

REPORT FROM THE CAPITAL

NOVEMBER 1966



Supreme Court Rejects Maryland College Appeal

By W. Barry Garrett

United States Supreme Court refusal to review a Maryland high court decision that bars state grants to sectarian colleges leaves unresolved many issues relating to public aid to church schools.

The case involved direct construction grants from state tax funds totaling \$2½ million by the Maryland legislature to four church-related liberal arts colleges.

The grants went to the College of Notre Dame of Maryland in Baltimore and St. Joseph College, Emmitsburg, both Roman Catholic schools; to Western Maryland College, Westminster, a Methodist school; and to Hood College, Frederick, affiliated with the United Church of Christ.

Of the four colleges only Hood College was classed by the Maryland Court of Appeals as a "secular" school. The others are "sectarian," according to the court definition, and therefore ineligible to receive grants from state tax funds.

The case was appealed from the Maryland Court of Appeals to the U.S. Supreme Court. The Supreme Court, without comment, refused to grant the appeal (denied the petition for certiorari). Justices John M. Harlan and Potter Stewart disagreed and said the case should be heard.

A separate appeal was made to include Hood College as sectarian and therefore ineligible for public funds. The court also denied this appeal.

Supreme Court refusal to hear a case does not necessarily mean approval or disapproval of the lower court action. Nevertheless, it does mean that the Supreme Court found no compelling reason to consider the case further.

Legally, the effect of the court order is to limit the impact of the Maryland ruling to the borders of the state. Actually, however, the case will be widely cited as a leading precedent governing future policy.

Such action by the Supreme Court points

up the difficulty of bringing church-state cases to a clear decision. Advocates of the Judicial Review bill in Congress will use this case as an example of the need for action by Congress. However, such action would not assure that the court would be bound to follow the will of Congress.

The effect of this Supreme Court action should be viewed with caution. For one thing, the grants were direct construction aids to the schools as such. Such public help as student and faculty aid, research projects and special purpose or category grants were not considered.

The whole idea of public purchase of services from private institutions or of contracts is not touched by this case.

The Maryland Court of Appeals threw out state grants to church colleges on the basis of prohibitions both in the state and federal constitutions. The Court said that grants to a school are secular or sectarian depending on the nature of the institutions involved.

The Court set up six criteria for sorting out the four colleges in the case. They are:

1. The stated purpose of the college;
2. College personnel, including the governing board, administration, faculty, and student body;
3. The college's relationship with religious organizations and groups, including extent of ownership, financial assistance, memberships and affiliations;
4. The place of religion in the college's program, including physical surroundings and religious observances sponsored by the school;
5. "Outcome" of the college's program in terms of accreditation and the nature and character of alumni activities; and
6. The work and image of the college in the community.

Earlier this year (July 1966) the *Report From the Capital* reviewed a staff report on

the Maryland College case. In conclusion this review said:

"Denominational educators will need to study the Maryland opinion. Some denominations have held such close control of their schools that they have sectarian colleges. Other denominations may find that they have what the courts hold to be 'secular' schools which are eligible for public grants.

"Obviously much revision of college policies lies ahead. The basic question to be answered is how the colleges are actually related to the purposes and the mission of the church. The churches will need to decide what roles to plan for themselves in the field of higher education and the kinds of schools needed for those roles."

Cover Picture

Studying electricity can be fun, but it is also expensive. Education today is radically different from that of only a few years ago. In the space age, the atomic era, a scientific and technological culture educational problems for church-related schools are more complicated than they were in a more simple time.

The answers to church-state questions of another day are hardly adequate to the new questions of a new day. The problems of separation of church and state when government was small and when church agencies were few were different from those in a day of both expanded governmental and church institutions.

The question of acceptance or nonacceptance of public funds for church-related agencies is an important one. However, it is, not the ultimate question. The basic question that churches should ask is, What is the institutional expression of our faith in the new day of world history?

Our forefathers answered the question in an earlier day with a certain institutional philosophy and certain types of institutions. What is Baptist philosophy of institutions? What forms of institutional expression should their faith take in the future?

When these questions are answered, then we can arrive at a satisfactory answer to the problem of the use of public funds.

(WBG)

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Washington Observations



News — Views — Trends

November 28, 1966

RELIGIOUS SEGREGATION IN EDUCATION! In Canada's province of Saskatchewan a Catholic child has been excluded from the public elementary schools. The Court said, "those of her faith . . . (have) withdrawn to form their own school system, (and) the public schools have no obligation to educate her."

A LEADING CANADIAN MAGAZINE, "Maclean's," reports this educational religious segregation with shock and dismay, for judicial appeal is seemingly impossible. Ironically, the Saskatchewan Bill of Rights reads, "Every person . . . shall enjoy the right to education in any school . . . without discrimination because of . . . religion"

CAUGHT IN A DUAL EDUCATION SYSTEM, the family has paid its school taxes to the public school authority for 8 years. Catholics can, and apparently generally do, designate their school taxes to the parochial system. Nevertheless, as the situation stands, the family will have to renounce officially its religious allegiance if it wants to use the public schools. Reportedly, the Catholic church authorities have been of no help to this family and others like-minded in the battle for educational freedom.

THE NEW PROPOSED CONSTITUTION OF SPAIN reasserts the primacy of the Roman Catholic religion. At the same time it sets the stage for a new law upholding the principles of religious freedom enunciated by the Second Vatican Council.

NOT YET FULLY DRAFTED, the proposed law abolishes previous legislation which forbade public ceremonies and manifestations other than those of the Catholic religion. It aims at guaranteeing religious liberty by law, provided that "morality and public order" are safeguarded.

REFERRING TO RELIGIOUS LIBERTY, Franco said, "We envision a close watch over that civil right, while at the same time we shall zealously cherish the treasure of our Catholic religion, which we shall guard and further with the justice that becomes rulers." The present policy that will be replaced by religious liberty calls for mere toleration of non-Catholics.

DIRECTOR OF THE BUREAU OF THE CENSUS, A. Ross Eckler, has announced that a question on religious preference will not appear in the 1970 census. He said that the decision to follow past precedent was made because "a substantial number of persons again expressed an extremely strong belief that asking such a question would infringe upon the traditional separation of church and state."

THIS DOES NOT END THE MATTER, however, since other sources of census data on religious preference are envisioned by Mr. Eckler. He suggested that a question on religion might be asked during one of the interim sample surveys conducted by the Bureau. Replies are mandatory for questions on the decennial census forms. Replies on sample surveys are voluntary.

Education Act Presents An Unsettled 'Settlement'

By **Walfred H. Peterson**, Director of Research Services
Baptist Joint Committee on Public Affairs

Readers of *Report from the Capital* have seen much coverage of the Elementary and Secondary Education Act of 1965 (ESEA). In two years about a half dozen articles or news stories have been related to it. Why does the Act earn such attention?

The Act is a landmark for two reasons: First, it provides what amounts to the first general federal aid to elementary and secondary schools. Some of its authors have denied this, but the denial is not convincing. True, it does not give general aid for school construction and operation, but it does make possible, assuming proper local initiative, important aids to practically any public school system.

Second, the ESEA created what has been called a "settlement" in the church-state issues of federal aid to education. As will be shown, this is claiming too much too soon. However, the passage of the Act was occasioned, in part, by the support or the non-opposition of Protestant and Catholic spokesmen who previously had found it impossible to accept federal education measures.

The "settlement" was fashioned around the "child benefit" theory. This meant that certain limited benefits under the Act could go to students who attend private and parochial schools, but no direct benefit under the Act could accrue to such schools themselves. The distinction is subtle, but if it is not valid, the Act would seem to violate the First Amendment's establishment clause.

The 1966 Amendments to the Act

Congress has now had a chance to revise its work after a year's administrative experience. The review could not be really satisfactory, because the massive new programs begun could only get started by the time the Congressional committees sat. In any case, Congress saw fit to make only minor changes in the law, while it increased the appropriations from around one billion to one and a third billion. None of the changes was basic to points of church-state tension. The Act was extended for two years.

One change indirectly affects church-state relations. The 1965 Act scheduled a lowering in 1967 of the allowance for administrative expenses available to state agencies



Walfred H. Peterson

administering the Act's library resources program. The drop would have been from 5 per cent to 3 per cent of each state's program costs. These programs, modeled after the public library, were designed to give state education agencies materials which could be loaned to teachers and students in any school.

Experience has shown that in the operation of a bona fide loan program, the 5 per cent administrative cost is essential. With less money than that available, the administrator is put under pressures that tend to shift the program from one which gives loans to people to one which gives grants to school libraries. Thus, maintenance of the 5 per cent allowance was essential to the sound continuation of this part of the Act.

An Unsettled "Settlement"

While Congress left the church-state "settlement" alone, its committees heard testimony and received letters which said that all was not well with the implementation of the "settlement." The testimony and letters maintained that the initial programs the Office of Education approved under the Act were actually working in ways that violated the "child benefit" theory. That is:

aids were flowing to church-related schools, not just to students who attended church-related schools. The testimony caused some Congressional concern.

Two Committee Reports

In reporting the 1966 bill to the House for passage, the House Committee on Labor and Education submitted a "Report." (A "Report" is the committee's explanation of its bill.) This "Report" repeated the theme of the 1965 "Report" which had explained how the church-state "settlement" in the original bill could be justified under the "child benefit" theory. The new "Report" made fairly specific certain limits which that theory imposed on aid programs to students in non-public schools under the Act. In short, this "Report" took a restrictive line on ways in which the Act could aid students in private and parochial schools. The "Report" was dated August 5.

People in offices that shared the general view of the Baptist Joint Committee on Public Affairs applauded the new "Report." They viewed it as a warning to the Office of Education that it must be more circumspect in administering the "settlement." While the Senate was still to be heard from, they felt their concerns had received positive attention.

Then, to the wonder of the beholders, the same House committee issued a supplementary "Report" on August 22, a rare procedure. In effect, it softened the work the August 5th "Report" had done on church-state matters.

The supplementary "Report" said, "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."

Also, "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 edu-

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89th Congress Poses Problem for Church Colleges

By C. Emanuel Carlson, Executive Director
Baptist Joint Committee on Public Affairs

At least since 1958 a revolution in higher education has been in progress in the United States. The National Defense Education Act of that year was based on the popular reaction to the Russian Sputnik, but it was actually the beginning of a serious effort to overhaul higher education so as to make it adequate for modern needs. There was an awareness that scientific and industrial competition, military strength, international leadership, full deployment of the population, and the encouragement of cultural creativity and others called for a new nationwide program in behalf of higher education for more people for more years of their lives.

While the National Defense Education Act only nibbled at the needs, some of its provisions had preparatory significance for what was to follow.

As educational and political leaders continued to study the birth rates and the increasing percentages of high school graduates seeking college admission, a kind of national consensus arose in favor of more bold and imaginative expansion of almost everything. For such an effort only the broad tax base represented by the U.S. Congress seemed adequate.

By the time the 89th Congress left the Capitol in October, 1966 and headed for the community political platforms, they had enacted a revolution and were proud of their work. They went home to accept the public applause for having made provisions they would defend as being commensurate with the need.

The revolution included the work of the 88th Congress in 1963-64. It had set up some important new plans for financing construction costs of the anticipated expansion. Its Higher Education Facilities Act of 1963 provided for federal assistance in the form of loans and grants. Grants equal to one-third of the cost of construction for several categories of educational buildings, whether they be public or private, were enacted. The grants were in the nature of incentive grants requiring that two-thirds of the construction costs be provided from resources other than the federal treasury. The expanding needs of the current budgets for operation and instruction were also left to other sources.

The Act also began to build a set of



C. Emanuel Carlson

"state commissions" for state-wide planning that would utilize both public and private institutions to meet the general needs. Congress had rejected the idea of supporting only public institutions.

Work of the First Session of the 89th

The Higher Education Act of 1965 continued the creative process begun in 1963. The previous 1963 law was amended to double the amount of money available for undergraduate facilities from \$230 to \$460 million, and from \$60 to \$120 million for graduate facilities. It erased the "categorical" restrictions on the kinds of buildings. It increased the discretionary powers of the U.S. Commissioner of Education as to the kinds of institutions to be encouraged. It stabilized the interest rate on loans at three per cent per annum, and it set 40 per cent of construction cost as the maximum federal share.

In reaching out for additional development, the Higher Education Act of 1965 also launched a number of new programs.

A "Community Service and Continuing Education" program (Title I) provided support for educational institutions to help the communities with the education needed to grapple with such problems as housing,

poverty, government, recreation, employment, youth opportunities, transportation, health, and land use. A "state agency," broadly representative of the institutions of higher education, was devised for the planning and administration of the program.

A plan to support "library assistance and library training and research" was set up as Title II. Fifty million dollars were authorized for purchase of library resources, with basic grants going up to \$5,000, and supplemental grants on a per student basis. Grants and contracts for library research and for dissemination of new knowledge of library methods were made available.

Title III authorized funds for "strengthening developing institutions." From these funds the Commissioner of Education can approve projects for student or faculty exchanges, faculty improvement, new curricula, joint use of library facilities and laboratories, fellowships, and numerous projects that could help the programs of isolated schools in special need. This plan was first conceived as being needed by weak Negro schools, but was enacted in broader terms.

Student assistance (Title IV) was an important part of the 1965 enactment. "Educational Opportunity Grants" is the vocabulary for aids to students who show academic promise, and exceptional need. In addition to the "scholarship" phase, the institutions can use some of this money for student loans (under the National Defense Education Act). They are expected to keep in touch with secondary schools to find the promising students with needs. "Low-interest loans" were designed by means of a federal loan insurance program with the Secretary of Health, Education, and Welfare determining the maximum interest rate on such loans. And the college "work-study program" set up in 1964 under the Office of Economic Opportunity was moved over to the Department of Health, Education, and Welfare to become part of this total effort for student assistance.

The legislative provision was also completed for the "National Teacher Corps," to utilize former teachers and interns for two year terms as aids in "teaching-teams" while they gain in-service training.

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Financial assistance for acquisition of laboratory and special equipment and materials for undergraduate instruction was also projected (Title VI).

Work of the Second Session Of the 89th

Such, in brief outline, were the new higher educational structures emerging on the scene as the second session looked forward to the 1966 elections. Obviously, the word from "back home" was an encouraging one for this last session of the 89th Congress was preoccupied with two kinds of tasks: a) to do minor repair work on the hastily erected new plans, and b) to open the financial faucets so as to provide quantitative support. The resulting legislation is the "Higher Education Amendments Act of 1966."

After the House and the Senate had each projected its own generous proposals for authorization of funds, the Conference Committee increased most of the items.

The authorizations for construction of undergraduate facilities were \$475 million for 1967, \$728-million for 1968, and \$936 million for 1969. The authorizations for graduate facilities were left at \$60 million, \$120 million, and \$120 million for the three years. For loans, graduate and undergraduate, \$200 million was authorized for 1967, and \$400 million each for 1968 and 1969.

Some of the program adjustments contained in the Higher Education Amendments Act of 1966 also serve as interesting signs of probable future directions of growth.

For 1967, 22 per cent of the grants for construction of undergraduate facilities must go to public junior colleges. This is to increase to 23 per cent in 1968 and to 24 per cent in 1969.

Seven million dollars in each of the three years is for administration of state plans for the construction of buildings and facilities for higher education, including the junior colleges.

The Administration proposed phasing out the NDEA direct government program of student loans in favor of the new private, though publicly insured, student loans. That proposal proved highly unpopular and was defeated. A study to improve the guaranteed loans program was authorized, to be completed by January 1, 1968.

Trends and Reflections

Those endeavoring to see in advance the shape of things to come need to see the above legislative fruits in the context of the whole unfolding educational scene.

One of the most significant educational developments is the proliferation of public junior colleges already in progress. During the five-year period, 1960-65, junior college enrollments doubled, from 660,000 to 1,292,000. This rate of growth is almost twice that of the four-year colleges. Junior colleges are now reported as opening their doors at the rate of 50 per cent, and predictions expect that by 1971 there will be more than 1000 such colleges in the nation, enrolling in excess of 2 million students. Most of these colleges are public.

The growth of this type of institution is

being augmented by its potential relationship to many of the occupational training needs of modern society. Thus, appropriations under the Allied Health Professions Act include grants to the colleges of \$500 per pupil enrolled in programs of health technology, and thereby preparing to be technicians, aides, technologists, etc., for many professions related to health. To this level of occupational training the junior college is well suited.

The junior college is also an institution that fits well in to the Congressman's home con-

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1967 Appropriations for Higher Education

Construction:

Grants for public community colleges and technical institutes	\$ 99,660,000
Grants for other higher education facilities	353,340,000
Grants for graduate facilities	60,000,000
Loans for construction of academic facilities	200,000,000
College Housing Loans (dormitories, student unions, etc.)	300,000,000

Strengthening Higher Education through:

Community Service and Continuing Education	\$ 10,000,000
Land-Grant College endowment	11,950,000
Sea-Grant Colleges	—
Higher education library resources	25,000,000
College and Research Library resources	3,000,000
Developing Institution grants	30,000,000
Identification of Educational Talent	2,500,000
Strengthening graduate teacher education	5,000,000
Television equipment grants	1,500,000
Other equipment for undergraduate instruction	13,000,000

Educational Assistance to Individuals (Students, teachers, etc.):

Opportunity grants (undergraduate)	\$112,000,000
NDEA loans (undergraduate)	190,000,000
Guaranteed loan advances (undergraduate)	10,000,000
Work-study program (undergraduate)	134,100,000
Teacher fellowships (graduate)	25,000,000
NDEA graduate fellowships	81,957,000
NDEA teacher institutes	30,000,000
Institutes for counseling personnel (NDEA)	7,250,000
National Teacher Corps	7,500,000
Research training (Cooperative Research Program)	6,000,000
Institutes in use of new media (Higher Education)	2,500,000
Training in librarianship (Higher Education)	3,750,000
Arts and Humanities (teacher training)	500,000
Education of the Handicapped (teacher training)	24,500,000
Work-study program (vocational students)	10,000,000
Vocational student loan assistance	1,025,000

International Education Programs:

State Department Educational Exchange program	\$ 53,050,000
Peace Corps	110,000,000
U. S. Information Agency	169,328,000
International Education Act of 1966	—
NDEA Language and Area Centers, training	12,700,000
NDEA Language and Area Centers, research	3,100,000
Other Foreign Language Training and Area Studies	3,000,000

Education Act

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ational needs of educationally deprived children who do not attend public school can be met."

Then the new "Report" listed 29 "commendable and worthwhile" projects to aid parochial pupils that have been developed during the last year. There was no indication that any effort had 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 net effect of the supplementary "Report" was to cancel out the caution thrown to the Office of Education in the August 5th "Report." Obviously, the pressures behind the scenes were very high. Obviously also, the Congressional committee was sharply divided on how the administration should be admonished concerning their year's implementation of the law.

The Administration's Stance

It is good political science to say that when the legislative branch is divided on the meaning of its laws, the administrative branch has more than ordinary power to define the legislative purpose. For the ESEA this is now the case. The law's meaning will be importantly determined by the Office of Education. Therefore, the staff of the Baptist Joint Committee and staffs of offices with similar concerns have devoted attention to the administrative actions affecting the several titles of the bills.

The results have not been always encouraging. Office of Education administrators have been willing to interpret the "child benefit" theory in a loose fashion. In the April 1966 *Report from the Capital* it was asserted that a review of the administrative regulations showed that the Office of Education used words in its regulations and guidelines which clearly differed from the words that the House and Senate committees had used in their 1965 "Reports" when they originally explained the law's meaning.

The differences consistently pointed the same way—the maximization of any conceivable aid under the Act to private school pupils and the diminishment of the likelihood that such aids would be administered in public schools or under programs of dual enrollment. The article concluded that the Office of Education's administration would carry the programs of aid beyond the proper limits of the "child benefit" theory. Spot surveys undertaken by friends of the Baptist Joint Committee of actual developments in several states confirmed this fear.

Protests to the Office of Education in writing and in person have failed to make sharp impact. For example, the new draft regulations drop the limiting illustration, "such as therapeutic, remedial or welfare services," that appeared in the 1965 Senate "Report" when those regulations describe programs for private school pupils in which public school personnel may be used. The limiting words are placed elsewhere in a context which makes them appear to be mere illustrations rather than restrictive examples. Hopefully but not certainly, this will be changed when the draft regulations are made final.

The Philadelphia Story

The issues are illustrated by recent news from Philadelphia. There the school district devised a program under Title I of the Act to meet the needs of that city's deprived children. Among other efforts, it will try to improve the education of such children in two fields: art and music. This is proper, and the program could properly reach pupils who attend private schools through a dual enrollment scheme.

The plan, however, includes implementing the program within the four walls of private school facilities. Congress intended no such thing. According to the 1965 Senate "Report" public funds would not be used to provide general instruction in non-public schools. Only programs that were "remedial," "therapeutic," "health," "guidance or counseling" or "welfare" could be so located. It is too much to say that music and art fall in these categories.

The Philadelphia plan was challenged some time ago on church-state grounds both in Philadelphia and in the Office of Education in Washington. But at this writing, administrative action has not been taken to change the program.

A Legal Test Begun

As a result of the failure to influence local and national administrators, a suit was filed in the Court of Common Pleas for Philadelphia on November 14, 1966. In it six persons asked the court to enjoin the use of government funds for art and music instruction in church-related schools. Available information indicates that the challenge is aimed at the implementation of the Act, not at the Act itself.

A Fluid Future

Whatever the course of the suit and whatever the forthcoming regulations devised by the Office of Education, it is clear that the Elementary and Secondary Education Act was not really a settlement. Settlements are obtained only when key interest groups are

rather well satisfied or when they feel more is to be lost than gained by promotion of further change. Until then, the legislature can be pressured, the administration influenced and the lawyers hired to bring suits in court. On "both" sides of the church-state "settlement" in the Elementary and Secondary Education Act, there are groups and persons who think that new definitions of "child benefit" are still desirable, and there are some on "both" sides who challenge the utility of the whole "child benefit" idea. The situation is still fluid.

Higher Education

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stituency. Such a school will contribute to economic progress in the area, and to the ability of a community to benefit by other vast public programs. We can expect it to be a popular number in future Congressional appropriations. Every Congressman will need one or several in his district.

Those educators who think in terms of "basic research" have already found themselves in close league with public agencies. The Pentagon and its contract agents carry out large programs of public research, as do the National Science Foundation and a variety of other public agencies.

The Defense Department is reportedly spending \$6 to \$7 billion per year for research, development, and evaluation. Of the Defense Department's \$1.5 billion for "research and exploratory development" perhaps \$400 million is spent in universities for "basic research." Thus the university expenditures of the Defense Department are described as exceeding those of the National Science Foundation, which has been viewed as the primary channel for the nation's efforts at research.

The current international situation, and the changing state of modern weapons systems, do not point to reduced defense research. Furthermore, funds for defense are usually voted more easily than funds for domestic programs. The projects sponsored by Defense and by the National Science Foundation tend to focus in relatively few major institutions that are becoming increasingly geared to national efforts.

Thus, from the small, local junior college tied to local needs to the large multiple-campus university tied to national needs, the nation's manpower training is getting attention, with generous support from the U.S. Treasury.

In the meantime, those educators who are
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Chilean March Protests Public School Religion

(Editor's Note: The following report from Chile is relevant to the problem of religion in the public schools of the United States of America. It points up the problem of official school religion and the dangers inherent in a constitutional amendment that "provides for" religious exercises. The First Amendment as it now stands provides adequate constitutional safeguards against such abuses.)

By Melvin E. Torstrick
Missionary to Chile

Thousands of representatives of evangelical churches in Chile marched nearly two miles through the business center of Santiago (the capital) and past the presidential offices on the evening of October 26 to protest a directive of the national Minister of Education which puts Roman Catholic religious instruction into the public school curriculum.

Men, women, and children paraded, carrying Christian flags, national flags, banners, and torches. Their march ended with a program of speeches and choral music. Estimates of the crowd which gathered for the speeches ranged from 20,000 to 30,000.

The directive, released in May, states clearly that the religion course in the schools is to be Catholic. It includes instruction about the saints, the rosary, the sacraments of the Catholic Church, the mass, Mary the Mother of God, and other Catholic teachings.

Higher Education

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particularly involved with the needs of the "church-related college" are concerned with the possible clarifications of the term "church-related." Many, indeed the majority, of church-related colleges are really independent corporations with self-perpetuating boards of control. The exact future role of such *ad hoc* corporations running private-public programs is currently difficult to delineate in the public context. Undoubtedly they will continue to be important leadership-producing institutions.

The major exceptions to that pattern are the convention-owned Southern Baptist colleges, and the Roman Catholic institutions operated by special orders or other ecclesiastical authorities.

Two large question marks hang over the horizon with reference to the definition of "church-related." The first is the decision

Ecumenical-minded Catholics have denied previous knowledge of this plan of study, admitted it strains relations, and called for conferences with evangelicals to work out an alternate plan to provide evangelicals similar opportunities to teach religion.

However, many people believe technical problems (such as having a minimum of 10 pupils per class) would make an alternate plan difficult to realize. And even more important than technical difficulties is the evangelical stand for complete separation of church and state. Therefore, evangelicals have not accepted the offer for an alternate plan.

Leaflets handed out during the October 26 parade stated evangelicals' united opposition to the directive, declared it unconstitutional, and called on the Chilean president to annul it.

The leaflets objected to the plan of religious instruction on the grounds that it "will divide children between Catholics and non-Catholics and will bring further division to the Chilean family," that "imposed religion does not solve the moral nor spiritual problem of man," and that it "compromises the state and the church, causing great damage to both."

Armando Medina, radio-television and publicity director of Chilean Baptists, spearheaded the protest march and program. One of the three main speakers was Jose Giordano, a Baptist pastor.

of the Maryland Court of Appeals which in 1966 sorted out four institutions, finding one "secular" and eligible for a state grant, and finding the other three sectarian and ineligible. The case may not point the direction of national policy, but it could be indicative of future policy in the courts and in public educational institutions. It raises a serious question as to how many "church-related" colleges can or should be part of the national effort.

Basically the same question is raised by Senator Sam Ervin in a bill in favor of judicial review. It proposes that the constitutionality of many acts of Congress which make public funds available to private institutions be subjected to review by the U.S. Supreme Court. The Senator held hearings on his bill, refined it at many points, and gained the support of the Senate. Will the House follow suit in the next Congress when Senator Ervin renews his bill?

The foregoing developments in higher

education must be seen not as a political episode but as a far-reaching revolution. The national legislative work in this area has been significantly bipartisan. Major sources of political resistance to it are not now in sight.

Adventists Protest Public School Religious Education

TORONTO, Ont. (RNS)—The Seventh-day Adventists here hold that the two half-hours a week of religious education in Ontario's public schools should be abolished, charges that the program subverts the home, weakens the Christian church and demeans the public school system.

The comment came in an 11-page brief presented to the Committee on Religious Education in the Public Schools of Ontario by the Seventh-day Adventist departments of education and public affairs of the Ontario Conference. The brief said the views represented the considered opinion of Adventists throughout Canada and particularly Ontario members.

The Ontario committee was established by Ontario Education Minister William Davis to examine, and make recommendations about, the program instituted in 1944. In recent years it has drawn protests from the Adventists, Orthodox, Unitarians, Jews and the Ethical Education Association.

The Adventist brief, presented by Darren L. Michael, said public discussion and debate had been "bitter and divisive."