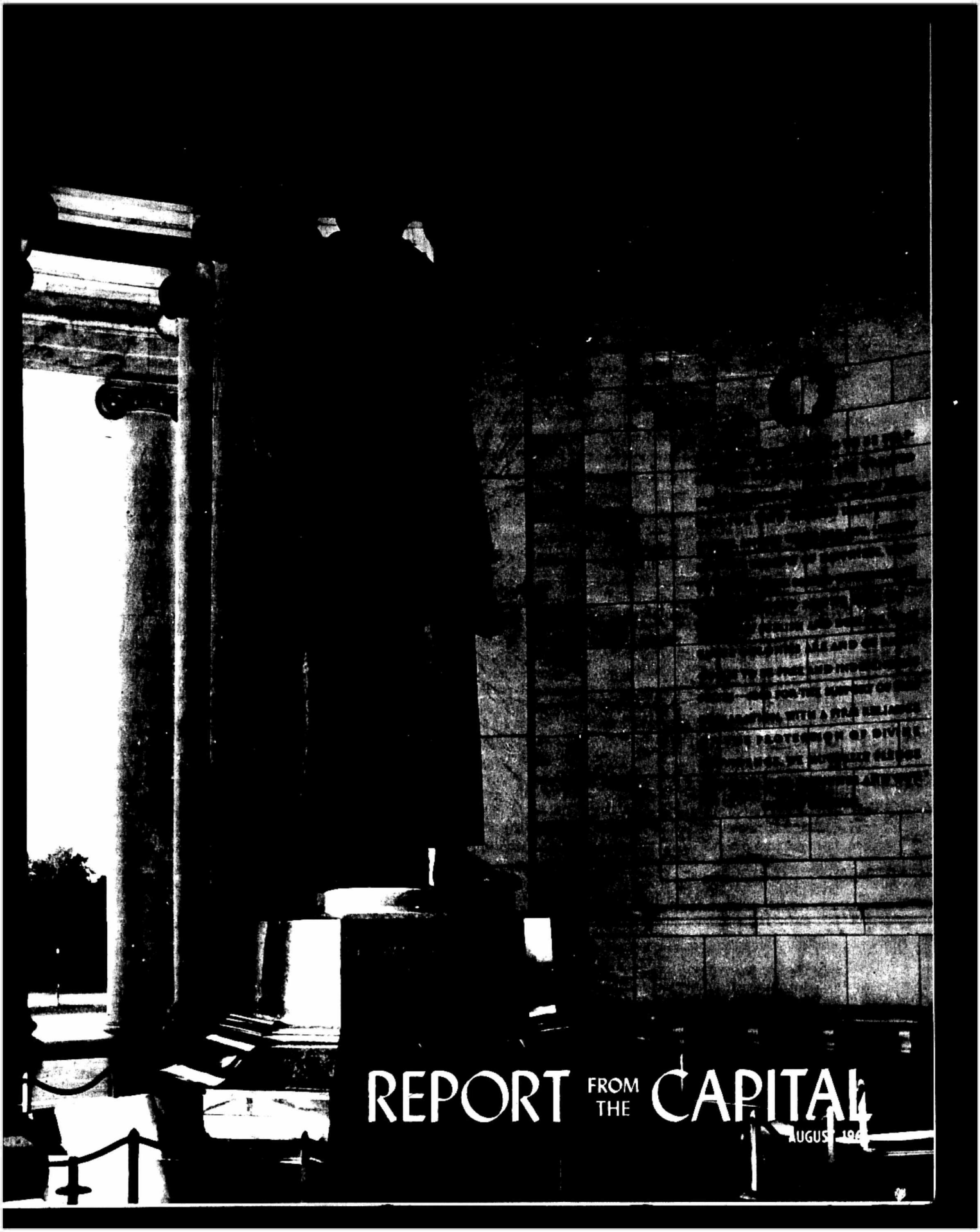
REPORT FROM THE CAPITAL

Education Act Snags On Parochial Aids

By W. Barry Garrett

Legislative muddle on public aid to parochial schools is proceeding from the House Committee on Education and Labor in its reports on the proposed Elementary and Secondary Education Amendments of 1966.

In its August 5 report the Committee recommended a two-year extension of the Elementary and Secondary Education Act of 1965. At the same time it reviewed its original statement of "legislative intent" regarding aid to pupils attending parochial schools. It spelled out "certain limitations" in the original act that would control the services to parochial school pupils.

However, the advocates of relaxed regulations in favor of parochial school pupils objected so strenuously to the new statement of legislative intent, that the whole future of the federal aid to education program appeared to be in jeopardy.

Yielding to such pressure the Education and Labor Committee resorted to an unusual tactic of issuing on August 22 a supplementary report. This new statement beclouds the clear statement of the first report. Hence, the church-state problem of the Elementary and Secondary Education Act of 1965 is considerably intensified.

The new compromise report of the Committee plainly declares: "It should be made clear that the committee in its reference to the first amendment . . . has made no judgment respecting the limits the Congress may legislate in providing support for educational programs benefiting children in nonpublic schools."

The new supplementary report on the legislative intent of Congress opens many new and unspecified doors for regulations and guidelines from the Office of Education favoring parochial schools. In addition it serves notice that more extensive attempts can be made in Congress to provide further legislative aid to nonpublic education.

In its report on the original Elementary and Secondary Education Act of 1965 the Committee made it clear that public aid to nonpublic school pupils should be given through public agencies and under public control. This policy is repeated in the initial report on the new proposed Amendments Act of 1966.

During the past year unclear and ambiguous regulations and guidelines were developed by the Office of Education and practices developed in the states that appeared to violate the expressed intent of Congress.

To complicate matters the Education and Labor Committee in its first report on the Amendments Act of 1966 apparently rebuked the Office of Education for its laxity in aids to parochial school pupils. Then in its amended report it reversed its emphasis and makes it mandatory that public agencies increase their contacts with private school administrators to develop larger programs of public aids to their pupils.

Specifically, the new report says, "The committee will expect that the administration of Title I by the Office of Education will be pursued with strong requirements to assure that there is meaningful and cooperative discourse between public and private school administrators in devising projects in which the special educational needs of educationally deprived children who do not attend public school can be met."

The new report then lists 29 "commendable and worthwhile projects" to aid parochial pupils that have been developed the last year. There is no indication that any effort has been made to examine these projects in the light of the constitutional prohibitions of the First Amendment or of the legislative intent of Congress in 1965.

The committee report of August 5 limited the programs of aid to parochial school pupils under Title I of the 1965 education act to "remedial, health and therapeutic services." It defines these services and specifies that they are to be offered by public personnel on public premises where possible.

It further specifies that "the public agency is not to pay the salary of nonpublic school personnel nor to assign personnel to nonpublic schools on a full-time basis." It prohibits "teacher aids," paid by public funds, from performing services in parochial schools, except "in connection with a remedial or therapeutic service being performed by a public employee under public auspices." Definitions and specifications for "mobile equipment" available to private school teachers were also limited in the first report.

The new report at best confuses the clear statement of the restrictions on these programs, services and mobile equipment.

The original intent of Congress in the Elementary and Secondary Education Act of 1965 for the church-state policies was spelled out in a five-fold formula, which remains the rule but which is given a loose interpretation of the new committee report. These five provisions are:

"1. Library resources, textbooks, and other instructional materials are to be made available to children and teachers and not to institutions.

"2. Such materials are made available on a loan basis only.

"3. Public authority must retain title and administrative control over such materials.

"4. Such material must be that approved for use by public school authority in the State.

"5. Books and material must not supplant those being provided children but must supplement library resources, textbooks, and other instructional materials to assure that the legislation will furnish increased opportunities for learning."

The Elementary and Secondary Education Amendments Act of 1966 is now before the Rules Committee of the House for clearance for floor debate. The Senate has not yet reported on its version of the Amendments Act. The original Education Act expired June 30, 1966 unless extended by this session of Congress.

REPORT FROM THE CAPITAL—a bulletin published 10 months during the year by the Baptist Joint Committee on Public Affairs, 200 Maryland Ave., N.E., Washington, D.C. 20002. A purpose of the bulletin is to set forth information and interpretation about public affairs that are relevant to Baptist principles.

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Executive Staff of the Committee: C. Emanuel Carlson, executive director; W. Barry Garrett, director of information services and editor of Report From The Capital; James M. Sapp, director of correlation services; and Walfred H. Peterson, director of research services.

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AUGUST 1966—Volume 21, Number 6

Washington Observations

News — Views — Trends

August 31, 1966

JUDICIAL REVIEW--A bill providing for tests in federal courts of the constitutionality of certain grants and loans to church-related agencies passed the Senate earlier in August. Neither the Senate bill nor an independent version has been introduced in the House. A group of persons interested in judicial review called on Rep. Emanuel Celler (D., N.Y.), chairman of the House Judiciary Committee. He reluctantly told them, "I'll see what we can do."

PROSPECTS FOR THE BILL in the House this year are negligible. Indications are that opposition is developing from certain private agencies. Reports are that key persons in the House Leadership are not in favor. Before it can be enacted, a bill must be introduced, hearings held, committee action (both the Judiciary and the Rules committees) must be taken, floor debate and vote, and conference with a Senate committee must take place. Since adjournment fever has set in, it appears that it is too late for a judicial review bill to be passed this year. This means that the entire process will have to be repeated in the 90th Congress.

A PETITION FOR A WRIT OF CERTIORARI has been filed in the U. S. Supreme Court by the Attorney General of Maryland as the latest legal step following a ruling by Maryland's highest court that state construction aid to three private religious colleges was unconstitutional. If the Court refuses to review the case, the Maryland decision will stand as final. It will take from several months to a year to decide the disposition of the case, hear the arguments, reach a decision and announce it to the public.

THE HOUSE WAYS AND MEANS COMMITTEE heard testimony Aug. 29 on two identical bills, H. R. 15942 and H. R. 15943, which would impose a tax on unrelated debt-financed income of tax-exempt organizations. The bills, introduced by Reps. Wilbur D. Mills (D., Ark.) and John W. Byrnes (R., Wis.), were occasioned, primarily, by Treasury Dept. alarm over the Supreme Court decision last year in the case of Commissioner v. Clay B. Brown.

THAT CASE INVOLVED a situation in which a tax-exempt organization acquired a sawmill and lumber business by agreeing to pay the former owners a percentage of the future profits of the business until a specified maximum amount had been reached. The tax-exempt organization made no committment for payment other than from the assets of the transferred business itself and the income produced by the assets. It obtained the business, valued at $1.3 million, with no investment of its own funds.

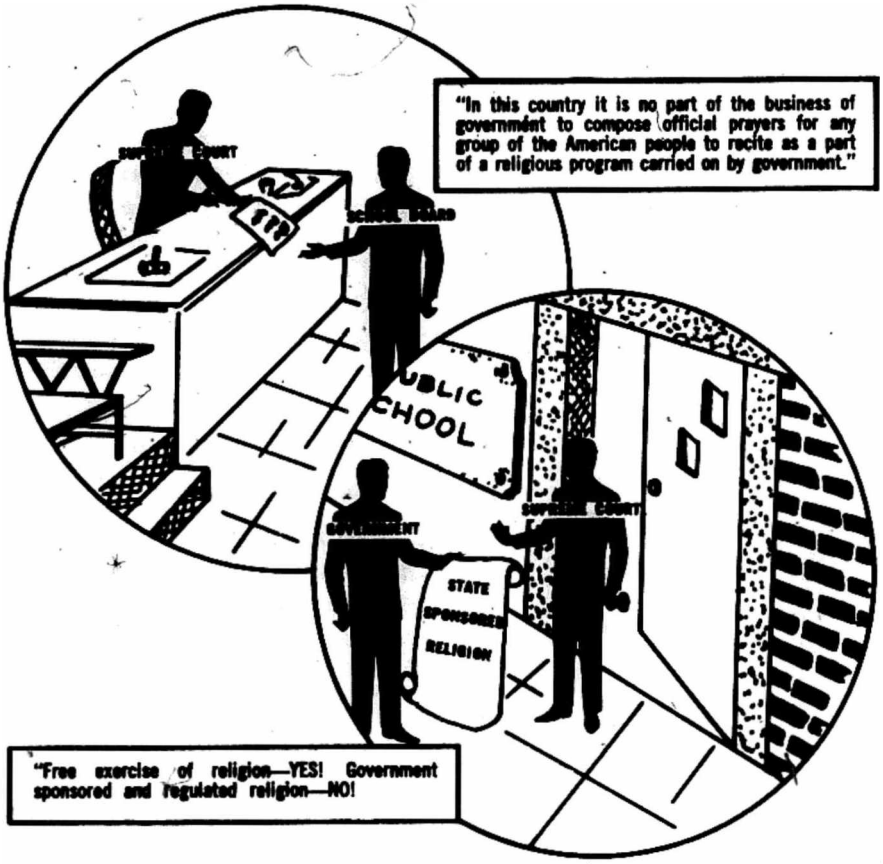
THE QUESTION BEFORE THE SUPREME COURT was the tax treatment of the former owners of the business; the exemption of the organization was not an issue. The court held, with three justices dissenting, that the former owners were entitled to treat their profits on the transaction as capital gains.

THE TREASURY DEPARTMENT claims that, as a result of the court ruling and under present tax laws, "a substantial unplanned shift of productive property to the exempt sector of our economy" could occur.

What did the

SUPREME COURT SAY..?

. . . about prayer in public schools



Two Major Efforts For Prayer Amendment

Two major efforts have been made in Congress to pass a constitutional amendment authorizing religious exercises in public schools. In 1964 the drive was spearheaded by Congressman Frank Becker (R., N. Y.). At that time seven weeks of hearings were held by the House Judiciary Committee.

At the beginning of the hearings on the Becker amendment feeling ran high in its favor. By the time they ended the climate was reversed, and the subject never came up again in the Judiciary Committee.

This year an amendment is sponsored by Sen. Everett M. Dirksen (R., Ill.) and hearings have been concluded by the Senate Judiciary subcommittee on constitutional amendments. This issue of *Report From The Capital* carries several items about the Dirksen amendment.

Prayer In Schools

Since a major portion of this issue of *Report From The Capital* is devoted to the so-called Dirksen "prayer amendment," it is appropriate to refresh our memories on the Supreme Court actions around which the controversy has raged. Three cases are involved: (1) Engel v. Vitale, known as the New York Regents' Prayer case, (2) Abington School District v. Schempp including the Murray v. Curlett case, commonly referred to as the Schemp-Murray cases, and (3) Stein v. Oshinsky, sometimes referred to as the Cookies and Milk case.

Official Prayers

In the New York Regents' prayer case the State Board of Regents composed a prayer which was recommended and published as part of their "Statement on Moral and Spiritual Training in the Schools." The Board of Education of Union Free School District No. 9, New Hyde Park, N. Y., "acting in its official capacity under state law," directed the school district's principal to cause the prayer to be said aloud by each class in the presence of the teacher at the beginning of each school day.

To this situation the Supreme Court said: *"The constitutional prohibition against laws respecting an establishment of religion must at least mean that in this country it is no part of the business of government to compose official prayers for any group of the American people to recite as a part of a religious program carried on by government."*

Nothing about "permitting" or "allowing" people to pray was involved in the case.

Required Religion

In the Schempp-Murray cases the state laws of Maryland and Pennsylvania required daily reading of portions of the Holy Bible and/or recitation of the Lord's Prayer in the public schools. The Supreme Court found that these were laws requiring religious exercises and thus in violation of the First Amendment.

Specifically, the Court said: *"The place of religion in our society is an exalted one, achieved through a long tradition of reliance on the home, the church and the inviolable citadel of the individual heart and mind. We have come to recognize through bitter experience that it is not within the power of government to invade that citadel.*

whether its purpose or effect be to aid or oppose, to advance or retard. In the relationship between man and religion, the state is firmly committed to a position of neutrality."

Nothing about "permitting" or "allowing" people to read the Bible and recite the Lord's Prayer was involved in these cases.

Control of Schools

In Stein v. Oshinsky 15 parents of 21 children sought to require public school authorities at Public School 184, Whitestone, N. Y., to provide for recitation of prayers during the cookies and milk time in the morning and afternoon.

The United States District Court, Eastern District of New York, had ordered the school to provide for the prayer practice. Later the United States Court of Appeals reversed the decision and sustained the school decision to eliminate religious exercises from its curriculum.

The case was appealed to the United States Supreme Court, which refused without comment to review the case.

In Stein v. Oshinsky the parents sought to make this a case involving voluntary prayers and the free exercise of religion. The U. S. Court of Appeals, however, said that this was not the issue in the case. The point, according to Judge Henry J. Friendly, was that the constitutional guarantees for free speech and the free exercise of religion do not compel a state "to permit persons to engage in public prayer in state owned facilities wherever and whenever they desire."

In the brief for the school authorities it was argued: "No substantial constitutional question is presented by the petitioners' contention that the 'free exercise of religion' and 'freedom of speech' provisions of the First Amendment of the U. S. Constitution require public school authorities to provide daily prayer periods in the public schools."

It further argued: "What the petitioners in effect are seeking to do is to impose religious practices upon the public schools, and to obtain the aid of the state therefor through the use of the public schools and school personnel. This the respondents are constitutionally prohibited from permitting. And even if the respondents could permit it, they would not be required to do so."

This is the point sustained by the U. S. Court of Appeals.

Dirksen Amendment Takes Erratic Course

The last session of the 89th Congress has been plagued with the threat of another "prayer amendment" to the Constitution. The measure is sponsored by Sen. Everett M. Dirksen (R., Ill.), Senate minority leader.

A look at the erratic course this proposal has followed reveals the uncertainty and the unpredictability of what might happen when a seasoned and highly placed official decides to force an issue.

JANUARY—Dirksen made speeches before the National Limestone Institute and Washington chapter of Sigma Delta Chi in which he castigated the Supreme Court for its school prayer and Bible reading decisions. Audience response was enthusiastic.

He declared: "I'm not going to let nine men say to 190 million people, including children, when and where they can utter their prayers. The high and august court puts thumbs down on prayer."

MARCH—The Dirksen "prayer amendment" was introduced in the Senate in the form of a Joint Resolution. Eventually he got 48 other co-sponsors. The resolution was referred to the Senate Judiciary Committee and was assigned to the subcommittee on constitutional amendments.

JUNE—The Judiciary subcommittee dragged its feet on the issue. Dirksen tried to get action from the full committee, without hearings, to carry the proposal to the floor of the Senate. Attempts there failed because of inability to get a quorum at committee meetings.

The Illinois Senator vowed to force a vote in the Senate this year, even if he had to take his prayer amendment directly to the floor by the route of a rider or substitute for some other legislation.

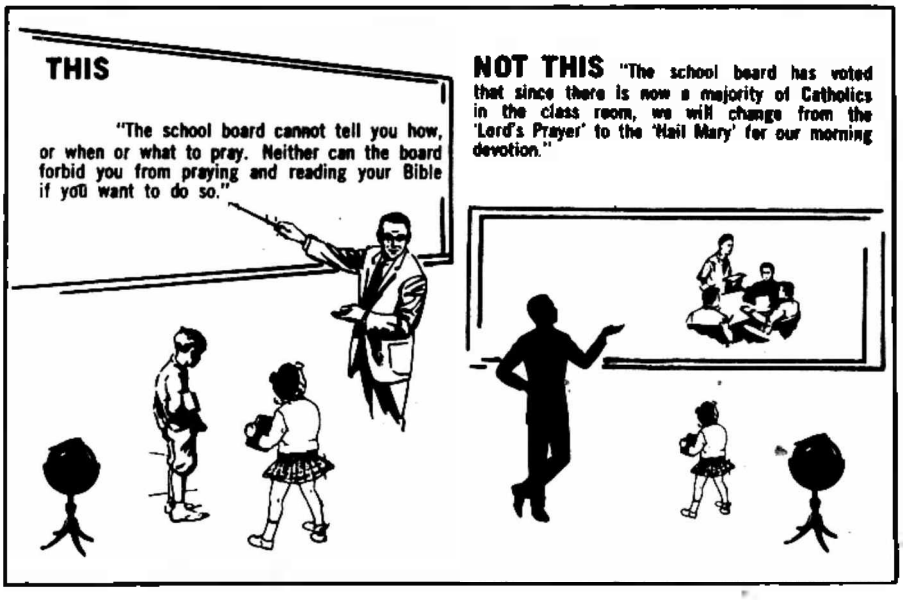
JULY—In view of Dirksen's threats to force the issue in the Senate the Judiciary subcommittee announced hearings for the first week of August.

AUGUST—A week and a half of hearings were held on the proposed Dirksen amendment. The overwhelming impact of the hearings was opposition to the proposal. Attempts were made in the Judiciary subcommittee to find a way to satisfy the demands to clarify the public confusion on the Supreme Court decisions. One proposal was to offer a substitute for Dirksen's amendment in the form of a "sense of Congress" type of resolution.

Dirksen expressed such dissatisfaction at the results of the hearings and the subsequent efforts in the subcommittee that he announced he would force the issue to the floor of the Senate shortly after Labor Day. He planned to move a substitute to the UNICEF resolution setting Halloween as United Nations Children's Fund Day.

In a counter move the Judiciary subcommittee reported Dirksen's amendment without recommendation to the full Judiciary committee. A date was set to vote on it in the Judiciary committee. Headcounts indicated a very close vote with both sides claiming enough votes to carry their viewpoint. Dirksen withdrew his plan to force the issue in the Senate on September 6.

On the day the committee met three key votes for the Dirksen amendment were absent. The matter was not voted on.



Summary of Carlson's Testimony On Dirksen Prayer Amendment

(EDITOR'S NOTE: The following article is a summary and paraphrase of the testimony C. Emanuel Carlson, executive director of the Baptist Joint Committee on Public Affairs, gave before the Senate Judiciary Subcommittee on Constitutional Amendments on August 2.

Since it is impossible to repeat in a brief article such as this what a man said in 19 pages, some of our readers may want a complete text of Dr. Carlson's testimony. For a copy send 25c to Baptist Joint Committee on Public Affairs, 200 Maryland Ave., N. E., Washington, D. C. 20002.)

Proposed constitutional amendments involving the freedom of the people should not be taken lightly, nor should they be rushed through during some emotional expression of grievance. Long and thorough public discussion of all such proposals should take place.

The Baptist movement has long stressed a free and voluntary response to God. We hold the conviction that the free exercise of religion makes for genuine responses and for full commitment, such as cannot be obtained by pressure of conformity.

If the Supreme Court decisions of 1962 and 1963 on prayers and Bible reading in public schools had curtailed the free exercise of religion by the people, our churches would have protested this as a violation of the Constitution. However, since the decisions dealt with the role of government powers, the Baptist channels that dealt with the issues saw them as contributing to the progress of a great principle.

Among Baptists prayer is not a matter of social adjustment or of national heritage. It is understood to be communication between a person or people and God. Hence, attempts by public authorities to claim some permissive or regulatory power over prayer or worship causes apprehension among us.

Implications of the Proposed Dirksen Amendment

The full impact on national policy and practice that will result in the decades ahead if this amendment is approved cannot be clearly read at this point. However, some of the implications stand out in clarity.

1. This amendment would operate to restrict the sweep of protection given to people vis-a-vis government by the First Amendment. The net result of the amendment would be a reduction of personal freedom and an extension of public powers.

2. The protection given by this proposed amendment would be to public authorities "administering any school, school system, educational institution or other public building supported in whole or in part through the expenditure of public funds." The language of the amendment might also extend this public authority to private institutions if they have been funded in part by public funds.

Proposed Dirksen Prayer Amendment

Here is the text of Section 1 of the so-called "Dirksen Prayer Amendment" to the United States Constitution. It is sponsored by Sen. Everett M. Dirksen (R., Ill.). A week and a half of hearings on the proposal were conducted by Sen. Birch Bayh (D., Ind.), chairman of the Senate Judiciary Subcommittee on Constitutional Amendments the first part of August.

"Section 1. Nothing contained in this Constitution shall prohibit the authority administering any school, school system, educational institution or other public building supported in whole or in part through the expenditure of public funds from providing for or permitting the voluntary participation by students or others in prayer. Nothing contained in this article shall authorize any such authority to prescribe the form or content of any prayer."

3. The wording of the amendment would authorize two kinds of actions for public authorities, namely, making "provision for," and giving "permission." Both of these authorizations would unavoidably give public authorities roles which require actions and necessitate decisions and choices.

"Providing for" prayer could mean simply assigning a room, but it could also mean building a chapel and naming and paying a leadership for the activity.

The term "permitting" is an almost unbounded term. The genius of American religious liberty is that it currently limits state power and is not regulated by a system of permits. A permit system operates not only to afford opportunity for an activity but also to regulate it.

4. Regarding "voluntary participation by students or others in prayer," it should be said that prayer is always voluntary if it is genuine prayer and not verbalism. What then can be encompassed in the authoritative "providing for" or "permitting" "voluntary prayer" since it lies beyond the competence of all "authorities" to compel people to really "pray"?

Under this language the public authorities could "provide for" physical space, a time schedule, personal presence, public notices, organization, leadership and supervision, artifacts, equipment, facilities, symbols, and even background instruction.

Could prayer under public provision and permission actually be "voluntary"?

Likewise should prayer be constitutionally defined as an organized group exercise? Genuine group prayer should not be in the hands of public authorities but it should be in the home and the church, under leadership selected for that purpose.

5. Which authority would be authorized by the amendment to provide for or permit prayers? The superviser of buildings and grounds? The principal? The superintendent? The Board of Education? This is an ill-chosen time to burden public school leaders and other public persons with "providing for" or "permitting" the diversity of ideas in a pluralistic society as to what prayer is, and how it should be utilized.

Baptist Convention Resolutions Speak to the Issue

Several Baptist convention resolutions express strong affirmation of the First Amendment in its present form without constitutional amendments.

1. Southern Baptist Convention, Atlantic City, N. J., 1964. The Convention affirmed "our support for the concepts and the vocabulary of the First Amendment, including both its prohibition upon government roles in religious programs and its protection of free exercise upon government roles in religious programs and its protection of free exercise of religion for the people."

It further said, "We appeal to the Congress of the United States to allow the First Amendment of the Constitution of the United States to stand as our guarantee of religious liberty, and we oppose the adoption of any further amendment to that Constitution respecting establishment of religion or free exercise thereof."

2. Southern Baptist Convention, Detroit, Mich., 1965. The Convention reaffirmed the 1964 resolution and said, "We continue to oppose any and all attempts to modify

this guarantee against establishments of religion and against interference with the free exercise of religion."

3. American Baptist Convention, Atlantic City, N. J., 1964. The Convention speaking on religious liberty said; "The First Amendment has supported this freedom. The proposed change in that amendment could weaken it and bring the power of the state to bear on individuals to conform and to participate in prescribed religious practices. . . . Therefore we affirm our belief in the separation of church and state as written in the First Amendment of the Constitution of the United States."

4. American Baptist Convention, Kansas City, Mo., 1966. At this time the American Baptist Convention reaffirmed its religious liberty resolutions of 1960, 1964 and 1965.

5. North American Baptist General Conference, Sacramento, Calif., 1964. This Conference which meets every three years said: "We reaffirm our support for the First Amendment and its present wording, including both its prohibition upon government roles in religious programs and its protection of the free exercise of religion. In taking this position, we wish to emphasize the right of public officials and of school pupils to the free exercise of their religion in harmony with the basic principles of religious liberty. We also affirm that this does not give public officials the right to use the authority of their office for the advancement or promotion of their religious views."

6. Baptist Joint Committee on Public Affairs in 1964 and again in 1966 issued a statement upholding the First Amendment as a safeguard for religious liberty and opposing religious exercises and promotion under the authority of public powers. Specifically the Committee said, "Some political leaders may make appeals for the establishment of religious acts through legalized means to arouse public sentiment. This we regard to be in bad taste as a violation of the principle of separation of church and state."

Summary of Considerations

Two years ago when extensive hearings were conducted by the House Judiciary Committee on the so-called Becker Amendment the Baptist Joint Committee on Public Affairs gathered extensive Baptist opinions which almost universally opposed any tampering with the First Amendment. This record can be found in the House Committee record in Volume III, p. 2227-2308.

At that time the executive director of the Baptist Joint Committee suggested that if any changes are needed in the First Amendment "it ought to have a protracted discussion for not less than a decade." Since one-fifth of that decade has now passed he ended his statement with some key considerations that are now coming into focus.

1. The idea of a limited government is a good and an important idea that must be kept alive in the public mind. As long as government is excluded from the field of religion we have limitations on the scope of government.

2. The First Amendment, with its dual emphasis, against "establishment" and for "free exercise," is a uniquely effective formulation of the rights necessary for the protection of religious liberty.

3. The explanations offered in support of the current proposal indicate that there is no intention to overturn any judicial decisions but only to relieve fears and remove confusion. If these are the purposes, this proposal is an ineffective attempt.

4. If a serious debate is desired about the merits and the demerits of the activities by authorities, as envisioned in this proposal, a careful comparative study should be undertaken. What have been the practices in the various States? What has been the effect in European nations that have had much official support of religion?

5. Religious pluralism, without the involvement of state powers in religious activities, has proved to be a successful pattern for keeping public and political issues free from religious divisions and fronts.

6. A respect for the religious limitations of state authorities does not exclude (a) full academic freedom in the schools including religious materials, (b) free access to cultures even though they may contain or reflect religious opinions, (c) a genuine concern for the best social values in society, or (d) friendly respect for religious conviction, participation and institutions.

7. There is much to be said in favor of keeping the Constitution intact and refraining from gnawing it away with piecemeal amendments. Dr. Carlson then concluded his testimony with a quotation from a report included in the record of the hearings on the Becker amendment in 1964. It says in part:

"Amending the Constitution in a piecemeal fashion to deal with specific details and practices only results in the creation of new problems of interpretation. The more a constitution deals with specific practices, the more questions it raises about other practices not mentioned. The amendment process should be used to state general and fundamental principles rather than to sanction any particular practice or activity."

Senators Cross-Examine Witnesses At Hearings

During the hearings on the proposed Dirksen prayer amendment before the Senate Judiciary subcommittee on constitutional amendments, every witness who appeared was thoroughly cross-examined. Here is a list of the type of questions asked:

1. What does the proposed prayer amendment mean to you?

2. Do you agree with the Supreme Court decisions, and why do you want a prayer amendment?

3. What can be done now under present Court interpretations about the relation of religion to education and information about the Bible in public education?

4. Since you are opposed to government financing of religious exercises, why do you not oppose tax exemption for churches? Isn't tax exemption a definite support for religion?

5. Even though you may be opposed to the Dirksen amendment, what is your objection to letting the people vote on whether or not they want religious exercises in public schools?

6. Alternate proposals have been made to a constitutional prayer amendment. One of these is to authorize public schools to provide a period of silent meditation in which the pupil can think or pray about anything he wishes. Would you be in favor of this as adequate provision for prayer in schools?

7. Since the Dirksen amendment would authorize public authorities to "provide for" and "permit" voluntary pupil recitation of prayers, what authorities would regulate or control the situation? Who would decide what the prayer would be that the pupils recite? The teacher? The school principal? The Parent Teachers Association? The American Legion?

8. If you object to the wording "provide for" in the Dirksen amendment, would you be happy with an amendment that strikes out these words and includes only "permit" as applying to public authorities?

9. Even though you agree with the Supreme Court decisions, don't you think that a constitutional amendment is the only possible way to correct the wrong interpretations that are abroad in the nation?

10. The amendment speaks of "voluntary" prayer. What is your interpretation of "voluntary" and under what conditions can prayer be said to be voluntary?

Hearings Point Up Open Doors For Teaching The Bible In Public Schools

The hearings on the proposed Dirksen prayer amendment before the Senate Judiciary subcommittee on constitutional amendments the first week in August called attention to points in the Supreme Court decisions on religion in public schools that are often overlooked. The country has heard mostly about what the Court prohibited. Very little has been heard about what the Court said could be done.

Several who appeared in opposition to the Dirksen amendment focused their attention on constitutional and legitimate activities in relation to the Bible in schools. They strongly indicted both religious and educational leaders for allowing a vacuum to be created in this area.

Here is what the Supreme Court said can be done constitutionally. In Engle v. Vitale the Court said:

"There is of course nothing in the decision reached here that is inconsistent with the fact that school children and others are officially encouraged to express love for our country by reciting historical documents such as the Declaration of Independence which contain references to the Deity or by singing officially espoused anthems which include the composer's professions of faith in a Supreme Being, or with the fact that there are many manifestations in our public life of belief in God. Such patriotic or ceremonial occasions bear no true resemblance to the unquestioned religious exercise that the State of New York has sponsored in this instance."

A year later in the Schempp-Murray cases the Supreme Court said that it would be unconstitutional for a State to establish a "religion of secularism" in the sense of affirmatively opposing or showing hostility to religion, thus "preferring those who believe in no religion over those who do believe." The Court denied that their decision had that effect.

Positively and constructively the Court then set forth what can be done constitutionally in an educational program. It said:

"In addition, it might well be said that one's education is not complete without a study of comparative religion or the history of religion and its relationship to the advancement of civilization. It certainly may be said that the Bible is worthy of study for its literary and historic qualities. Nothing we have said here indicates that such study of the Bible or of religion, when presented objectively as part of a secular program of education, may not be effected consistent with the First Amendment."

A number of groups have organized to promote the constitutional teaching of the Bible in public schools, such as the Religious Instruction Association, Fort Wayne, Ind., the Fourth "R" Foundation, Lincoln, Neb., and others. The American Bible Society has published articles pointing out that the Bible has a legitimate place in the curriculum of public schools.

A number of professional education organizations have initiated studies to show teachers how they can properly relate religion and the Bible to the public school classroom. Some teacher training colleges are developing courses and materials for public school teachers to use in their classes.

In a study done by Rolfe Lanier Hunt, staff associate, Church and Public Education in the Division of Christian Education of the National Council of Churches, many avenues of Bible teaching in public schools are pointed out. His article appears in the April 1966 issue of the International Journal of Religious Education.

Hunt said that in 1958-59 in 17 states a total of 68 public high schools were offering courses in Bible, Bible history, and Bible literature. He says that the number of such courses is now increasing.

An examination of the Supreme Court's decisions reveals many things students can do in public schools. According to Hunt they may:

—study the Bible for literary qualities.

—study the Bible for historic qualities.

—use the Bible as a reference book when studying secular subjects.

—study comparative religion.

—study the history of religion.

—study the relation of religion to the advancement of civilization.

—recite historical documents, such as the Declaration of Independence, which contains references to God.

—sing officially espoused anthems which contain the composer's profession of faith in God.

—make references to God in patriotic or ceremonial occasions.

—be excused from class to permit those who wish to do so to repair to their religious sanctuary for worship or instruction.

An article published in February 1966 by the American Bible Society unequivocally declared that "the Bible can be taught in public schools." The article cited a study out of Princeton Theological Seminary by W. Arthur Alcorn. The report is entitled, "The Bible and Literature in Public High Schools: The Authority and the Mandate."

The article says that Mr. Alcorn, who has thoroughly explored and defined the Supreme Court ruling in 1963, states that "as long as study of the Bible is literary rather than doctrinal, it in no way compromises constitutional guarantees of religious freedom and the separation of church and state."

Mr. Alcorn raises the question, "Why, then, have school boards obdurately refused to pursue the course commended by the Court? Their do-nothing policies would seem to indicate that either they have not fully understood the ruling or they are merely taking what they feel is the 'safe side.'"

It is to be hoped that those who are pushing for a constitutional prayer amendment will have succeeded in arousing those who believe in the adequacy of the First Amendment to more positive and constructive approaches to the problem of religion and the Bible in relation to public school education.

When this is done there will be plenty left for the churches to do. The public school cannot perform the religious education task for the churches, but they can give a well-rounded academic education to students which will not leave them ignorant of the role of religion and the Bible in our culture. (WBG)