

REPORT FROM THE CAPITAL

BAPTIST JOINT COMMITTEE ON PUBLIC AFFAIRS



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"SEPARATION" AT THE STATE LEVEL

In the January and February issues we surveyed briefly church-state issues for 1957 at the national level, as represented in legislation pending before the 85th Congress. But many of the larger problems in church-state relationships pertain to public policies which are state and local responsibilities. We cannot possibly share information on all of the state developments, but the following will be illustrative.

IN THE FIELD OF EDUCATION

Some of the state proposals parallel measures pending at the national level. A bill has been introduced in the Wisconsin legislature that would permit state income tax deductions for tuition payments to parochial and private schools. Said Assemblyman Wilder Crane, who introduced the bill, "Since the state cannot and should not subsidize private and parochial institutions, the least it can do is to lighten the burden some by allowing tax deductions for tuition...."

Before the Minnesota legislature is a bill which would increase from \$200 to \$300 the amount deductible on state income tax returns for tuition, books and supplies of dependent children attending private elementary or secondary schools. "It is important that the churches be alerted to the full implications of this measure," said Alan R. Anderson, chairman of the Greater Minneapolis Council of Churches' public affairs department. "It is a real threat to the public school system and amounts to indirect tax support for private and parochial schools."

The Washington state Senate has approved a bill to exempt ten church-supported colleges and universities, four Roman Catholic and six Protestant, from paying the state sales tax on all purchases made for educational purposes. It is estimated that this would save the ten schools \$200,000 annually in taxes.

Gov. Abraham Ribicoff, in his budget message to the Connecticut General Assembly, recommended a pilot program of state scholarships for students in church-related and other private colleges. He also urged the Assembly to study a proposal for state grants to private colleges for construction of additional buildings, the grants to be made on a "dollar matching basis."

Leaders of the New York legislature proposed a three-point plan for additional aid to college students: (1) appropriation of \$13,000,000 a year to

provide college scholarships; (2) state income-tax benefits for parents of college students that would cost the state \$4,000,000 per year; (3) establishment with private capital of a loan fund on which college students could draw.

The Ohio state school board recently adopted a regulation, to take effect for the 1959-60 term, requiring that all instructors in parochial and private elementary schools hold state teaching certificates. Previously, state certification was required for public school teachers only. Magr, Clarence E. Elwell, superintendent of schools for the Cleveland Roman Catholic diocese, had opposed the measure, saying that he feared it might work inequities on private and parochial school teachers.

Since 1868 Vermont has provided state aid to cover tuition payments made by towns lacking high schools for students attending high schools or academies elsewhere. In 1951 parents or guardians of the children in question received permission to choose the schools to which they wished the pupils to be sent.

Late in 1955, in response to a question raised by the state auditor's office, the state attorney general ruled that although the formula did not repeat the word "public" in referring to schools of another town, the intent was there. Therefore, he said, towns could not be reimbursed for tuition paid to private schools. This ruling resulted in cuts of nearly \$20,000 from state grants to 96 Vermont communities which were paying tuition costs for children in private and parochial schools.

The town of South Burlington, which was the hardest hit, brought action to force the state to reimburse it for \$1,548 in school aid funds withheld. In its suit the South Burlington School Board argued that tuition payments to sectarian schools are public welfare benefits and, as such, are constitutional.

Countering the argument put forth by the school board, the attorney general's office said in its brief that "to say that the furnishing of such education is a public welfare benefit is to close one's eyes to the whole idea of Church and State." The brief continued, "All that is being asserted is the unconstitutionality of tuition payments to sectarian schools. No reasonable argument can be made that the public welfare demands the education of the children of any particular faith in sectarian schools and that is the ultimate test as we view it."

In October, 1956, the Vermont Supreme Court upheld the attorney general's ruling. In a unanimous decision, the Court held that under present law state aid could be paid to communities only for students attending public schools.

In the 1957 legislative session a bill was introduced to remove the present ceiling on the amount a local district is required to pay in high school tuitions outside the district. The Education Committee amended this bill to restrict payments to those for students attending public high schools or academies. The House sent the bill back to committee for further study.

SCHOOL BUSES FOR PAROCHIAL STUDENTS

In several states transportation of parochial school pupils at public expense is once more an issue. In Vermont a bill calling for "mutual cooperation" of public, parochial and private schools in transporting their students was withdrawn by its sponsor after it became evident that the controversial measure would lead to a bitter battle.

A bill that would have permitted transportation of parochial school pupils on public school buses on a limited basis was killed by the Indiana Senate.

The city of Ashland, Wisconsin has asked the state attorney general for an opinion on whether aid for Roman Catholic parochial school bus transportation can be paid out of the city's general fund. State education authorities have ruled that this is not legal under present state laws.

Early in January the Pennsylvania Supreme Court ruled that parochial school students may not ride on public school buses. This affirmed an earlier decision by Judge T. M. Marshall of the Allegheny County Court which held that school officials of Robinson Township in that county had been spending taxpayers' money improperly in permitting non-public school pupils to ride in public school buses.

Developments in Augusta, Maine appear to be reaching a crisis. Roman Catholic lay leaders issued a virtual ultimatum on March 1 by threatening to close the parochial schools and to transfer their children to public schools, in little more than a week's time, unless the city changed its position and provided transportation for parochial school pupils. Such a sudden transfer of the 900 parochial school pupils to the already crowded public schools would create a critical situation. In an advisory referendum held in connection with the city election last December, voters approved public bus service for parochial school pupils, but the city council has refused to provide this service. According to the Washington Post of March 2, 1957, the mayor of Augusta has "indicated he would not be averse to seeing the controversy brought to a legal test so the issue could be decided by the Maine courts--which so far have not ruled on public transportation for parochial students."

THE QUESTION OF TAX-EXEMPTION

A proposed amendment to the Arizona constitution would require religious organizations to pay taxes on property in which they have business investments. Religious groups would be tax-exempt only on churches, schools, and other property specifically needed for religious purposes. If approved by the legislature, the amendment will have to be ratified by the voters of the state before it becomes law. In commenting on the proposal the Baptist Beacon said "...the whole subject of taxation of church property should be thrown open to debate, and we should study the real meaning of separation of church and state in relation to taxation. Also we should ask just how much, if any, influence do the churches forfeit by accepting tax exemption."

In a recent survey by the Minnesota Poll, 77% of the adults questioned opposed taxing church property used for religious purposes, but 64% thought income received from a business or property should be subject to taxation.

RELIGIOUS SYMBOLISM IN PUBLIC PLACES

The Denver Art Commission recently vetoed a proposal to honor the Bible with a monument in the Civic Center. "Without judging the artistic merits of any design," said Otto Karl Bach, Denver Art Museum director and commission member, as quoted in Religious News Service, "we have passed a resolution expressing the view that any sort of religious monument on city property violates the well-established principle of separation of Church and State."

The Honor the Bible Assn. announced its intention of fighting this decision. A bill has been introduced in the state legislature that would authorize erection of the monument on the state capitol grounds, which form the east half of the Civic Center.

In Chicago recently the Park District commissioners rejected an offer to have a statue of "The Smiling Christ" erected in the city's lakefront Grant

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Park. A spokesman for the park board said they would make permanent a policy of declining religious statues for park property.

Attempts are being made at both national and state levels to have Good Friday recognized as a legal holiday. A bill proposed in Rhode Island would substitute Good Friday for Victory Day, observed August 14.

A joint resolution to include the name of God in the West Virginia constitution has been approved by the House and was pending in the Senate at the last report. The sponsors say that West Virginia is the only state that does not recognize God in its constitution.

ADOPTION AND CUSTODY

During recent years several well-publicized cases have called attention to the religious restrictions in the adoption and custody laws of various states.

In September, 1956, the Iowa Supreme Court ruled that an Iowa mother could not be punished for contempt of court because she ignored a divorce stipulation directing her to rear her son as a Roman Catholic. As reported by the Washington Post on September 18, 1956, the ruling said that in citing the mother for contempt the lower court was "actively enforcing" a provision that violates freedom of religion as guaranteed in the First Amendment to the Constitution.

The Illinois Supreme Court, in January, 1957, reversed lower court decisions which denied a Protestant couple their petition to adopt twin girls baptized as Roman Catholics. The lower courts had denied the petition on the basis of the Illinois law which provides that, whenever possible, custody of children through adoption should be given to foster parents of the same religious beliefs as the child. The Supreme Court opinion declared that "the law does not bar adoption irrespective of all other factors merely because the adopting parents are of a different religious persuasion than the child."

CHRISTIANS AND THE DEMOCRATIC PROCESS

In an increasing number of states, church groups are conducting legislative seminars. For example, in South Carolina the Christian Action Council, a statewide interdenominational organization, held a legislative briefing session for church leaders. Fifty delegates from fifteen denominations met with state leaders to discuss issues before the state legislature.

The Southern California Council of Churches, at its annual meeting, approved a "Statement of Legislative Principles" which dealt with issues ranging from alcohol to Indian affairs and pointed to an "urgent need" for pastors and church members to "speak to their own legislators on important public issues."

In Denver, Colorado, Roy Romer, an attorney of that city, called the churchmen to positive as well as to negative action. Speaking to a seminar of churchmen and legislators he said that churchmen have "tragically narrowed" their interests in government by concentrating on a few "moral issues" and leaving the critical policy decisions to others. For instance, he called for a concept of morality that concerns itself with a "just tax structure" and not merely with opposing race-track and gambling sources of revenue.

He urged churchmen to take their places in party politics and to broaden their interest to cover all facets of legislation.

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