

Justice of Free Bus Service Established

Court Rulings on Free Bus Transportation For Parish School Bus in Many States Reviewed; Adverse N. Y. Decision Offset

By EUGENE J. BUTLER N.C.W.C. Legal Department

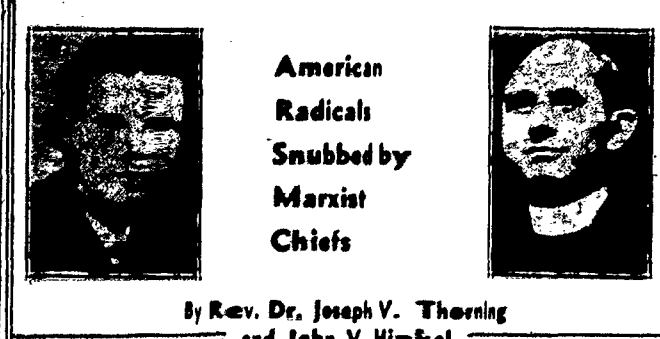
The recent decision of the New York Court of Appeals declaring invalid the legislative act providing free bus transportation for private and parochial school children has had very little effect on the legislation generally. Within less than three months the New York State Constitutional Convention...

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REVISE FILM DOM FARCE TO INCLUDE Stalin in Cast Being Lampooned

LOS ANGELES — Pressure of public opinion has caused alleged Communist sympathizers in the motion picture industry to do an "about face" in respect to propaganda for Stalin. As a result their next production of "Sticks and Bones" Hollywood...

SPAIN Today and Tomorrow



By Rev. Dr. Joseph V. Thering and John V. Hinkel

This is the sixth in a series of articles on the situation today, and the prospect, in Spain, by the Rev. Dr. Joseph V. Thering and John V. Hinkel, who have gone to that country to make a first-hand study of the religious, social and economic aspects of the Spanish conflict.

PERPIGNAN, FRANCE—A surprisingly large number of Communists and other radicals from the United States, aside from the several thousands who have served with the Lefist International Brigades, have visited Spain for varying periods and the Spanish civil war, these correspondents have learned from reliable sources.

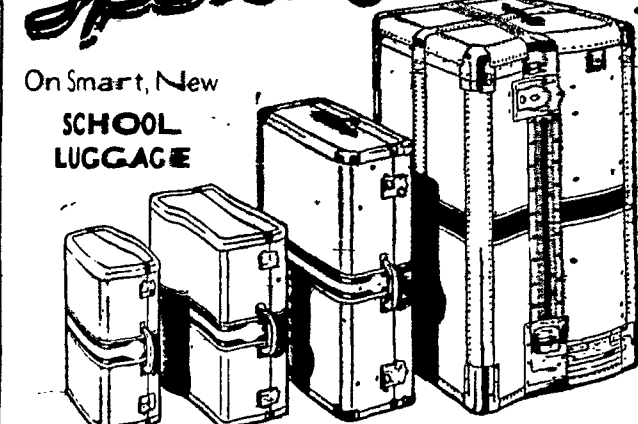
At least 300 radicals, not all of them American citizens, have gone from America to Barcelona, Madrid and Valencia to aid the Spanish Lefist Government as propagandists and in other non-military ways. Many of them remained in Spain for varying periods and then returned to the United States to participate in Spanish Lefist propaganda work there.

Ironically enough, American radicals are looked down upon by the Spanish Marxists according to newspapermen, consular officials and other travelers from Red Spain with whom the writers conferred here.

Prominent radicals such as Congressman Jeremiah O'Connell and John Bernard, and the Communist leaders Earl Browder and Robert Minor, for example, are taken on "returning tours" of the country. The primary object of these "tours" of course, is propaganda both in Red Spain and in America.

The less prominent radicals from the United States, however, are popular in Red Spain as they thought they would be. Several of them in fact were too wild-eyed even for the Spanish Marxists. At present they are being given a dose of "international solidarity" in a hospital jail.

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LETTER OF INTRODUCTION Adolph Menjou Charlie McCarthy BULLDOG DRUMMOND IN AFRICA JOHN HOWARD

D. FORMAN Co. CLINTON AVE. SOUTH Girl's Fashion, Third Floor. The magic word in autumn school frocks! "Dirndls!" \$2. Swedish dirndl is top fashion for school wear...

TEST CASE IN MARYLAND In 1937, the Maryland Legislature passed an act providing that all children who attended school in Baltimore County and who resided on or along or near the public highways on which there is operated a public school bus, shall be entitled to transportation on the same terms as those provided for public school children. A special session of the act provided for raising funds for this purpose.

The Maryland Court, unlike the New York Court, decided the case on the ground that the transport of children from school to school is a "public function". That school attendance is compulsory and attendance at private or parochial schools is a compliance with the law, and that it is a furtherance of a public function seeing that all children attend some school, and in doing so, have protection from traffic hazards.

The majority opinion in the New York case disregards what the Maryland Court terms "public functions" and rests its decision solely on the ground that an appropriation of public funds to transport children to and from a private and parochial school is an "indirect" aid to a religious institution and hence violative of the New York State Constitution. The Maryland Court dismisses this objection in the following language: "This conclusion that the act must be regarded as one within the function of enforcing attendance at school, renders it unnecessary to consider separately the objection that a religious institution is aided."

Understandably the justices of the New York Court as well as the justices of the Maryland Court had before them the opinion of Chief Justice Hughes in the now famous Louisiana Textbook Case. This is the first and only case in which an statute providing benefits for private and parochial school children on the same basis as public school children reached the Supreme Court of the United States. The Legislature of Louisiana passed an act providing free textbooks for all of the school children in the State.

Objections of religious schools challenged its constitutionality. Among the objections raised was that the act directed the use of public funds for a private and sectarian purpose. This was precisely the same objection confronting the New York and Maryland justices in the transportation cases, but the Supreme Court of the United States over-ruled the objection and upheld the constitutionality of the Act.

Whereas the opinion in the Louisiana case had very little effect on the majority of the New York Court, the following language of Chief Justice Hughes had no influence on the Maryland decision: "The statute, however, does not discriminate between these two classes of children, because of their religious affiliations. They obtain nothing therefrom, nor are they subjected to a single obligation, because of them. The school children and the State alike are the beneficiaries.... What the statute contemplates is that the same books that are furnished children attending public schools shall be furnished children attending private schools. This is the only practical way of interpreting and extending the statute. Individual interests are aided only as the common interest is safeguarded."

3 Ottawa U. Professors Take Columbia Courses OTTAWA (C) — Three professors of Ottawa University have returned from New York where they were following special courses at Columbia University. The Rev. Augustus M. O'Malley, O. M. I., was studying geology and physical geography, while the Rev. Richard T. O'Malley, O. M. I., was following a course in anthropology.

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