclusively for the support of public schools.

Bishop Hughes and the Catholics now realized that no financial help could be expected from the state. "Since the state refused to discharge its obligation to aid parents in the establishment of schools in conformity with the dictates of their own conscience, then it was clear that the church must establish and maintain such schools and carry their financial burden alone."¹⁷ The

¹⁶Gabel, op. cit., p. 299.

¹⁷Redden and Ryan, op. cit., p. 127.

results of the New York controversy had a discouraging effect on similar Catholic efforts throughout the country. Catholics were more than ever determined that their children should be educated in Catholic schools. "For the Catholic people of New York to send their children to the city schools was perhaps a greater danger to faith than now, as the schools were all Protestant and definitely anti-Catholic in tone; many gave definite Protestant instruction."¹⁸

The Poughkeepsie Plan

This plan, which was based largely on the rejected compromise of Bishop Hughes, was inaugurated in 1873, when St. Peter's Catholic School in Poughkeepsie, New York, became a part of the public school system. The local board of education exercised control over the schools, and religious instruction was given after regular school hours.

The school hours were from nine to twelve o'clock, and from one-thirty to three. No child was compelled to be present for the religious exercises unless by his parents' desire. Protestants were free to send their children to the Catholic public schools. It was tacitly understood that Catholic teachers should be engaged for the Catholic schools, so long as they were found to be equally competent with the other teachers under the control of the board.¹⁹

¹⁸McGucken, op. cit., p. 82.

¹⁹J. Burns and B. Kohlbrenner, A History of Catholic Education in the United States (New York: Benziger Bros., 1937), p. 161.

The plan terminated in 1899 when the state superintendent of public instruction, Charles R. Skinner, ruled that the plan was "unwise as a matter of school policy and a violation of the letter and spirit of the constitution."²⁰ Specific objections were raised concerning each of the following: renting of property for school purposes; employment of sisters; the "sectarian influence"; "visual instruction" by means of the religious habit worn by the sisters; religious images and objects.

The Faribault Plan and the Bouquillon Controversy

The Faribault Plan was by far the most famous and the one that aroused most controversy, not only among Protestants but even among Catholics.²¹ In 1891, in order to relieve the financial burden of Catholics, Archbishop Ireland effected an arrangement with the public school officials of Faribault and Stillwater, Minnesota. The Catholic schools in these towns were made part of the public schools system, and their maintenance was to be met by school taxes. The Sisters were to be retained as teachers, and religious instruction might be

²⁰Redden and Ryan, loc. cit.

²¹McGucken, loc. cit.

given before or after the legal public school day. Otherwise, the Catholic schools were completely under public control and supervision.

The plan drew forth an outburst of controversy, and opposition from both Protestant and Catholic sources that resulted in the voluntary abandonment. Many Catholics saw in the plan a threat and danger to the Faith and to that vigorous Catholic personality derived from a parochial school training in which religion permeates all educational processes. Questions were raised which had profound philosophical implications as is seen in the Bouquillon controversy that the plan aroused.

Father Bouquillon, professor of moral theology, Catholic University, enunciated the principles on which the Faribault plan rested, and published in 1891, a pamphlet, "Education; To Whom Does It Belong?" His discussion was concerned with the question of state rights in education. In a subsequent article, "Rejoinder to Critics", the rights of the state in education were set forth. Bouquillon's argument was attacked by many Catholic educators on the ground that too much authority was given to the state.

Father Bouquillon sought to establish the right of the state to demand certain educational requirements

necessary for its own preservation. Thus, compulsory education was within the state's rights. The controversy precipitated by Father Bouquillon's pamphlet was without equal in American Catholic history, and grew in proportion as the advocates of the Faribault plan stoutly defended the pamphlet.²² Those who opposed Bouquillon's arguments reasoned that the advocates of the plan were pressing for compromises which in themselves would eventually rob the Catholic school system of its original vitality and thoroughly religious character, because a system is not Catholic unless religion permeates the entire curriculum, methods, and organization.

The Faribault plan was referred to Rome and the decision of the Congregation of Propaganda issued a decision on April 21, 1892. A translation of this decision appears in Burns and Kohlbrenner:

∟ T The decrees of the Baltimore Councils in respect to parochial schools remaining in full force, the agreement entered into by Archbishop Ireland relative to the schools of Fairbault and Stillwater, in view of all the circumstances may be tolerated.²³

Certain philosophical implications of the school question remained as controversial issues until Leo XIII

²²Redden and Ryan, op. cit., p. 129.

²³Burns and Kohlbrenner, op. cit., p. 165.

intervened and by the following decision ended the entire controversy:

In order that, in the matter of so grave importance, there may remain no further room for doubt or for dissension of opinion, as we have already declared in our letter of the 23d. of May of last year to our venerable brethern, the Archbishop and the Bishops of the Province of New York, so we again, as far as need be, declare that the decrees which the Baltimore Councils, agreeably to the directions of the Holy See, have enacted concerning parochial schools, and whatever else has been prescribed by the Roman Pontiffs, whether directly or through the sacred congregations, concerning the same matter, are to be steadfastly observed.²⁴

Thus the decisions of the Third Baltimore Council directing the establishment of parochial schools and requiring parents to send their children to these schools were reiterated.

Catholic-Public Schools in the United States

The question of public support for Catholic schools which has received such attention during recent years was a matter of considerable concern during the era of the thirties. A study made by Reverend J. T. Cronin and F. J. Donahue in 1937²⁵ shows that several states

²⁴Letter of Pope Leo XIII to James Cardinal Gibbons, May 31, 1893, in American Catholic Quarterly Review, Vol. XVIII, p. 648, quoted by Redden and Ryan, op. cit., p. 130.

²⁵J. T. Cronin and J. F. Donahue, "Catholic-Public Schools in the United States" (New York: Fordham University, Institute of Catholic Educational Research), Bulletin, 1937, No. 1). Cited by Redden and Ryan, op. cit., p. 131.

provided varying degrees of support indirectly to pupils in Catholic schools in such matters as public health, welfare services, transportation, and textbooks. These were regarded in general as pupil aids rather than as direct financial assistance to religious schools. For the study, data was gathered from diocesan officials and other sources, and a list of 282 schools was compiled in which a substantial amount of state and local support was given to schools which were, in some manner at least, under Catholic auspices. The data obtained indicated that in 1937 there were some 340 elementary and secondary schools so classified.²⁶ These schools, which in the majority of instances were originally private Catholic schools, became by arrangement public schools. Various agreements were made between Church and public school authorities for their administration. The majority of the teachers were religious. Their salaries were paid in whole or in part from public funds. Such schools are designated in Cronin's and Donahue's study as "Catholic-public schools," and reliable data were received concerning 140 of these schools.

The main reasons given for an arrangement between church and public authorities were a predominant Catholic

²⁶Ibid.

community and the recognition that the dual system of schools was uneconomical. The trend in cooperative plans between church and public authorities has been most pronounced since 1925, although 15 of the schools existed prior to 1900. Pupils in attendance were largely but not exclusively of the Catholic faith.

The contracts were usually unwritten agreements between the church and public school authorities. The school buildings were generally owned by church authorities and rented or leased to the public school authorities at a nominal rental. For the most part buildings might be used for non-school parish activities during school hours.

In most cases there was inspection by state department of education and the secular course of study was determined by state or local authorities. Supervisors from religious communities supervised all but sixteen per cent of the schools. Church authorities approved secular textbooks in twenty-six per cent of the schools.

This arrangement was, however, no more than a "modus vivendi" and far from the ideal of every Catholic child in a Catholic school. Redden and Ryan concluded that "a less than Catholic school will not satisfy."²⁷

²⁷Ibid., p. 134.

They felt that:

Catholics throughout the United States should follow a vigorous course of Catholic Action, and demand with inexorable logic and diligent perserverance their just share of public funds, to which they have proportionately contributed, for the maintenance of Catholic schools. Catholics will never obtain their just rights in this endeavor until they are awakened by concerted education to the gross injustice that is done to them. The rank and file, the man on the street, must be led to see that there is no just reason why he should be forced to contribute to the support of a dual system of schools.²⁸

They entertained, however, no illusions as to the ease of accomplishment of these goals, and from their study of the expedients and compromises just discussed they outlined five obstacles: The first of these problems militating against parochial schools receiving public aid was "the illogical notion that aid given to parochial schools involves union between Church and state. . ."

The next was the possible increase in taxation which might result from public aid. A third hinderance was the fact that many state constitutions forbade the appropriation of public funds for the support of denominational schools. A fourth was the "emotional intolerance of the Protestant brethern who misunderstand the whole question of state aid for Catholic schools."

²⁸Ibid., pp. 136, 137.

The fifth problem was how to obtain state aid without the undesirable consequences of state control. "Careful reflective thought should be focused on the ultimate consequences of any acceptance of state aid, lest in the final analysis, the Catholic school sacrifice its original purpose and become an agency of materialistic and socialistic opportunities based on mere social expediency."²⁹

The Logic of Support

Establishing its claims on a church-state doctrine that gives each a place in society while denying the state the right to establish monopolies in regard to schools, the Catholic Church developed the following arguments for state support of parochial schools.

1. Distributive Justice

The principle of distributive justice (see chapter III) provides the basis of the Catholic logic for support. Distributive justice, implies "a fair and proper distribution of public benefits and burdens among the members of the community."³⁰ Catholic citizens, as members of the society, claim a return for the taxes they pay to

²⁹Ibid., p. 138.

³⁰Fagothey, op. cit., p. 234.

support education.

2. Religious Freedom

New York's Cardinal Spellman, in seeking federal aid under the 1961 Kennedy Bill, declared that denying equal aid to children in church-related schools would deprive them of "freedom of mind and freedom of religion guaranteed by our country's constitution." Should Congress do so, it would breed "thought control" by compelling a child "to attend a state school as a condition of sharing in education funds."³¹

Another prominent Catholic education authority, Virgil C. Blum, S. J., Associate Professor of Political Science at Marquette University says that "when a child is compelled by economic sanctions to attend a public school he is compelled to conform to its religious values."³² He further contends that whenever the government supports the education of children in secular subjects it aids one or more religions, since religion permeates all subjects. The Catholic child exposed to the public schools is compelled to conform to the secular religious values of the school. The freedom of religion of parents is also impaired.

³¹"The Cardinal's Claim," Time, January 27, 1961, p. 38.

³²Virgil C. Blum, "Freedom and Equality," Commonweal, XXXI (February 2, 1940), p. 511.

According to Catholic writers, "the last thing our Founding Fathers intended to do was to put a price tag on the religious liberty protected by the First Amendment that would put it beyond the reach of some citizens."³³ The equal protection guarantee, said the Supreme Court, "requires that all persons . . . shall be treated alike, under like circumstances and conditions, both in the privileges conferred and in the liabilities imposed."³⁴ The government cannot, therefore, "compel parents to surrender the right to send their children to church-related schools as a condition for sharing in welfare benefits."³⁵

3. Double Taxation and Equal Protection

Many Catholic parents pay a "double taxation" since they pay taxes for public schools and also tuition to parochial schools. The case is stated in terms of aid to the child and to the parents, not to the Church. On the other hand the argument is that "double taxation"

³³McCluskey, op. cit., p. 135.

³⁴Hayes v. Missouri, 120 U. S. 68 (1887). Quoted in McCluskey, Ibid., p. 136.

³⁵Virgil C. Blum, "Thoughtful Opinions on Aid to Schools," Federal Aid for all the Schools (New York: The America Press, 1962), p. 20.

does not really apply because parents are free to send their children to the public school.³⁶ A comparison has been made between the taxpaying parents of non-public school children and those tax-payers who do not own cars but pay taxes for highway construction.

According to Catholics, such examples are not really valid. Catholics argue that no state has a compulsory driving law, but every state has a compulsory school attendance law. Every tax-paying parent is compelled to send the child to some school. Thus, the tax-paying parent's freedom is not the same as the freedom of other taxpayers to drive or not to drive. The parents must send the child to some school. If they exercise their freedom of religion to send their children to a non-public school, they must pay the expenses of educating their own children as well as paying to send other children to public schools. Those parents who exercise their freedom of religion by sending their children to a non-public school are also deprived of property and denied the equal protection of the laws

³⁶For a more complete discussion of arguments counter to the Catholic position see the following:
Paul Blanshard, Religion and the Schools: The Great Controversy (Boston: The Beacon Press, 1963).
"Shall the State Subsidize Church Schools,"
Liberty, September-October, 1960.

guaranteed by the Fourteenth Amendment as a consequence of their religious convictions. To Catholics the basic issue is not the "wall of separation" but "the perservation by government of the freedom of religious conviction of each individual citizen."³⁷

4. Public Service

Catholics reason that their schools perform a public service by providing secular education as well as moral education, and save taxpayers several million dollars in so doing.

So long as the education which a school gives is a complete education and meets the academic standards which the state has a right to set, it serves a public purpose. Any recognized and accredited school turns out educated citizens who are equipped to do the work of society: and this is the public purpose in education.

A parochial school also serves another purpose, namely, religious instruction and formation of character on religious principles. But that is no ground for discriminating against it in giving governmental aid to education. Science and mathematics do not cease to be useful in a parochial school.³⁸

Some Proposals for State Aid

Though there seems to be no single authoritative expression of opinion on the issue of state aid, the

³⁷James J. Murray, "What is the Real Issue," Federal Aid for All the Schools (New York: The America Press, 1962), p. 16.

³⁸"A Public Purpose," Ibid., p. 45.

Catholic laity and clergy are aware that direct support by the government to parochial schools is highly unlikely.³⁹ In 1952 McCluskey reached conclusions similar to those arrived at by Redden and Ryan a decade earlier: The U. S. Supreme Court would interpret such action as a contravention of the Federal Constitution; Almost all state constitutions specifically rule out the support of sectarian schools; Government support, especially federal, could entail such qualifications that the schools would lose their present independence; Most of all, the rancor and strife set off by organized Catholics efforts to obtain direct aid would make it impossible.⁴⁰

This admission that such direct basic support is at present impossible, (and indeed may be impossible for several generations), does not mean that Catholics have surrendered their claim to support in principle. Meanwhile, Catholics want a sympathetic hearing for their

³⁹McCluskey, op. cit., p. 156.

The Gallup poll of 1961 showed: Catholic voters favored government aid to sectarian schools in a ratio of 66 to 28, with 6 per cent having no opinion. Protestants favored public aid for public schools only, in a ratio of 63 to 29, with 8 per cent undecided - Church and State, June, 1961, p. 9. Quoted in "That Camel's Note," Liberty, September-October, 1961, p. 15.

⁴⁰McCluskey, op. cit., p. 155.

case, public recognition of their problem, and help in working towards an equitable solution. There is a concensus among clergy and laity that Catholic energies would be best spent on achieving fuller distribution of educational items immediately related to the "child benefit" principle.⁴¹ McCluskey and others feel that leaving aside any reference to direct aid, there are several categories where action could be taken.

Bus Transportation

Catholics feel that their children are entitled to the same transportation services as public school children. It is suggested that the best way to overcome real or imagined constitutional blocks would be to take the State Department of Education out of the school-bus business and turn school transportation over to some department such as the Department of Highways. It is reasoned by Catholics that school transportation should be debated on the grounds of child safety rather than of contribution to religion.

Textbooks

Although in some states free textbooks are given to Catholic children, Catholic officials often

⁴¹Ibid., p. 156.

have little or nothing to say about the preparation of textbooks some of which they consider unsuitable. If the textbook program were expanded to include audio-visual aids, visiting special lecturers, and travelling science exhibits, there would probably be increased Catholic interest.⁴²

Health Services

In some states children in all schools share equally in federal and state funds appropriated for the lunch program, for example, subsidized distribution of milk, oranges and hot meals. In most states, however, only federal funds are available for this program. Present practice regarding community health measures — vaccinations, medical and dental examinations, lung X-rays, and others varies greatly, but probably most American communities find no constitutional scruple in extending these services to youngsters in parochial schools.⁴³

Testing and Guidance

The 1958 National Defense Act appears discriminatory to the Catholic mind in some areas. Among these inequalities are the lack of provision for testing

⁴²Ibid., p. 157.

⁴³Ibid., p. 158.

and guidance in parochial schools. Catholics feel that during these years when the nation cannot afford to leave talent undeveloped, they have the right to expect that government supported programs in counselling, testing, and guidance will include the children in the parochial schools.

Exceptional Children

In the United States there are about 1.5 million Catholic children in need of specialized education because of mental or physical handicaps. Only a few of the larger dioceses can afford programs for them.⁴⁴ The Church feels that it can provide special care for these if given public support.

Tax Credits

A number of tax credit plans or educational voucher plans to pay the tuition fees of college and graduate students have been proposed. In fact bills to implement such proposals have been introduced in the legislatures of several states and in the Congress. In practice families would be able to claim as income tax deductions a proportion of the money paid for fees to public or private institutions of higher learning. Father Virgil C. Blum, S. J. has advanced similar plans whereby such assistance would be granted to pupils in

⁴⁴Ibid., p. 159.

primary and secondary schools. He argued:

The certificate or tax credit plan is in principle the same as the plans the Federal Government adopted to enable veterans, war orphans, and the pages of Congress to get an education at the school of their choice. The direct subsidy principle, incorporating the principle of freedom of choice, was adopted, in one form or another, in the Servicemen's Readjustment Act of 1944, the Veterans' Readjustment Act of 1952, the War Orphans' Educational Assistance Act of 1965, and in the educational provisions of the Legislative Reorganization Act of 1946 for the education of the pages of Congress.⁴⁵

Catholic Strategy and Attitudes to Objections

Catholic attempts to secure public aid for their schools have naturally met with opposition. Catholic reaction to this opposition ranges from persistence to indifference. It is generally felt that unity among Catholics is the sine qua non for success. Redden and Ryan suggest a program of education for the Catholic laity so that all efforts may be in concert. When the large Catholic population acts together it is an effective voice. Yet organized action has in more than one instance been a cause of fear and suspicion in the minds of opponents of public aid, and has been the cause of acrimonious public debate in the various news media. Case in point is the opposition to the Kennedy Bill of 1961.

⁴⁵Virgil C. Blum, S. J., Freedom of Choice in Education (New York: MacMillan, 1958), p. 30.

Catholic hierarchial opposition to President Kennedy's grant of \$2.3 billion to elementary and secondary public schools was led by Cardinal Spellman who made a public "demand" in the name of distributive justice for a share in any federal educational grant.⁴⁶ Despite the contention that the Cardinal was "acting against the advice of the chief Catholic lobbyists in Washington",⁴⁷ the President's program produced a great outcry in the Catholic press. The National Catholic Welfare Conference, the National Council of Catholic Men, the Knights of Columbus and other Catholic groups poured into Washington the "greatest barrage of vocal and written protest in recent years."⁴⁸ A writer in the Catholic Reporter of Kansas City is quoted thus: "Never before in U. S. History has the church so effectively 'Flexed her muscles in public'."⁴⁹ The Catholic protest was met by a backlash of Protestant, Jewish and secular counter-protests. It was hoped in some quarters that Cardinal Spellman's attitude would

⁴⁶"Catholics Vs. Kennedy," Newsweek, March 20, 1961, pp. 24, 25.

⁴⁷Blanshard, op. cit., p. 122.

⁴⁸Ibid., p. 123.

⁴⁹Ibid., quoting Commonweal, October 13, 1961.

not be the Church's official position. On March 23, 1961, however, the administrative head of the Catholic bishops, Archbishop Karl Alter of Cincinnati, announced in the name of American Catholicism: "In the event that a federal aid program is enacted which excluded children in public schools, these children will be victims of discriminatory legislation. There will be no alternative but to oppose such discrimination."⁵⁰ This meant to some that the Catholic hierarchy would use its political power to block every general aid bill which did not admit its own schools.⁵¹

Certain moderate voices were heard in favor of a compromise. Among these were Vice-President Johnson who suggested that, since some form of aid was certain to be offered as an amendment, it might be wiser for the administration to support its inclusion. Compromise failed, and the bill was subsequently defeated. A very interesting development in the issue was the political realignments. Protestants, especially Baptist leaders who had opposed the entrance of a Catholic into the White House because of their fear that such a President

⁵⁰Ibid., p. 124, quoting NCWC release March 3, 1961. A longer version is in the National Catholic Almanac, 1962, p. 114.

⁵¹Ibid.

would be subservient to the Catholic hierarchy, now rushed to Washington to honor Mr. Kennedy for keeping his pre-election pledges in regard to church-state and education. Dr. E. S. James, prominent Baptist leader said, "It was a pleasure to tell the President that he has disillusioned many of us who felt that a Roman Catholic could not make a good president . . ."52

In answering objections to their opposition to the Kennedy Bill Catholics expressed no desire to trouble or embarrass the young President with demands. However, they expressed determination to press for "justice", and contended that "Federal aid to the nation's schools should not be allotted in a way calculated to put harsh economic sanctions on millions of parents who, in the exercise of their religious liberty, choose to educate their children in parochial schools."53 They expressed surprise that the public could "fail to see that Catholics could not in conscience have done other than protest the undeniable discrimination of such public laws as would effectively deprive them of rights guaranteed under the Constitution."54 The Catholic

52"Changing Times," Newsweek, March 4, 1963.

53"Church and President," Federal Aid to All the Schools, (New York: The America Press, 1962), p. 51.

54Ibid.

attitude remained "that when and if enough Americans want Federal aid to elementary and secondary schools, they may have it - but not without us and not against us."⁵⁵

The 1961 controversy has not been without other consequences. Many Catholics have had to re-think their attitudes and strategies in regard to state aid. Catholics feel that opposition to their efforts to secure aid ranges from "the sincere and simple-minded bigotry of POAU to the genuine concern of fair-minded people for the future of the public schools."⁵⁶ Many Catholics are anxious to engage in a dialogue with men of good will to allay honest fears. Some Catholics attribute the failure of fair-minded Americans to see that parochial school children were provided with equal educational benefits to the fear that the Catholic Church would be the principal beneficiary of an aid program. Yet one Catholic writer says that many of the state aid opponents who have "their own fears about Catholicism are asking very real questions, and are motivated by praiseworthy religious, ethical, and

⁵⁵"Where We Go From Here," Federal Aid to All the Schools, (New York: The America Press, 1962), p. 56.

⁵⁶Francis Canavan, "Politics and Constitutional Law," Federal Aid to All the Schools (New York: The America Press, 1962), p. 36.

democratic ideals. It might be helpful if we tried to understand why men who should not be truly considered anti-Catholic are fearful of what they consider generally held Catholic attitudes in education."⁵⁷ The same writer recalls the observation of Cardinal Gibbons that divisions between American Catholics and their fellow citizens "are caused above all by the opposition against the system of education which is attributed to us, and which, more than any other thing, creates and maintains in the minds of the American people the conviction that the Catholic Church is opposed by principle to the institutions of the country and that a sincere Catholic cannot be a loyal citizen of the United States."⁵⁸

It is reasoned by Catholic thinkers that "the success of the dialogue and the growing Protestant concern over secularism, have combined to reduce the peremptory power of the shibboleth of 'separation'."⁵⁹ The almost

⁵⁷Joseph E. Cunneen, "Catholics and Education," Catholicism in America, a series of articles from The Commonwealth (New York: Harcourt, Brace and Company, 1954), p. 144.

⁵⁸Ibid.

⁵⁹John F. Malloy, "How to Talk About Aid," Federal Aid for All the Schools (New York: The America Press, 1962), p. 39.

universal and overwhelming approval of the performance of President Kennedy has doubtlessly done a great deal to allay the suspicions of the Protestant community. The official American Catholic attitude to Church and State could not be put more clearly than in the statement of Archbishop John T. McNicholas of Cincinnati, chairman of the Administrative Board of the American Bishops National Catholic Welfare Conference.

No group in America is seeking union of Church and state; and least of all are Catholics. We deny absolutely and without any qualification that the Catholic Bishops of the United States are seeking a union of Church and state by any endeavors whatsoever, either proximate or remote. If tomorrow Catholics constituted a majority in our country, they would not seek a union of Church and state. They would then, as now, uphold the Constitution and all its Amendments, recognizing the moral obligation imposed on all Catholics to observe the Constitution and its Amendments.⁶⁰

The passing of the 1965 Elementary and Secondary Education Act in which parochial schools share in a number of real indirect benefits, received the approval of most Catholics and gave them an opportunity to develop the cooperative policy that they advocate with the state and various members of the pluralistic society. The National Catholic Welfare Conference, in anticipating some difficulties insuring the benefits of the act,

⁶⁰McCluskey, op. cit., p. 171, quoting New York Times, January 26, 1948.

approves of the "delicate balance" that "preserves the traditional separation of church and state without discriminating against any children."⁶¹ Anticipating that co-operation must exist before the act can be implemented, the diocesan superintendents were advised that they "should contact other private school administrators, Lutheran, Adventist, Jewish etc. where such schools exist. A co-ordinated presentation should facilitate negotiation with public school authorities."⁶²

There is a growing feeling that the climate of co-operation is having a laudatory effect on relations between Catholics and others in the state aid debate. Recent articles in such authoritative Catholic magazines as America quote influential American Protestants who favor state aid to parochial schools. Dr. John C. Bennett, dean of Union Theological Seminary contends that parochial school children should be included and their welfare aided without transgressing the principle of separation of Church and State.⁶³ Dr. Daniel A.

⁶¹Department of Education, National Catholic Welfare Conference, Understanding the Elementary and Secondary Education Act of 1965, (Washington, D. C.: Department of Education, National Catholic Welfare Conference, p. 1. (Not dated).

⁶²Ibid., p. 13.

⁶³"Sympathetic Protestants," America, July 28, 1962, p. 536, quoting Christianity and Crisis, May 28, 1962.

Poling argues for tax deductions for fees paid to parochial schools.⁶⁴ America lauds the cooperation of various members of Roman Catholic, Christian Reformed, some Lutheran and Seventh-day Adventist churches, and some Jewish organizations who have formed an organization called "Citizens for Educational Freedom" which is devoted to securing freedom of choice in education. The organization proposes that "aid can be given on the elementary and secondary level in the form of grants to the parent and student, as in the G. I. Bill, National Defence Education Act, scholarship programs, War Orphans Assistance and other programs. . ."⁶⁵ Nor do Adventist articles show that the church is unwilling to find areas of cooperation between parochial schools and state authorities.⁶⁶

⁶⁴Ibid., quoting Christian Herald, June, 1958.

⁶⁵James R. Brown, "Citizens for Educational Freedom," America, CX (February 8, 1964), p. 194.

⁶⁶Raymond S. Moore, Phd., "Should Church-related Schools Expect Government Financial Help," Liberty, LIX (May-June, 1964), pp. 11-13. The author suggests several areas of cooperation:

- (1) State or Federal scholarships and loans for worth students;
- (2) Non-profit distribution of surplus foods in the parochial school;
- (3) Tax exemptions of school property and travel;
- (4) Tax credits to those who contribute to education, church-related or not.

Among Catholic thinkers there is regret that tension exists among American citizens holding opposing views on the state-aid question. A number of Catholic authorities feel that the "aid-to-education issue be discussed in terms of civil rights and not as a religious issue."⁶⁷ These people feel that the school issue will not be settled in the courts. "It certainly cannot be done by invoking the Supreme Court's insufficient and conflicting interpretations of the establishment-of-religion clause. The sooner we get the 'school question' out of the litigious atmosphere proper to the courtroom and into the policy-making forum of the legislative chamber, the sooner we shall be able to talk sense about it."⁶⁸

Catholic opinions range from absolute refusal to accept aid on principle to cautious approval tempered by fear of state control.⁶⁹ Edward L. O'Connor, former attorney general of Iowa, who is a devoted member of the

⁶⁷Virgil C. Blum, "Thoughtful Opinions on Aid to Schools," Federal Aid to All the Schools (New York: The America Press, 1962), p. 22.

⁶⁸Francis Canavan, "Politics and Constitutional Law," Ibid., p. 36.

⁶⁹See for example Joseph M. Plevyak, "Let's Not Seek Aid for Catholic Schools," Liberty, IX (May-June, 1964), pp. 14-17.

Catholic Church, believes that both institutions prosper best when their spheres are kept separate. He feels that "it is a grave and serious error for the Catholic hierarchy in the United States to jump into the political arena and start playing power politics."⁷⁰

As important a church official as Richard Cardinal Cushing, Archbishop of Boston has serious reservations. In speaking of certain forms of aid he said: "I would absolutely refuse the offer, for I cannot see how any government or state would build schools, without expecting to control them in whole or in part. We are not looking to any government for any assistance in building our system of education."⁷¹

Perhaps the most radical attitude toward the problem of church education is expressed by a young and well-educated Catholic American, Mary Perkins Ryan.⁷² Mrs. Ryan considers the value of the Catholic school in the light and the spirit of renewal dramatized in the

⁷⁰Edward L. O'Connor, "A Catholic Layman Talks Back," Liberty, LVI (September-October, 1961), p. 13.

⁷¹Speech, December 8, 1955, quoted in McCluskey, op. cit., p. 167.

⁷²Mary Perkins Ryan, Are Parochial Schools the Answer? Catholic Education in the Light of the Council (New York: Holt, Rinehart and Winston, 1963). See also "Schools Under Strain," Time, March 20, 1964), pp. 58, 59.

Vatican Council. She feels that American Catholicism has emphasized the school more than the church, and that this has resulted in the religious impoverishment of the Catholic community. She contends that, especially in the view of the pressures of increasing enrollments in Catholic schools and the increasing costs, that there should be a change in the pattern of Catholic schools beginning with the closing of the lower grades and sending the children to public schools.

The best evidence of how Catholic children fare comparatively comes from Rev. Joseph H. Fichter, S. J., head of the sociology department of Loyola University.⁷³ Testing social standards, social skills, family relations, in typical parochial and public schools in South Bend, Indiana, he found that pupils were nearly identical: both accept and demonstrate honesty, obedience, gratitude, self-control, and kindness in about the same proportions. Mrs. Ryan contends that children trained in the Catholic school system do not receive better religious training, partly because parochial schools are anachronistic. No longer, she argues, are the Catholic Church and its schools in a "state of siege"

⁷³Joseph H. Fichter, S. J., Parochial School: A Sociological Study (Notre Dame: University of Notre Dame Press, 1958).

that has existed since the Reformation. No longer must Catholics be equipped with weapons of defence against Protestant teaching. What is needed, she feels, is workable religious instruction to make all Catholics better Christians in the community. In her conclusions, Mrs. Ryan questions Catholic efforts to secure whole or partial public support for their schools. She feels that if the Church should gain state aid, "the Catholic public would be cut off, even more than at present, from one of the major concerns of its fellow citizens, the welfare of the public schools."⁷⁴ She says in regard to the religious formation of Catholics:

We can only carry out this work, first by putting ourselves, and by helping to put one another, in close contact as possible with the Christ who speaks to us and acts on us in His Word, in the sacrifice and sacraments of the Church, and then by putting ourselves in contact with our neighbor, sharing his interests and concerns, working with him for the welfare of all men. It is hard to see how, under present circumstances, the continuance or the extension of the Catholic school system can be anything but an obstacle to the pursuit of these aims.⁷⁵

Mrs. Ryan's book has been a matter of controversy among Catholics. Msgr. George W. Casey, who writes a column in The Pilot, Boston's Archdiocese paper, agrees

⁷⁴Ryan, op. cit., p. 172.

⁷⁵Ibid., p. 176.

in part. "I have been advocating that the church wash out of elementary grades. Her idea is that we should get out of general education entirely. I don't think that her proposal is feasible, because the Catholic school is too firmly entrenched, too interwoven in our lives. She poses a very real challenge."⁷⁶ Many Catholics especially the clergy see the "challenge" as a threat. Msgr. O'Neil C. D'Amour, Assistant Secretary, Department of School Superintendents of the National Catholic Education Association calls it an "incredibly naive book, a foolish book."⁷⁷ The Catholic weekly, The Tablet says, "The battle lines are clearly drawn. The book finds the Catholic schools 'an obstacle' to the current spirit of renewal and says they must be shut."⁷⁸

Mrs. Ryan has attracted the attention of more of the population than the Catholics. The House Committee on Education and Labor has invited her to testify at hearings on proposed legislation that would finance a three year experiment in which parochial school pupils would spend part of their day taking nonreligious subjects

⁷⁶Time, op. cit., p. 58.

⁷⁷Ibid., p. 60.

⁷⁸Ibid.

in public schools. Except for a few areas where well-financed parochial school systems are thriving and even growing, some such re-combination of religious and educational responsibilities seems likely in many parts of the United States.⁷⁹ It will be of interest to study the impact of Mrs. Ryan's liberal thought on the development of this aspect of the state aid problem.

Innovations forcibly put forward by such writers as Mrs. Ryan have not convinced all Catholics that they should abandon the parochial school, but rather that the scope of appeal should be extended from Catholics to the whole community. The approach should be from American citizens interested in the welfare of the state.

Our plan, to have any chances of success, must first of all represent the consensus of the American Catholic community. It is essential, not only that Catholics should know what they want, but that all or most of us should genuinely want it. The immediate task of Catholic leadership, lay as well as clerical, is the formation of this consensus. In the months ahead we must stimulate the kind of discussion among Catholics that will lead to a solid agreement among ourselves on our goals in the matter of aid to education.

Our plan, secondly, must be such that we can get it accepted by the public at large through the American democratic process. We must therefore act and see to it as citizens and not as ecclesiastics or members of the Catholic Church. What we want is relief from civic inequity and adequate protection for our constitutional rights as Americans to educate our

⁷⁹Ibid.

children in accordance with our conscience.⁸⁰

The passing of the 1965 Primary and Secondary Education Act has encouraged Catholics, who seem generally pleased that a step has been taken in the right direction. This, however, is only a beginning. "It is true," runs a report of the National Catholic Welfare Conference, "that the benefits to parochial school children under the Act are minimal. The benefits, however, are real and the potential is great . . . If the proper precedents are set this year, the children in our schools will be in a good position in following years to benefit from increased funds and programs."⁸¹

In conclusion it is obvious that state policy is not rigidly set in regards to state aid for denominational schools. The great welter of conflicting opinions, even among Catholics, leaves the honest person confused in regard to the official policy in regard to Catholics and state aid. Pope Pius XI has stated the intention of the Church in such clear terms that the aim and hope of the Church can not be in doubt.

Let it be loudly proclaimed and well understood and recognized by all, that Catholics, no matter what

⁸⁰"Where We Go From Here," Federal Aid For All the Schools (New York: The America Press, 1962), pp. 56, 57.

⁸¹Understanding the Elementary and Secondary Education Act of 1965, op. cit., p. 16.

their nationality, in agitating for Catholic schools for their children, are not mixing in party politics, but are engaged in a religious enterprise demanded by conscience. They do not intend to separate their children either from the body of the nation or its spirit, but to educate them in a perfect manner most conducive to the prosperity of the nation. Indeed a good Catholic, precisely because of his Catholic principles, makes the better citizen, attached to his country, and loyally submissive to constituted civil authority in every legitimate form of government.⁸²

⁸²Pius XI, Divini Illius Magistri (The Christian Education of Youth) (New York: The America Press, 1963).

CHAPTER VII
OUTLOOK AND CONCLUSIONS

Summary

The purpose of this study was to compare the attitudes of the Roman Catholic and Seventh-day Adventist churches in regard to public aid to church-related educational institutions. The attitudes of the churches have been examined against the historical and legal background of the problems. Certain similarities and differences must be summarized and certain attitudes reassessed before conclusions can be stated and recommendations made.

Similarities

Both Roman Catholics and Seventh-day Adventists feel the need for parochial schools, and history shows that their respective educational systems grew along with the churches, so that both now operate educational institutions at all levels, from primary to postgraduate. In both cases the educational philosophy springs from the belief that the church is responsible for the spiritual training of members. Spiritual training, developed in all phases of the educative process, is a necessary

preparation for man's ultimate end. To each Church, spiritual education means more than the addition of the Church's religion to the secular curriculum - spiritual ethos must pervade the whole school. Parochial schools are successful instruments for retaining church membership as the statistics of each denomination show.

The rights of parents to educate their own children are pre-eminent in both philosophies. However, the church also has its rights in respect to man's spiritual nature. The state too has rights in as much as educated citizens provide the bedrock for a progressive nation. Hence the state must see that education is provided for all her citizens. But both churches oppose any state monopoly, and on more than one occasion have been able to cooperate in the protection of the rights of parents and of the churches in regard to education.¹ Both strongly urge their members to send their children to parochial schools. In each case the goal is all their children in a church school. This motivates church members to make considerable sacrifices, for denominational schools must be maintained in the face of increased taxation for the support of the public

¹A notable example was the presentation of an Amicus Curiae brief on behalf of the Catholics in the Pierce V. Society of Sisters. Cited in McCluskey, op. cit., p. 120.

school system.

Although both Churches feel that the public schools hold certain "perils" to the spiritual welfare of their children, neither expressed hostility to the public school system. Parents are urged to send their children to a public school where a church school does not exist.

Both Catholics and Adventists express and practise loyalty to the American Constitution and both are devoted to the principle of religious freedom. For both, the basis of church-state philosophy is the scriptural injunction to "render unto Caesar the things that are Caesar's and unto God the things that are God's." This philosophy motivates members of both Churches to co-operate with the government to the extent that both accept some measure of state aid to their schools in such forms as state medical care of parochial school children, government surplus, loans for capital expansion of hospitals.

Both Catholics and Seventh-day Adventists have at all times been in a minority position in the pluralistic American society, and their attitudes have been somewhat conditioned by this situation.

There is a considerable range of opinion in both denominations - from adherence to official policy to the

very opposite view. Both are motivated by what they believe to be "the truth" in regard to spiritual matters and adhere firmly to the principles that motivate their respective stands. Members of both Churches, moreover, express a desire to solve social and civic problems in a spirit of Christian love. These similarities would seem to indicate a very close and co-operative solution to the problem of state aid to church schools.

Differences

Such differences as size, age, tradition, and religious belief have prevented the co-operation one might expect in view of these many similarities. History and tradition account for much of the suspicion that separates the two groups in regard to civic co-operation in this problem. It is difficult to find Catholic sources that take an Anti-Adventist stand in the matter of state aid. This may be accounted for by the fact that the Adventist position is not unique as regards to Protestants who oppose aid and the Church is not significant in regards to numbers as compared with the major United States Protestant Churches. Adventists, however, are part of the organization called Protestants and Other Americans United for the Separation of Church and State, and hence share in the criticism directed towards this organization.

A survey of Adventist books, pamphlets, and periodicals reveals that the denomination regards Catholic attempts to secure state aid as a threat to the traditional American separation of church and state, and consequently to freedom of religion. The facts seem to indicate that the basic issue, regardless of the stated position, is not the so-called "principle of separation of church and state" but the principle of religious freedom. Every success of a religious group in obtaining such indirect benefits as free textbooks and bus transportation is regarded as a "crack in the wall" which will ultimately result in a church-state liaison in which individual liberties in the field of religion will be threatened.

Thus, Adventists fear the so-called "secularism" of the public schools far less than Catholics, and indeed, regard the Supreme Court's prohibition of prayers in the public schools as a safeguard of religious freedom, while Catholics see in the same move a prohibition against God. Rational debate from a position of fear and suspicion seems to be almost an impossibility.

The Catholic Church, however, has grown to a position of wealth, strength, prosperity, and respect, and seems to be losing the "siege mentality" of its minority days and is able to carry on the debate from a

position of strength. Although some Catholics still feel compelled to "demand" state aid, others have been moved to re-examine their stand and to adopt the position of wider responsibility to the whole society.

Re-examining Some Positions

It is now necessary to recall some basic contentions central to the issue. Facts would seem to show that the so-called "principle of separation" which was the basis of the Adventist position on state aid was not the real issue, rather it was that of religious liberty. These conclusions are the result of two apparent contradictions. The first is that the principle of separation is applied somewhat less than universally in Adventist institutions. It will be remembered that the official Adventist policy demands separation in the United States and also the refusal of aid but permits church Divisions elsewhere to decide the issue in specific cases on the basis of local conditions. Denominational moral principles, such as the keeping of the Sabbath, are universally applied. These are obviously not the same kind of principles. For example, although all Canadian Adventists observe the Sabbath in keeping with one principle, Adventist schools in Canada may accept or refuse state aid. In some cases aid is

accepted and in others it is refused in the same country.²

The General Conference has taken the position that the reception of government grants is a matter that each Division must settle for itself. The North American Division has followed this precedent and has permitted the Canadian Conference to settle this matter according to local conditions. Therefore, there are schools in Canada that are supported by the State. As a general rule these are providing education for the community and do not necessarily have a predominance of Seventh-day Adventist students.³

A very clear statement on the Canadian policy and practice emerged in answer to a request for an explanation of the policy of accepting aid in Newfoundland in apparent contradiction to the Adventist policy of separation.

Seventh-day Adventists have always felt that there is a sound Biblical basis (certainly Christ's statements in the New Testament) for holding that where the largest measure of separation of Church and State exists there the greatest measure of religious freedom obtains. However, I don't believe the denomination has ever taken the position that separation of Church and State is a question involving absolute morality or doctrine. By this I mean, that where it does not exist Seventh-day Adventists have not felt under any compulsion to resist legitimate governmental authority and to co-operate where necessary with government departments that are organized and

²Russell C. Spangler, "My Church Members Are Taxed Double," Liberty LIX (January-February, 1964), pp. 16, 17.

³Letter from M. E. Loewen, Secretary Department of Public Affairs and Religious Liberty of the General Conference of Seventh-day Adventists, May 27, 1965.

maintained for the purpose of co-ordinating or regulating the activities of religious denominations. In other words, we would not take the position that the Jehovah's Witnesses take in refusing to recognize the existence of any earthly governmental authority or power . . .

The reason for accepting provincial grants in Newfoundland and for our schools can be summed up as follows. There is no public school system as we understand it in the other provinces of Canada, in Newfoundland. There are a few public schools, but by and large, the various denominations are responsible for providing at least elementary education in that province. In many instances when we open a school, we are asked by the municipal or provincial authorities to build a school large enough to accommodate children for whom we would not otherwise make provision. For this reason, we believe that the acceptance of provincial grants can be justified or perhaps it would be more honest to say, rationalized on the basis that we are accepting remuneration for a service rendered and requested. . . . apart from the United States, the denomination has taken a more flexible or pragmatic approach to this question when one views the denominational attitude in a non-United States context. Despite this fact, one would be quite correct in saying that the denominational bias is in favor of the largest measure of separation of Church and State. But, where this does not exist, then the denominational position is that we must make the best of a less than ideal situation.⁴

There seems to be some inconsistency in that the Seventh-day Adventist Church in the United States will accept some forms of state aid and refuse others. For example, Adventists accept school lunch programs, government surplus (albeit for a monetary consideration), and G. I. Bill and similar assistance. Some institutions are

⁴Letter from D. L. Michael, Executive Secretary, Department of Public Affairs of the Canadian Union Conference of Seventh-day Adventists, June 30, 1965.

permitted to accept aid while others must refuse. Colleges and universities must refuse capital grants while medical institutions may receive Hill-Burton grants on the grounds that hospitals provide a public service. This situation has aroused some feeling among Adventist educators.⁵ This, it will be remembered is one of the Catholic arguments for state support of church schools. Such arguments are met with the rejoinder that public service is not a legitimate reason in view of the fact that the schools exist to teach religion. But, is it not true that Adventist hospitals are evangelistic agencies of the church? Adventist hospital programs do include prayers with patients, religious broadcasts over the public address system, active visitation by Adventist Chaplains, distribution of literature of the Adventist faith. Adventist educators argue that the schools also render a public service even though they are religious institutions. But since the religious nature of Adventist hospitals does not disqualify them, by the same logic the educational institutions should receive the same aid.

An examination of these apparently enigmatic situations reveals that Adventists and Roman Catholics

⁵Loveless, op. cit., p. 129.

are not far apart on some issues of the state aid problem. It would seem that, in view of the fact that religious liberty, rather than church-state separation seems to be the principle of the Adventist stand, there is some room for flexibility in making proposals that will not violate the religious liberty principle. Indeed this is the principle of the Catholic Church as stated by many of its thinkers. Moreover, the Adventist realization that there cannot be absolute consistency in church-state relations calls to mind the Catholic Church's declaration that the Church must adapt itself to the exigencies of the various situations in which it finds itself.

The acceptance of state aid by Seventh-day Adventists does not seem to violate any moral or doctrinal principle, and although in some cases acceptance of public assistance may not be in keeping with the 1949 official statement of policy, such aid does seem to be a part of Adventist denominational work in some areas. In actual fact the policies of the two Churches are not so different as it first seemed. A realization of these facts could lead to co-operation on the basis of common interests and policies without violation of moral or doctrinal principles.

Conclusions

The passing of the Johnson Bill of 1965 (Elementary and Secondary Act) may be a major milestone in church-state relations, in as much as parochial schools are for the first time included in a federal aid-to-education bill. However, Church leaders do not agree on the significance of the Act. Adventists fear the state control that will come with the benefits, and regard the bill as a "crack in the wall of separation." Roman Catholics see the bill as a step in the right direction. They feel that it sets a desirable precedent and can be valuable in itself if liberally administered and if co-operation can be developed among parochial and public school officials. Catholics are, nonetheless, aware of the hazards of state control.

Adventists continue to fear the loss of minority rights as the Great Society moves towards mass security.⁶ Although not opposing the benefits of the welfare state, they fear the danger of joint church-state administration

⁶Gordon T. Hyde, "How Does Conformity Affect the Freedom of the Nonconformist?" Liberty LIX (January-February, 1964), pp. 8-10.

J. L. Jesperson, "The Dictatorship of the Majority," Liberty LIX (May-June, 1964), pp. 26, 27.

W. Melvyn Adams, "Is There Room for Conviction in the Great Society," Liberty LX (September-October, 1965), pp. 12-15.

of education and welfare benefits.⁷

It seems likely that the participation of the Federal government in school expansion and assistance will increase. Because of many factors, including the scientific challenge of the Soviet Union, the need for national security, and the increasing financial difficulty for local boards in keeping up with the rate of technological change and the development of new information, the public schools are in need of help. The "teacher-turned-president", Lyndon Johnson, is likely to continue his efforts to extend federal aid to all the schools. The responsibility for administering this "unprecedented involvement in the educational affairs of the country" falls to the Department of Health, Education and Welfare.⁸ It is significant that these portfolios are included in the one department.

The move is away from individual responsibility in regard to matters once thought of as private prerogatives. The tradition of local control has not kept the Federal Government out of the schoolhouse or the welfare centre. Federal control is less a bogey to the

⁷Dean M. Kelley, "Government Aid to Welfare," Liberty LVIII (March-April, 1963), pp. 24-26.

⁸"Federal Aid: The Head of the Class," Time, October 5, 1965, p. 70.

public generally and more significantly, to educators who realize more and more that legislation such as the Johnson Bill "gives school districts and the states virtually a free say on how they will use their federal funds."⁹ An important development that bodes well for the future of more federal participation is the support of the National Education Association, the largest educational organization in the United States. The NEA has given unequivocal support to Mr. Johnson's bill.¹⁰

The growth of the powers of the Federal government is obvious. As laudable as are the aims of the government to extend the blessings of the Great Society to all people, history nonetheless records that with government aid comes government control.

Adventists see distinct possibilities that the Supreme Court will not be a guarantee of religious freedom in as much as the Court reflects the opinion of contemporary society and interprets the Constitution in the context of the times. There is, for example, the internment of Japanese-American citizens during World War II — an abridgement of constitutional rights upheld

⁹Time, Ibid., p. 72.

¹⁰"Education for All, Based on Need, Supported by NEA," Liberty, (May-June), 1965, p. 32.

by the court.¹¹ Adventists conclude that "No American ought to presume that the United States Constitution will automatically protect his personal liberties."¹² "If the Constitution does not guarantee freedom always, it does not guarantee it."¹³ Most people think that what the Court declares unconstitutional is in reality unconstitutional. The truth may be, however, only that the Justices have thought it unconstitutional. A subsequent session of the Supreme Court may discover that the law in question, or another similar to it, is quite constitutional after all. For example it is well known that the Court in the 1954 decision declared school segregation illegal by a unanimous vote, 9-0. It is less widely known that the opposite "separate but equal" decision of 1896 was 8-1. The laws of the United States are made by men and interpreted by men. If this is so, Americans should not take their liberties for granted.

It is reasoned by Adventists that if the consensus of opinion is that certain steps should be taken to ensure

¹¹C. Marvyn Maxwell, "The Constitution and the Supreme Court," Liberty LVIII (March-April, 1963), pp. 9-11.

¹²Ibid., p. 10.

¹³Ibid. —

the well-being or security of the state in a time of emergency, or when a minority group dissents, as in the matter of the growing public feeling concerning Sunday "Blue Laws" and the Supreme Court's upholding of these laws as public welfare legislation, then the rights of the minority who hold another day as sacred may well be abridged.¹⁴ Such fears, not without foundation, seem to indicate that the Adventist denomination is unlikely to make any major change from its position on church-state and specifically on the issue of state aid. Indeed it has already been stated that the Catholic officials expect litigation from Adventists in regard to the Primary and Secondary Education Act.

It seems likely that, if the Catholic Church insisted on state aid for parochial schools on the basis of numbers, in time she could receive aid by legal and constitutional means. Statistics show that Catholicism in the United States is growing three times as fast as the Protestant church membership. This is revealed by comparing the Official Catholic Directory for 1964 with the 1964 Yearbook of American Churches. Catholic membership stands at an all time high of 44,874,000, while Protestant members total 64,930,000.

¹⁴Kenneth J. Holland, "One-day Criminal," Liberty LVIII (March-April, 1963), pp. 17-19.

The Catholic Church showed a gain of 1,026,000 or 2.3 per cent in 1963, while the Protestant gain was slightly under .8 per cent.¹⁵

The Catholic Church is the only major religious group whose growth still exceeds that of the overall U. S. population.¹⁶ Time magazine concludes that "because more federal aid for schools is certain to come, and because Catholic parochial school enrollment is growing faster than public school enrollment, the issue will sharpen. About 1 out of 3 U. S. babies is born to a Catholic family, and parochial schools now enroll as many as 60 per cent of all schoolchildren in heavily Catholic communities."¹⁷ It would seem possible in time that the Catholic Church could receive the state aid that it requests for its schools when the votes of this increasing population are felt in the legislatures. This outlook causes Adventists to call upon the Catholic Church to "continue to promote religious freedom and separation of church and state, which it fought to maintain a hundred years ago when it was a weak minority

¹⁵"Romanism in America," These Times, August, 1964, p. 31.

¹⁶Ibid.

¹⁷"The Cardinal's Claim," Time, January 27, 1961, p. 38.

group."¹⁸

Recent developments and statements from the Catholic Church do much to allay the fears of Adventists, and indeed to further the relaxed climate that seems to be developing gradually and may yet produce a rational dialogue on the state aid problem. Indeed, the entire Protestant community seems to be re-examining its reservations regarding Catholic intentions in the context of increasing Federal interest in the schools. Time regards Pope John as "one of the four intellectual influences who contributed to the revolution in education during the past fifteen years."¹⁹

The climate of co-operation encouraged by the Ecumenical Movement has led many church people to seek further areas of joint effort. The general "liberalizing" of the church, especially in the area of church-state relations has met with approval. The Schema on Religious Liberty have been generally praised. Cardinal Beran, Archbishop of Prague on the Council floor, advised that ". . . history warns us that in this council the principle of religious liberty and liberty of conscience must be enunciated in very clear words and without any restrictions

¹⁸These Times, loc. cit.

¹⁹"Federal Aid," Time, October 15, 1965, p. 71.

that might stem from opportunistic motives."²⁰

Pope Pius XII was the first to develop the new thesis of religious liberty as a fundamental right of all men. John XXIII expanded this teaching, particularly in his last encyclical, Pacem In Terris "By the natural law every human being has the right to respect for his person, to his good reputation; the right to freedom in searching for truth and in expressing and communicating his opinions."²¹ In his opening address Pope Paul made a plea for religious freedom: "Religious liberty, like other fundamental rights of man, is being crushed by principles and methods of political, racial, anti-religious intolerance."²² Such statements speak clearly to those who fear that the Catholic Church poses a threat to their freedom when it seeks state aid for its schools.

For the record, the facts reveal that American Catholics have taken an active part in seeing that minority rights are protected in the United States. Case

²⁰W. L. Emmerson, "The Religious Liberty Schema," Liberty, LXI (January-February, 1966), p. 33.

²¹Quoted by W. L. Emmerson in "The Vatican Council and Christian Unity," Liberty LXI (January-February, 1964), p. 23.

²²Ibid., p. 22.

in point is the Catholic recognition of minority rights in the matter of Sunday laws. In St. Paul, Minnesota, Archbishop William O'Brady, while speaking to a Protestant group organized to "save Sunday", said that he was aware that Jews and Seventh-day Adventists who keep Saturday holy "want some equality with Christians who keep Sunday holy." "But surely," he said, "there is some way in which the right of the minority will not be suppressed while the right of those who want Sunday kept for divine worship will be retained and protected..."²³

A leading Catholic expert in constitutional law, Father Robert F. Drinan, dean of the Boston School of Law adds: "The religious freedom of non-Sunday observers has been and is clearly infringed upon by the law's establishment of Sunday as the Universal day of rest."²⁴ Dr. Chester J. Antieau of Washington, D. C., professor of law at Georgetown University also stated that Sunday-closing laws "unquestionably do grave economic injury to some religious minorities."²⁵ After twenty years of trying, backers of a New York Fair Sabbath law that would

²³"Archbishop Asks United Effort to Defend Christian Sunday," Liberty, (September-October, 1961), p. 31.

²⁴Ibid.

²⁵"Churches Against Sunday Laws?" Liberty, (January-February, 1964), p. 15.

enable New York City to exempt Sabbatarians from the city's code saw it passed by the state legislature in 1963. "New support from Roman Catholics was material in securing its passage . . . Few people acquainted with New York politics will doubt that Roman Catholic support was essential to passage of that State's Fair Sabbath law."²⁶ Such a display of concern for the principle of religious liberty and for the protection of minority rights should do much to further the climate of respect for the Catholic Church in this regard and to encourage Protestant and especially Adventist confidence in the good intentions of Catholics in the area of state aid.

The admission by Protestants and especially of Adventists that President Kennedy honoured his pre-election promises and displayed no favoritism, should allay Protestant fear that a Catholic could not be president and still uphold the constitution. The fund of good will and respect built up during the short presidential term of Mr. Kennedy should be conducive to further good will and co-operation. On the part of Catholics the growing climate of co-operation has led many to re-examine fixed positions in regard to parochial schools and to work more closely with the public schools

²⁶Ibid., pp. 22, 23.

and the community as a whole.

On the part of Adventists it would seem wise to make a thorough re-examination of policies re state aid in view of current trends in education and in inter-church relationships. It would also seem that the primary emphasis of their stand should be placed on the principle of religious liberty rather than on the shifting sands of "Complete separation", if ambiguity and confusion is not to result within the denomination and with others in the church-state debate. An effort should be made to be well informed on all aspects of the state aid question and a readiness to give all sides of the question a sympathetic hearing.

Catholics should reciprocate in being sympathetic to the legitimate and honest fears and reservations of a minority, and while continuing to press for the rights which they feel are logically and legitimately theirs, at the same time to exercise patience and good judgment which a secure position allows.

It is the opinion of the writer that more public aid, beginning at the Federal level, is inevitable. However, the dangers of state control are very real, and both Catholics and Seventh-day Adventists should be ever vigilant to protect the traditions that they have established in their schools. Each has a unique

contribution to make to the American society, a contribution that should not be discouraged by the civil authorities.

Although it seems that large direct grants are not possible because of current Supreme Court interpretations of the Constitution, it is not impossible that these interpretations will be revised. Both Churches will continue to find it necessary to adapt to the continuing developments of the church-state issue. It is not suggested that either church should surrender any moral principle but that a very clear distinction should be made between moral principles and the arrangements that are made with the civil power on the basis of expediency. The present situation is far from ideal for either church and the solution is far from the simple application of a "principle" to a problem. The whole issue is invested with the emotions arising from tradition, history, and treasured and honored metaphors that often take the place of logical debate. The solution does not lie, however, in stressing differences but in examining the abundant areas of similarity in which co-operation can benefit both churches and the society as a whole. There must be sympathy for the legitimate attitudes and concerns of the various groups in the debate, otherwise there can be no progress, no solution.

Thus it may be possible that men of good will may prove that the church-related school is of such importance to society that its elimination would be an American tragedy, and in time it may be that "religion, source of church-state tension, may be a bridge to the future."²⁷

²⁷Neil G. McCluskey, "A Changing Pattern," America LXIV (January 31, 1964), p. 511.

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