Report from the Capital

AUGUST
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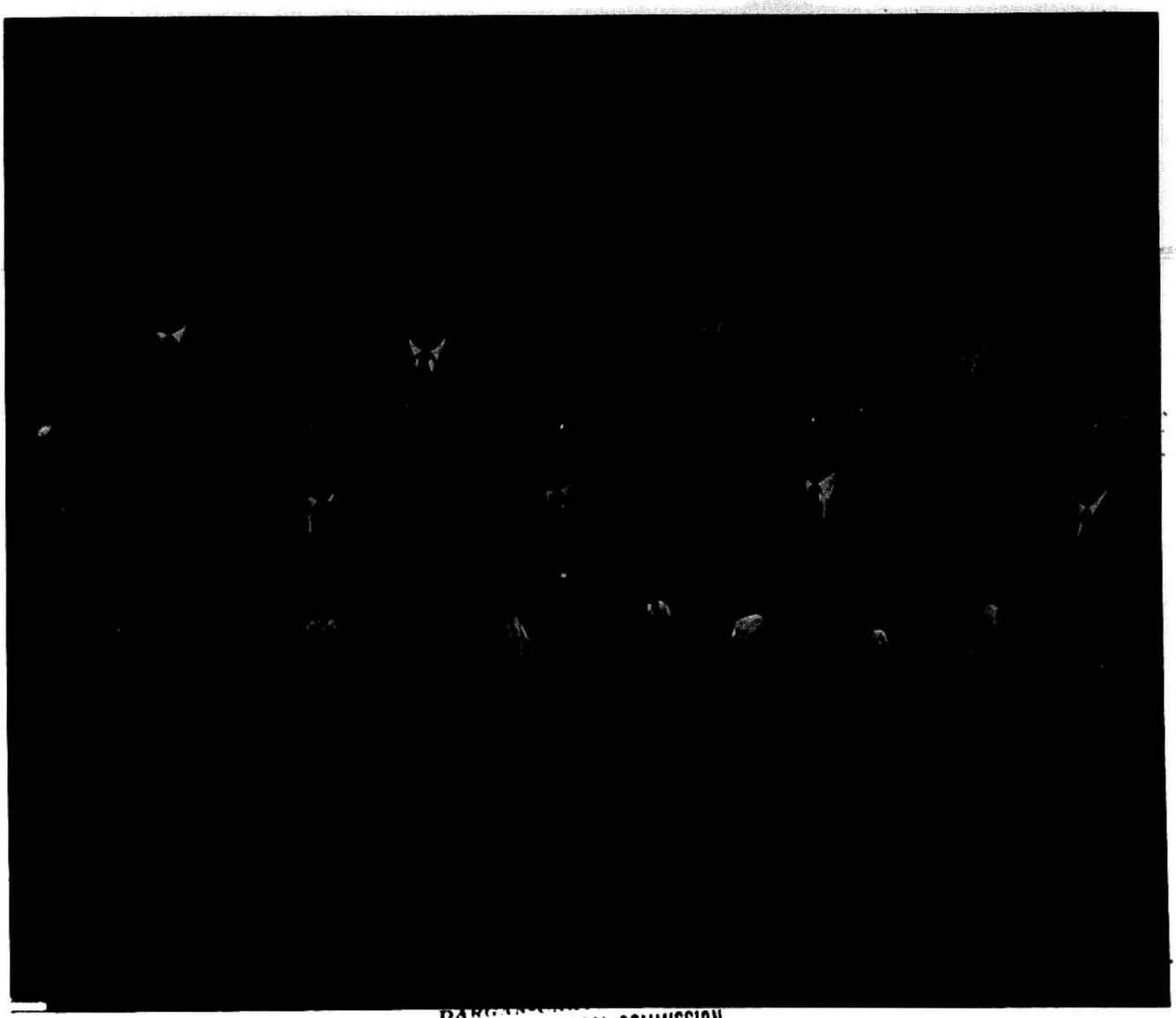

The Supreme Court Decisions On Aid To Church Schools

by John W. Baker

The United States Supreme Court in its historic decisions on state and federal aid to religious education made only a tenuous beginning at a solution to this problem which has divided the United States for many years. The number of concurring opinions and the number of dissents indicate that the Justices have only minimal areas of agreement and broad areas on which they are strongly divided.

In the case which tested the validity of the Higher Education Facilities Act of 1963 (*Tilton* v. *Richardson*), for example, only four of the Justices could agree on a single statement led by Chief Justice Burger, Justices Harlan, Stewart and Blackmun agreed that the Act was constitutional with the exception of the clause which allowed the church-related colleges and universities to use a building built with federal funds any way they desire after twenty years. These four Justices held that the buildings must always be used for strictly secular purposes. Justice White did not agree with this exception but gave the Court a five man majority by concurring with the result of the decision.

Justices Douglas, Black, and Marshall joined in a strongly worded dissent which declared that the Act provides for an unconstitutional establishment of religion. In a separate statement, Justice Brennan also dissented from the maority.

In this case the majority attempted to differentiate between the level of higher education and that of elementary and secondary education on the basis that the students in higher education are more mature and, therefore, less susceptible to religious indoctrination. They held that because there is a difference in this level of education and because the grants for a building are on a "one time only" basis, there is not the excessive entanglement of church and state which the Court ruled against in the 1970 *Walz* case.

A decision as divided as this does not provide sound case law for a determination of how the Court, even in the immediate future, will decide on acts which provide state or federal aid to higher education. State laws to provide scholarships to church-related colleges and universities face uncertain litigation as do proposals to exempt tuition paid to these schools on the individual income tax. Chief Justice Burger's statement that the line of separation between church and state ". . . far from being a 'wall' is a blurred, indistinct and variable barrier depending on all the circumstances of a particular relationship" gives little guidance and less security to those who oppose the use of public funds for religious education.

In the cases dealing with state aid to elementary and secondary schools (*Lemon* and *DiCenso*) the Court had a little more agreement. Chief Justice Burger was joined by Justices Stewart, Harlan and Blackmun in a decision which held that the programs in Pennsylvania and Rhode Island were in violation of the First Amendment because the programs themselves and the so-called "safeguards" to assure that the tax funds would be used exclusively for secular purposes entangle the state with religion to such a substantial degree.

In addition the Chief Justice wrote, "A broader base of entanglement of yet a different character is presented by the divisive political potential of the state programs." A continuing year-to-year political issue of financing of parochial schools would divide the communities and the legislatures. "Political fragmentation and divisiveness on religious lines is thus likely to be intensified."

Justices Douglas, Black and Marshall joined in the opinion of the Court and filed a separate concurring opinion. Justice Brennan filed an additional concurring opinion and Justice White concurred on the Pennsylvania decision (*Lemon* v. *Kurtzman*) but dissented on the Rhode Island decision (*Early* v. *Dicenso* and *Robinson* v. *DiCenso*). Thus, despite the outward appearance of a united Court on state aid to religious education, there was a rather sharp disagreement within the Court on why the acts were unconstitutional.

These cases are landmark cases.

However, they do not completely answer the question of the constitutionality of all forms of state and federal aid to parochial schools. The Court left intact the previous cases in which they had agreed to aid for transportation, secular textbooks, school lunches, etc. Those who are proponents of public aid to parochial schools view the decisions as a setback but not a defeat. They feel that the Court has struck down the form of public aid but not the concept itself. It is their belief that if the proper vehicle can be found—one which does not make for excessive entanglement of the state in religion—the Court will declare it to be constitutional.

At present the supporters of public funds for parochial schools are looking with some hope to the various voucher systems which have been proposed or for a state income or property tax write-off for parents who send their children to parochial schools. There are, no doubt, other plans which will come to light which will ultimately come before the Supreme Court. Rather than ending litigation in this sensitive area of church-state relations, the decisions of the Court have served as an invitation to wider experimentation and, consequently, expanded litigation.

This leads to a final point. Because the Court was divided on these cases the shifting of one or two votes could make for substantive changes in future decisions. The membership of the Court changes. There are several current members who are eligible to retire now. If they chose to do so the kind of men appointed as their replacements would be decisive. Former Chief Justice Stone said, "The Constitution is what the Supreme Court says it is."

As the Court membership changes so will its interpretation of the Constitution. The lack of clear decisions and the lack of substantial case law developed by these cases indicates that the proponents of the principle of religious liberty must not be lulled into thinking that this segment of the struggle is won. They must work on the state and national levels for programs which do not compromise religious liberty and must actively oppose those which do. They must be concerned about future presidential appointments to the courts. They must be willing to sacrifice if they hope to achieve and maintain religious liberty in the United States.

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. The purpose of this bulletin is to report findings on the interrelations between churches and governments in the United States. It affords church leaders a chance to understand developments, policies and trends affecting public policies and it affords public officials a chance to understand church structures, dynamics and positions. It is dedicated to religious liberty, to free and effective democracy and to equitable rights and opportunities for all.

The views of writers of material for *Report From The Capital* are not necessarily those of the Baptist Joint Committee on Public Affairs or its staff. The bulletin also provides for the sharing of views between leaders of the cooperating conventions and between leaders of various religions and traditions.

The Baptist Joint Committee on Public Affairs is a denominational agency maintained by the American Baptist Convention, Baptist Federation of Canada, Baptist General Conference, National Baptist Convention, National Baptist Convention, USA, Inc., North American Baptist General Conference, Progressive National Baptist Convention, Inc., Seventh Day Baptist General Conference, and the Southern Baptist Convension.

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

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August 1971 — Volume 26, Number 7

washington observations

news
views
trends

August 1, 1971

IN THE WAKE of the U.S. Supreme Court decisions on public funds for church-related schools the response was immediate and varied. Some of the observations are listed here as samples of the variety of reactions:

"INDEPENDENCE IS COSTLY. But it is the fundamental condition of religious liberty. In denying the Catholic Church a government subsidy, the court has assured it unrestricted control over its own destiny." ---The Washington Post.

U.S. CATHOLIC CONFERENCE'S General Counsel, William R. Consedine, ". . . the majority did not say flatly that aid to education in parochial schools is unconstitutional. They said that some forms are and some are not. Our job is to find out what is permissible. . ."

SENATOR CLAIBORNE PELL, (D., R. I.), chairman of the Senate Subcommittee on Education, stated, "I believe that in a government of law, legislation can be drafted which can ease the plight of nonpublic schools and it is my intent to do so."

RABBI ARTHUR J. LELYVELD, president of the American Jewish Congress, said, "Now that the Supreme Court has spoken, the controversies and quarrels are over. Every segment of the Jewish community must now join hands to make sure the Jewish education shall not suffer for lack of community support."

CONGRESSMAN ROMAN C. PUCINSKI, (D., Ill.), chairman of the House Subcommittee on General Education, said the Supreme Court ". . . has ruled against the rights of almost 13% of the school children of America by declaring unconstitutional two state laws which provided for the purchase of secular services in private schools. . . I have no intention of surrendering my legislative responsibilities to the Judicial Branch of the government."

ON JULY 1 the American Jewish Congress and the American Civil Liberties Union announced that they would sponsor suits in six states to halt state aid to parochial schools on the basis of the U.S. Supreme Court's decision. On July 6 Americans United made a similar declaration.

THE REV. GEORGE ELFORD, research director for the National Catholic Educational Association, stated, "We're at the end of an era for the parochial school. We are going to see many more interparochial and diocesan schools. There will also be more concentration on out-of-school programs and alternate approaches to religious education."

FATHER CHARLES M. WHELAN, associate editor of America, wrote, "What is certain, and not a guess, is that litigation in the school aid area will continue, and at a heavy rate, for at least the next ten years."

U.S. Supreme Court Delivers Historic Church-State Opinions

THE UNITED STATES SUPREME COURT delivered historic church-state opinions here during the last week of the October, 1970 session. The opinions were handed down on June 28, 1971. They dealt with cases which had been before the Court since early last year. Arguments were presented before the High Court in March, 1971.

Two opinions dealt with elementary and secondary church-related schools. The Pennsylvania case was Lemon v. Kurtzman. The Rhode Island opinion included two cases, Earley v. DiCenso and Robinson v. DiCenso.

A third opinion spoke to the validity of the Higher Education Facilities Act of 1963. This decision dealt with a Connecticut case known as Tilton v. Richardson.

Accounts of the opinions follow in summary form. An analysis of the decisions is found on page two.

Court Prohibits State Aid To Religion, Approves Aid To Church-Related Colleges

The U.S. Supreme Court, in an historic decision, ruled that certain types of aid to elementary-secondary level parochial schools is unconstitutional, but that construction grants to church-related colleges do not violate the Constitution.

The Court, made a distinction between public aid to parochial schools in the forms of purchase of services and payment of teachers salaries and the construction of facilities on church-related college campuses for secular purposes.

PENNSYLVANIA: 8-0.
Majority Opinion: Burger.
Concurring: Stewart, Harlan, Blackmun, Douglas, Black, White, Brennan.

According to the Court, the use of public funds in Rhode Island to pay teachers of secular subjects in parochial schools, and the purchase of secular services from parochial schools in Pennsylvania are "unconstitutional under the Religious Clauses of the First Amendment."

On the other hand, the Court said that the construction of facilities for secular purposes on church-related college campuses does not violate the Constitution. But the Court declared the portion of the Higher Education Facilities Act of 1963 that provides for a 20-year limitation on the religious use of the facilities constructed by Federal funds does violate the Constitution.

Rhode Island's 1969 Salary Supplement Act provides for 15% salary supplement to be paid to teachers in nonpublic schools at which the average per-pupil expenditure on secular education is below the average in public schools.

Eligible teachers must teach only courses offered in the public schools, using only materials used in the public schools. Neither are these teachers allowed to teach courses in religion. To date about 250 teachers in Roman Catholic Schools have been the sole beneficiaries of the Act.

Pennsylvania's Nonpublic Elementary and Secondary Education Act, passed in 1968, authorizes the state Superintendent of Public Instruction to "purchase" certain "secular educational services" from nonpublic schools. The Superintendent directly reimburses those schools solely for teachers' salaries, textbooks, and instructional materials. Contracts were made with the parochial schools participating in the program.

In Connecticut four church-related colleges and universities received federal construction grants for five facilities. The Court upheld the Higher Educational Facilities Act of 1963, except that part which limits the Federal interest in buildings to 20 years. This limitation prohibited the use of federally funded buildings for religious purposes. The Court held that such use of these buildings after 20 years is in effect a contribution to a religious body and is thereby in violation of the Constitution.

RHODE ISLAND: 8-1.
Majority Opinion: Burger.
Concurring: Stewart, Harlan, Black, Douglas, Blackmun, Brennan, Marshall.
Dissenting: White.

The reason given for voiding the Rhode Island and Pennsylvania practices of aid to parochial schools is that they involve "excessive entanglement between government and religion."

In the case of Rhode Island the Court said that the entanglement arises because of the religious activity and purpose of the church-affiliated schools. The Court said that this is true especially with respect to children of impressionable age in the primary grades, and the dangers that a teacher under religious control and discipline poses for separation of religious from purely secular aspects of elementary education in such schools.

In Pennsylvania, the Court said that the entanglement arises from the restrictions and surveillance necessary to ensure that teachers play a strictly nonideological role. Coupled with this are the accounting procedures required by the state to establish the cost of secular as distinguished from religious education.

The Court explained the difference between the aid prohibited in elementary and secondary parochial schools and permitted in the construction of facilities in church-related colleges. It said:

"(a) There is less danger here than in church-related primary and secondary schools dealing with the impressionable children that religion will permeate the area of secular education, since religious indoctrination is not a substantial purpose or activity of these church-related colleges,

"(b) The facilities provided here are themselves religiously neutral, with correspondingly less need for government surveillance, and

"(c) The government aid here is a one-time, single-purpose construction grant, with only minimal need for inspection. Cumulatively, these factors lessen substantially the potential for divisive religious fragmentation in the political arena."

CONNECTICUT: 5-4.
Majority Opinion: Burger.
Concurring: Harlan, Stewart, Blackmun, White.
Dissenting: Douglas, Black, Marshall, Brennan.

The Court further observed that the implementation of the Higher Education Facilities Act of 1963 does not inhibit the free exercise of religion in violation of the First Amendment.

The Court vote in the case of the Higher Education Facilities Act of 1963 was 5-4. Those upholding the Act were Justices Burger, Harlan, Stewart, Blackmun and White. Dissenting were Justices Douglas, Black, Marshall and Brennan.

The vote in the Pennsylvania portion of the parochial aid case was 8-0, with Justice Marshall taking no part in the decision. The vote in the Rhode Island portions of the parochial aid case was 8-1, with Justice White dissenting.

Quotes from

U.S. Supreme Court Decisions On Aid To Church-Related Schools

"Judicial caveats against entanglement must recognize that the line of separation, far from being a 'wall,' is a blurred, indistinct and variable barrier depending on all the circumstances of a particular relationship."

"The substantial religious character of these church-related schools gives rise to entangling church-state relationships of the kind the Religion Clauses sought to avoid."

"In particular the government's post-audit power to inspect and evaluate a church-related school's financial records and to determine which expenditures are religious and which are secular creates an intimate and continuing relationship between church and state."

"It would be unrealistic to ignore the fact that many people confronted with issues of this kind will find their votes aligned with their faith."

"Ordinarily political debate and division, however vigorous or even partisan, are normal and healthy manifestations of our democratic system of government, but political division along religious lines was one of the principal evils against which the First Amendment was intended to protect."

"The Constitution decrees that religion must be a private matter for the individual, the family, and the institutions of private choice, and that while some involvement and entanglement is inevitable, lines must be drawn."

"Many church-related colleges and universities seek to evoke free and critical responses from their students and are characterized by a high degree of academic freedom."

SUPREME COURT OF THE UNITED STATES

Nos. 89, 569, AND 570.—OCTOBER TERM, 1970

Alton J. Lemon et al., Appellants, 89 *v.* David H. Kurtzman, as Superintendent of Public Instruction of the Commonwealth of Pennsylvania, et al.	On Appeal From the United States District Court for the Eastern District of Pennsylvania.
John R. Earley et al., Appellants, 569 *v.* Joan DiCenso et al.	On Appeal From the United States District Court for the District of Rhode Island.
William P. Robinson, Jr., Commissioner of Education of the State of Rhode Island, et al., Appellants, 570 *v.* Joan DiCenso et al.	

[June 28, 1971]

MR. CHIEF JUSTICE BURGER delivered the opinion of the Court.

These two appeals raise questions as to Pennsylvania and Rhode Island statutes providing state aid to church-related elementary and secondary schools. Both statutes are challenged as violative of the Establishment and Free Exercise Clauses of the First Amendment and the Due Process Clause of the Fourteenth Amendment.

The cover page of the Supreme Court Decision in the Pensylvania and Rhode Island cases on state aid to church-related elementary and secondary schools.

The decision, announced June 28, 1971, declared unconstitutional the use of state funds for supplemental payment of teachers salaries and the purchase of certain types of "secular" services from church-related elementary and secondary schools.

Supreme Court Asks State Court To Reconsider College Bond Aid

The United States Supreme Court, in a case involving the Baptist College of Charleston, asked the South Carolina Supreme Court to reconsider its earlier decision declaring the sale of tax-free revenue bonds for the Baptist school as constitutional.

The High Court judges asked the S. C. Supreme Court to reconsider the ruling based on guidelines set forth in decisions the Court handed down a few days earlier involving government aid to private institutions.

In one opinion, the U.S. Supreme Court ruled that construction grants to church-related colleges do not violate the U.S. Constitution. In a second ruling, the High Court limited the types of aid that are constitutional to private institutions because of "excessive entanglement between government and religion."

In Charleston, the president of the school, John Hamrick, said he considered the ruling to be very favorable to the college. Hamrick reasoned that if the U. S. Supreme Court would approve direct grants for building construction at church-related colleges, then surely loans would be all right.

Both the General Board of the S. C. Baptist Convention and the full Convention approved of the $4 million bond issue by the school in a taxfree category and at a low interest rate.

Under the unique arrangement, the college agreed to deed to the state certain buildings and lands not otherwise encumbered with two stipulations—that the college be permitted to lease the property for 30 years at no charge, and at the end of the period to repurchase the property for $1.00.

After the suit was filed to test the constitutionality of the arrangement, the college obtained $2.5 million in five-year church and institutional bonds to finance building consruction until the longer tax-free bonds could refinance the buildings. The $2.5 million in short-term bonds were due on the day following the Supreme Court ruling.

Two Charleston banks agreed to a 10-year loan to the college for $2.5 million to pay off the short-term bonds until the court case is settled. The case now goes back to the S. C. Supreme Court for reconsideration.

The lower courts in South Carolina had upheld the constitutionality of an Act whereby the State Budget and Control Board, acting as the State's Educational Facilities Authority, could issue and sell the tax-free bonds for the Baptist College of Charleston.

A New Approach to Elementary Education

At least 250 nongraded, multiunit elementary schools will begin operating across the Nation this fall, providing an alternative to traditional self-contained classroom practices.

Installation of the new elementary school concept is being funded by grants totaling $641,600 from HEW's Office of Education to the Wisconsin Research and Development Center for Cognitive Learning at the University of Wisconsin, Madison.

The multiunit arrangement has been found more effective in delivering educational services to children with different rates and styles of learning and varying levels of motivation.

Instead of the usual arrangement of grouping pupils by grades strictly according to age and assigning them in groups of 25-30 to a single teacher, multiunit schools are organized into instructional teams of four teachers each, plus supporting staff. Each team or unit is responsible for some 150 pupils whose ages may vary by as much as three or four years.

The federally-funded Wisconsin center has been developing and testing multiunit schools for the past five years.

To devise, conduct, and evaluate instructional paragrams appropriate for individual children, each unit staff is continuously involved in practical research.

Typically, each instructional-research unit is headed by a unit leader who is essentially a master teacher. The unit staff consists of three teachers, a teacher aide, an instructional secretary, and a teacher intern.

Thus, a 600-pupil elementary school would have four instructional-research units, each responsible for some 150 pupils. The pupils in unit A might range in age from 4 to 6, those in unit B from 6 to 9, those in unit C from 8 to 11, and so on.

With the cooperation of the State Department of Public Instruction, the Wisconsin R&D Center has installed 99 multiunit elementary schools in Wisconsin. Nationally, nearly 70,000 pupils have been enrolled in some 170 multiunit schools over the past five years.

The new 250-school installation thrust is being funded through Federal grants of $266,600 under the Cooperative Research Act and $375,000 under the Education Professions Development Act.

The Wisconsin Center will train local school personnel in multiunit techniques and provide appropriate instructional materials.

CONVENTION NAMES OFFICERS FOR 1971-1972

Baptist General Conference Leaders

R. Johnson

E. Johnson

W. Eastlund

ST. PAUL IN JUNE—General Conference Baptists, meeting in St. Paul in June in their 92nd Annual Meeting, named thier first annual Layman of the Year, Robert Johnson, of Sioux Falls, S.D., as their Moderator. They chose Emmet Johnson, Executive Secretary of the Minnesota Baptist Conference, as their Vice-Moderator. The BGC Board of Trustees elected Warren Eastlund, of Minneapolis, President of the Trustees.

OEO Grants More Funds To Study Voucher Plan

The Office of Economic Opportunity has announced additional funding for its controversial school voucher experiments. According to OEO Director Frank Carlucci, funds totaling $159,307 will be given to two school districts on the West Coast to continue studying the feasibility of the voucher system.

The school district of Seattle, Wash. will receive $106,542 for the second phase of its study of the program. Alum Rock,

(Continued on next page)

Suggested Guidelines on Religion and Public Education

A pamphlet detailing suggested guidelines as a basis for inter-church and inter-faith discussions regarding the proper place of religion in the public schools is available from the Baptist Joint Committee on Public Affairs.

The suggested guidelines are proposals formulated by the staff of the Baptist Joint Committee in consultation with key leaders of major Baptist denominations in the country. They are based on an in depth study of Supreme Court decisions which have restrained public (government) officials from using their official powers or positions for religious objectives. Such use of power was declared to violate the no-establishment clause of the First Amendment.

The proposals assume that considerable "dialogue" will be needed to enable communities to agree on the scope of a well-balanced educational system.

Concepts dealt with briefly in the pamphlet include 1) the role of religious leaders, 2) content that is proper to public education, 3) the proper concern for ethical values, 4) the proper concern for rights, 5) acceptable educational methods and activities.

OEO Grants More Funds . . .

Calif. will get $523,765 in additional funds.

The announcement of more grants for the tuition voucher experiment, by which parents could purchase their children's education in either private or public schools, came the same week that the U. S. Supreme Court ruled that certain types of aid to private and parochial schools is unconstitutional. Apparently, the Administration thinks the Court's historic ruling does not affect the principles of the voucher plan.

A number of national educational and religious groups, including the Baptist Joint Committee on Public Affairs and the Southern Baptist Convention, have expressed opposition to the use of public funds to purchase tuition in private and church-related schools.

In addition to the possible violation of proper church-state relations, opponents of the voucher experiment say the program would threaten the public school system, encourage racial segregation and widen the gap between rich and poor families.

The OEO want to test the program in school districts with social, economic and racial variety and with some private as well as public schools. According to the proposals, the voucher experiment would run at least five years and will cost as much as $6 million annually in federal funds. Present plans call for launching the program in September 1972.

Religion and Public Education

Confusion and frustration on the part of many parents, teachers and school administrators for nearly a decade is slowly giving way to efforts to get religion taught objectively in the public schools.

Recently the National Educational Association, in a special report, observed ". . . many schoolmen thought they had to throw out the Bible even as a literary resource."

The Educational Communication Association, a Washington based non-profit organization, is one of several groups in the country which is seeking to provide school administrators, teachers and parent-teacher organiations with materials to deal with the problems arising from misunderstanding surrounding the Supreme Court decisions of 1962 and 1963.

Miss Ella Harllee is founder and president of the ECA. She cites growing demand by students and parents to bring the Bible back into the classroom for objective study.

During the past nine years the ECA has been developing a volume of public and educational television and radio programs, motion pictures, audio-visuals and publications.

Some of these resources include program aids for communities interested in including study *about* religion in their school systems.

The following items should be of particular helpfulness to community and school groups:

MOTION PICTURE FILM—"Keystone for Education" (16mm color, 27 minutes). A color documentary film examining and explaining the opportunities for study about religion. (Rental price $15.00.)

STUDY AND DISCUSSION GUIDE—A study guide giving authoritative background on religion and the public schools and containing suggested questions for group discussion in your own community, research sources and the script of the above film. ($2.00 each.)

VIDEO TAPE COURSE FOR ENGLISH TEACHERS—The Bible and Literature (Part I)

A series of 6 one-half hour lessons for teachers which focusses on the teaching of the Bible *as* literature. Includes methods and materials used in objective teaching of the subject. The Instructor is Dr. Harry Gamble, Jr., faculty of Religious Studies, University of Virginia, Charlottesville.

The Bible and Literature (Part II)

A series of 7 one-half hour lessons for teachers which focuses on the teaching of the Bible *in* literature. Will be available in the fall of 1971.

Rental fees are available on request. Study guides are also available.

Groups wishing to secure the above program aids may request them from the Educational Communications Association, Field Operations Office, P. O. Box 114, Indianapolis, Indiana 46206.

House Sends Tough Smut Bill To Senate

The U. S. House of Representatives passed a tough anti-pornography bill and sent it to the Senate where a similar bill died in the previous session. The vote was 356 to 25.

The new bill, reported by the Post Office and Civil Service Committee of the House, has three purposes: 1) It creates a new category of nonmailable obscene matter with respect to minors. 2) It defines, for the first time in law, the term "obscene." 3) It provides mail patrons with a means to reject unsolicited potentially offensive sexual materials.

The minors provision prohibits the use of the mails "to make a sale, delivery, or distribution to a minor, or an offer for a sale, delivery or distribution to a minor of matter which depicts nudity, sexual conduct, or sadomasochistic abuse . . . or contains explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct or sadomasochistic abuse. . . ."

The 15-page bill contains explicit definitions of the above terms. Some of the language of the bill, according to one member, would in itself "be potentially offensive to some people." Rep. Abner J. Mikva (D., Ill.) told his fellow congressmen that the House had "created a dilemma . . . where in the very bill we pass we cannot notify our constituents about it because sending that bill through the mails will violate the very act that we have enacted." Mikva was one of the 25 members voting against the bill.

The definition of the general term "obscenity" is identical to that proposed by the minority of the President's Commission on Obscenity and Pornography. The legislation reads: "(1) 'Obscene' includes matter which has its predominant appeal to the prurient interest when considered as a whole by contemporary community standards, and (2) 'prurient interest' includes a shameful or morbid interest in nudity, sex, or excretion which goes substantially beyond customary limits of candor in description or representation."

Under the privacy provisions of the bill a mailer of potentially offensive sexual material is required to place a symbol on the envelope when he sends such material unsolicited to an addressee. Recipients of such material may either destroy it or send it back to the post office marked "refused."

NEW MATERIALS AVAILABLE

STAFF REPORT

"THE COURT ON CHURCH TAX EXEMPTIONS"

An expanded rationale for chuch-state relations on the question of tax exemption of church property.

Single copies—20 cents each.

BOOK OF STUDY PAPERS

"DISSENT IN CHURCH AND STATE"

A compilation of background study papers prepared for use by participation in the 1970 Religious Liberty Conference in Washington on *Dissent in Church and State*. $1.50 per copy.

PAMPHLETS

"REGISTER CITIZEN OPINION"

A guide to political action including a Congressional Directory for the 1st Session of the 92nd Congress.

"THE CASE FOR VOLUNTARY PRAYER"

A summary of Baptist beliefs with respect to voluntary prayer and the nature of prayer.

"BE OUR GUEST"

An inside look at a religious agency in the city of government.

Above pamphlets free in limited quantities.

JOINT COMMITTEE ON PUBLIC AFFAIRS

Court Voids Connecticut Law On Aid To Parochial Schools

The United States Supreme Court, in another decision concerning government funding of certain services for parochial and private schools, declared unconstitutional a Connecticut law which has disbursed $6 million in aid to such schools over the past two years.

The Court's ruling, upholding the decision of a three-judge District Court of Appeals in Connecticut, was announced on the last day before the Court's summer recess. The justices did not express an opinion in affirming the lower court's judgment.

The Connecticut law, The Nonpublic School Secular Education Act, in operation since July 1, 1969, permitted the state to purchase secular educational services from nonpublic, nonprofit elementary and secondary schools. Also under the act the state paid a portion of the salaries of teachers of secular subjects in such schools, plus the actual cost of textbooks used up to a certain amount.

In earlier recent landmark decisions the Supreme Court held unconstitutional similar laws in Rhode Island and Pennsylvania. The reason given for voiding the Rhode Island and Pennsylvania practices of aid to parochial schools is that they involve "excessive entanglement between government and religion."

The lower court, in voiding the Connecticut law, quoted Chief Justice Warren E. Burger's observation in the Walz case handed down in 1970 that "a direct money subsidy" from a state to a religious institution "would be a relationship pregnant with involvement."

In another order on the final day the Court remanded two cases to the New Jersey Supreme Court concerning a law that provides funds to finance the construction of dormitories and educational facilities at public and private higher educational institutions.

The New Jersey Supreme Court was asked to consider the cases in light of another ruling in which the High Court said that construction grants to church-related colleges do not violate the Constitution.

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Minimum Wage Boost Coming — $2 An Hour

Minimum wages are on the way up, according to informed Washington sources. The predicted floor by next January will be $1.80 an hour, with a jump to $2.00 by January 1, 1973.

School food service directors will also be interecsted in speculation that a special student rate of $1.60 an hour may be established.

COVER PICTURE: The United States Supreme Court. Front row, Associate Justices John M. Harlan and Hugo Black, Chief Justice Warren E. Burger, Associate Justices William O. Douglas and William J. Brennan, Jr. Back row, Associate Justices Thurgood Marshall, Potter Stewart, Byron R. White and Harry A. Blackmun.

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3. By Bulk Subscription — $0.75 per year
   Ten or more copies subscribed for at the same time all mailed to one address. Excellent for distribution by a church leader to his co-workers or by a pastor to leaders of his congregation.