

# Associated Baptist Press

Editor: Greg Warner  
Associate Editor: Bob Allen  
Phone: (904) 262-6626  
Fax: (904) 262-7745

August 28, 1998

(98-64)

## In this issue:

- Education survey shows shifting opinion on aid to religious schools
- Retired Supreme Court justice, Lewis F. Powell, dies at 90
- Correction

## **Education survey shows shifting opinion on aid to religious schools**

By Kenny Byrd

WASHINGTON (ABP) -- Americans remain divided over the issue of using government funds to aid private and parochial schools, according to a survey released Aug. 25.

The survey found 44 percent of the respondents favored allowing students to choose a private school to attend at "public expense," while 51 percent favored a choice among any public, private or church-related school "if the government pays all or part of the tuition."

The seemingly contradictory responses came to a survey conducted jointly by Phi Delta Kappa, a professional education organization and the Gallup Organization, a polling firm based in Princeton, N.J. The contradictions appear to have arisen from subtle changes in the wording of questions.

However its read, the American public's opposition to aiding parochial schools continues to soften.

According to its sponsors, the survey shows that "the public is deeply divided over the issue of funds going directly to private or church-related schools."

"Responses split almost evenly when the question implies that the public would pay all of the costs," the study said. "The opposition seems to lessen when public schools are listed as part of the choice option and when the funding provided pays only part of the cost."

"Tax credits for parents who send their children to private or church-related schools are supported by the public, but that support is greater if the credit covers only part of the tuition," the survey continued. "Moreover, funding for private or church-related schools is conditioned on the willingness of those schools to be accountable in the same way the public schools are accountable."

Responses in the survey differed when a term such as "voucher" was used in place of "the government would pay all or part of the tuition." Some of the questions and results include:

-- "Do you favor or oppose allowing students and parents to choose a private school and attend at public expense?" Respondents appeared split with 44 percent in favor and 50 percent opposed compared to 1996 when 36 percent favored and 61 percent opposed.

-- "A proposal has been made that would allow parents to send their school-age children to any public, private or church-related school they choose. For those parents choosing nonpublic schools, the government would

pay all or part of the tuition. Would you favor or oppose this proposal in your state?" Fifty-one percent favored the proposal and 45 percent opposed it compared to 1996 when 43 percent favored and 54 percent opposed.

-- "In the voucher system, a parent is given a voucher which can be used to pay all the tuition for attendance at a private or church-related school. Parents can then choose any private school, church-related school or public school for their child. If a parent chooses a public school, the voucher would not apply. Would you favor or oppose the adoption of the voucher system in your state?" Forty-eight percent favored and 46 percent opposed such a system. If the voucher would only pay "part of the tuition," 52 percent favored and 41 percent opposed.

-- "Do you think private or church-related schools that accept government tuition payments should be accountable to the state in the way public schools are accountable?" Seventy-five percent responded "yes," and 20 percent said "no."

-- "Do you think nonpublic schools that receive public funding should or should not be required to accept students from a wider range of backgrounds and academic ability that is now generally the case?" Seventy percent said "yes;" 23 percent said "no."

"The findings appear to guarantee that the issue of public funding for church-related schools will be a battleground for the foreseeable future," said the survey's introduction. "The public's willingness to consider aid to private and church related schools in various forms will certainly encourage those who want to see such aid provided.

"By the same token, the public's seeming unwillingness to provide all of the tuition involved in such programs reinforces the belief of opponents of such aid that 'haves' will be the ones who can take advantage of such programs and that the 'have-nots' will be the ones left behind."

Several religious liberty groups argue that vouchers violate the separation of church and state. The groups argue that government aid to parochial schools compromises the integrity of religious schools and violates the consciences of taxpayers forced to subsidize religions they may not believe in. The groups also say burdensome regulations will follow tax dollars.

James Dunn, executive director of the Baptist Joint Committee, said the poll "shows more support for holding religious schools accountable to the same regulations as public schools. If faith-based schools accept public funds they must be held publicly accountable."

Dunn said: "This poll indicates what happens when you mix misleading words with a demand for instant answers. Bad public policy proposals result from top-of-the-head responses. As soon as people take a minute or two to realize that government paying all or part of the tuition is the same thing as a public expense, this poll show they will oppose vouchers and other plans to aid religious schools."

He added, "What's really surprising is the fact that more people support the government paying some of the tuition rather than all the tuition at private and parochial schools. Sounds like welfare for the well-off to me -- another brilliant welfare reform scheme."

Secretary of Education Richard Riley said: "Vouchers drain taxpayer resources from the public schools that educate 90 percent of America's children. I have always believed that any school receiving public funds must be held accountable for their use and this poll shows that by a 4-to-1 margin Americans agree that accountability measures must be in place for private schools receiving public funds the same way public schools are held accountable."

He added, "Vouchers are a bad idea for public education and a bad idea for private and parochial schools because they make them less private and less parochial."

Riley applauded other findings in the survey that showed support for President Clinton's education proposals. The survey also showed support for some reforms proposed by congressional Republicans.

Clinton's plan to provide funds to repair older school buildings was favored by 86 percent of those surveyed and 80 percent favored his plan to reduce class sizes in grades one through three. Also, 71 percent support the administration's voluntary national testing proposal that would routinely test fourth- and eighth-grade students.

Two major programs supported by Republican lawmakers also drew support. Giving states block grants to fund some of the current federal programs was favored by 73 percent of respondents. Allowing parents to set up

tax-free savings accounts to pay tuition and other expenses at private or church-related schools drew support from 68 percent.

Also, the poll said 67 percent favor amending the U.S. Constitution to "permit prayers to be spoken in the public schools." The question made no distinction between students speaking prayer and school officials speaking prayers.

In another section of the survey, 87 percent believed sex education should be included in high school instructional programs. Also, more than 70 percent of the respondents favored inclusion of the following topics in the high school curriculum: including venereal disease, AIDS, the biology of reproduction, teen pregnancy, birth control, premarital sex and abortion.

-30-

## **Retired Supreme Court justice, Lewis F. Powell, dies at 90**

By Larry Chesser

WASHINGTON (ABP) -- Retired Justice Lewis F. Powell Jr., a centrist jurist who frequently cast the swing vote in close cases during his 15-year tenure on the U.S. Supreme Court, died Aug. 25 at his home in Richmond, Va.

Powell, 90, died in his sleep from pneumonia, according to a statement released by the court's public information office.

Powell was 64 when he was appointed to the bench by President Richard Nixon in 1971.

When he announced his retirement from the bench on June 26, 1987, Powell said he was stepping down because he would soon turn 80 and because he had not enjoyed "robust" health in recent years.

He had reluctantly accepted President Nixon's appointment but in announcing his retirement said he was leaving the high court "with a considerable measure of sadness" and would miss the close association with other justices.

"I count all of them as friends," he said.

Powell may be remembered most for his role in the high court's pivotal 1978 affirmative action ruling. In a two-part ruling in that case, Powell formed a 5-4 majority with four colleagues to rule that setting aside a fixed number of medical school admissions for minority applicants was unlawful but then joined with four other justices to rule that universities and medical schools could consider race and ethnic origin in an effort to achieve diverse enrollments.

Powell's centrist voting pattern was apparent in the church-state cases decided by the court during his tenure, said Brent Walker, general counsel at the Baptist Joint Committee.

"He occupied the pragmatic, sensible center of the court during his 15 years of service," Walker said.

In 1971, Powell wrote the majority opinion when the high court invalidated a New York law providing financial assistance to parochial schools.

In 1985, he provided a crucial fifth vote to strike down taxpayer-provided on-campus instruction at parochial schools.

Powell also wrote the court's opinion in *Widmar vs. Vincent* that recognized the right of college students to use state university facilities for religious worship and discussion.

"This decision set the tone for passage of the Equal Access Act of 1984 in which Congress extended the same rights to students in secondary schools," Walker said.

While Powell was careful to keep government from advancing religion, he was not as quick to require government to accommodate the free exercise of religion, Walker said.

He noted that Powell joined two other justices in a plurality opinion in 1986 that would have lowered the level of protection for free exercise of religion.

"That's exactly what happened four years later in Employment Division vs. Smith when the three-member plurality became a majority," Walker said.

Powell voted with the majority in the landmark 1973 Roe vs. Wade decision which recognized women's right to privacy in abortion decisions. In 1983, he wrote the court's decision invalidating abortion restrictions imposed by officials in Akron, Ohio, and in 1986, he was the swing vote when the court rejected abortion restrictions enacted by the Pennsylvania legislature.

-30-

CORRECTION: In the third paragraph of the Aug. 25 ABP story, "Jerry Clower dies following heart surgery," please correct Clower's hometown to Liberty, Miss. He moved from Yazoo City several years ago. ABP regrets the error.

-30-

---

**END**