

Why Don't All U.S. Catholics Attend Public Schools?

Alaska Rules Out Bus Rides

Juneau — (RNS) — The Alaska Supreme Court ruled here that public school bus transportation cannot be used by students attending private or sectarian schools.

By a margin of 2 to 1, the court struck down a state statute which extended public school bus transportation to students who attend non-public schools.

In its ruling, the court dismissed the "child benefit theory" advanced by the United States Supreme Court in the 1947 Everson decision. A majority ruled in that case that the use of public funds for bus transportation to non-public schools benefits the child rather than the school and therefore does not violate the United States Constitution.

(Following is the third of a series of four articles on the debate over Federal aid to education for parochial and other private schools. The author, whose background includes some 15 books in the fields of philosophy, religion and education, is a research professor of theology at the University of Notre Dame.)

By REV. JOHN A. O'BRIEN (N.C.W.C. News Service)

Why doesn't everyone send his children to public schools?

Some people are wealthy and do not mind the extra expense. Some are snobbish and do not want their children in the public school. Some have unusually gifted or retarded children, and want the special training available in private schools. But the reason most people send their children to private schools is religious; they do not want their children to get their secular education in complete isolation

from religion. This is especially true of Orthodox Jews, Catholics, Episcopalians, Lutherans, and Seventh-Day Adventists.

The sincerity of these people's religious beliefs puts them at a tremendous tax disadvantage — so tremendous that it is in effect a public penalty for religious conviction.

Didn't the Supreme Court decide in the recent Sunday laws cases that the First Amendment doesn't protect the exercise of religious liberty against economic disadvantages?

No. The Court held that the economic disadvantage which results to Jews and other Sabbatharians from the Sunday closing laws is permitted by the Constitution because it is unavoidable; granting exemptions to Sabbatharians, the Court said, might well ruin the effectiveness of the Sunday laws, which are intended to provide a common day of rest. Several of the opinions in the Sunday laws cases strongly suggest that avoidable economic disadvantages are unconstitutional.

Has the Supreme Court upheld the right of parents to determine the education of their children?

Yes. In 1922 a law was enacted in Oregon requiring all children between eight and sixteen to attend public schools. In a unanimous decision the Supreme Court declared it unconstitutional and contrary to the basic principle of liberty upon which our whole government rests.

By freezing parents from the burden of double school payments, to say nothing of triple and quadruple ones. The state should help provide secular education in all competent schools, regardless of the religious doctrine which may also be taught or not taught in the schools.

This does not mean that the public school system should be abolished. It does mean that it should not be made a sacred cow. The public school system, indeed, is essential for the literacy and culture of our country. Most American parents want it and are generally satisfied with it. They have a right to its continuation and excellence. But they do not have a right to force it on everyone else.

Do other democratic countries pay for secular education to church-related schools?

Yes, practically all the countries of western Europe. Visitors from those countries are shocked when they are told that a great democracy such as the United States provides no aid. In the Netherlands, public funds provide the entire cost of the education of children in both church-related and public schools. Parents are free to send their children to either type of school.

In the primary grades Catholic schools enroll 43 per cent of the pupils; Protestant schools, 27 per cent; public schools, 28 per cent; the remaining 2 per cent are in nonsectarian private schools. The system is highly acclaimed by all citizens as eminently fair and just, and in accord with the spirit of a genuine democracy. Here freedom of education is not an empty phrase but a living reality.

What is the system in England and Wales?

Publicly-financed schools are divided into the voluntary-controlled and the voluntary-aided. The first are entirely supported by public funds, while the latter receive 75 per cent of their funds from the government. The "controlled" schools follow a common religious syllabus, while the "aided" schools determine their own religious instruction. The majority of Catholic and Anglican schools fall into the latter category.

How does Ireland meet this problem?

The Constitution of the Irish Republic provides that "the state shall not oblige parents in violation of their conscience and lawful preference to send their children to school established by the State or to any type of schools designated by the State."

The State pays practically all the costs of teachers' salaries and school construction. Though the country is about 97 per cent Catholic, it is careful to protect the rights of religious minorities and provides them with the same generous aid given to the majority. The Irish Republic thus sets an inspiring example of true democratic action for the rest of the world.

What is the system in Canada?

The system varies in the different provinces. In the populous province of Quebec, public funds help parents educate their children in church-related schools. The province of Ontario has a "separate" school system and a "separate" school system, almost wholly Catholic. The separation is made at the tax level. Education in the Catholic schools is paid for by the taxes on the real estate of Catholics, and education in the public schools is paid for by the taxes on the real estate of non-Catholics.

In other words, the taxpayer designates to which school system his tax money is to be applied. This is an eminently fair and just arrangement and one that we in the U.S.A. might well follow.

How does the U.S.A. school arrangement impress most Canadians?

As anomalous, unfair, and undemocratic. When an educator from Toronto was told that parents have to bear the entire cost of sending their children to a nonprofit church-related school which teaches the secular branches taught in the public school and does so with equal competence, and that the parents are then taxed for the public school as well, he was astonished and horrified.

"Why," he remarked, "that's like buying groceries for your own family and then being compelled to pay a large share of your neighbor's grocery bill. I had thought that the United States was friendly toward religion in general and appreciative of the religious and moral instruction of youth, instead of placing an exorbitant price tag upon it."

How apt is his characterization of the present anomalous situation in our country? It is strangely out of keeping with the whole spirit of the Constitution and the traditions of American justice and fair play.

Why does a great democracy such as the United States lag so far behind virtually all the democracies of western Europe and Canada in aid to all parents and children for educational purposes?

1. Because most Americans have never thought seriously about it in terms of parental, educational and religious freedom.

2. Because many Non-Catholic Americans are still afraid and ignorant of the Catholic Church.

3. Because of the mistaken notion that such aid is forbidden by the First Amendment to the Constitution.

4. Because the complete case for such Federal aid has never been presented on a national scale.

5. Because of the failure to make unmistakably clear that no aid is asked by parents for the religious aspects of education in a nonprofit church-related school.

6. Because previously the discussion has centered around such fringe benefits of public welfare legislation as bus transportation, school lunch program, textbooks and medical and dental inspection of pupils, and not upon aid for the teaching of secular branches in private nonprofit schools.

Does the Constitution prohibit public financing in nonprofit independent schools of

the teaching, not of religion, but of the same subjects taught in the public schools?

No. The Supreme Court held in the famous Everson case (1947) that tax money may be used to transport children to both public and private nonprofit schools (including church-related schools), because of the public benefit from the secular education given in both public and private schools. If the public can bring the child to the school, it is difficult to see why the public cannot teach him arithmetic in the school.

But aren't all subjects in Catholic schools taught from the Catholic point of view?

No. There is no Catholic point of view on arithmetic, geometry, physics, English literature, and many other subjects. Religion pervades the entire curriculum of a Catholic school only in the sense that the atmosphere is Catholic and that the relevance of religious to secular knowledge is made clear to the students. The popes and bishops have urged repeatedly that the education in Catholic schools must be first-rate in its secular as well as its religious aspects.

But wouldn't helping parents send their children to church-related schools aid religion, in violation of the First Amendment?

No. The objection that such help would benefit religion is answered by the fact that the denial of the help hurts religion. But the recent decisions of the Supreme Court in the Sunday closing law cases have shown once again that mere help or hurt to religion from nonreligious governmental programs is not automatically fatal to the programs' constitutionality.

If the only way government can achieve an important nonreligious public purpose is through a program which aids or harms religion, then the program is constitutional unless the nonreligious public purpose is not important enough to counterbalance the aid or harm to religion.

Since government cannot compel all parents to send their children to public schools, the only way government can achieve the urgent purpose of developing the intellectual resources of all American children to the fullest is by making improved secular education available in all competent schools, public and private. The fact that religious organizations running church-related schools will be better off from such a comprehensive program should be regarded as an extra benefit to the nation, not as a detriment.

The Supreme Court has said, after all, that "we are a religious people, whose institutions presuppose a Supreme Being" (Justice Douglas in the *Zorach* case of 1952). Even nonbelievers, however, should be able to see that the improvement of the secular education of all American children is more important to the national welfare and defense than the secondary and unavoidable benefits to religious organizations.

To say that these benefits make it possible for government to provide better secular instruction in church-related schools is to make such schools obstacles to the national welfare and defense. There is nothing in the Constitution, the decisions of the Supreme Court, or the history of our nation to justify such a result.

What do outstanding authorities on constitutional law say on this point?

Lay Women Missioners

Davenport — (NC) — A laymen addressed the congregation in Christ the King Chapel here during departure ceremonies for the Davenport diocese's first lay missioners.

The colorful ceremonies featuring the unusual occurrence of an address by a layman, James A. Lamb of Paterson, N.J., concluded this diocese's Study Week on the Lay Apostolate, attended by some 500 students. Religious and lay adults from 24 states.

Bishop Ralph L. Hayes of Davenport conferred mission crosses on three young women, two of whom are Papal Volunteers who will serve in Mexico and Peru, the other an Extension Volunteer who will serve among underprivileged Negroes in Louisiana.

Lamb, director of the Association for International Development, one of the first lay lending societies in this country, said that lay people "must assume full personal commitment in the holy and tremendous task of structuring and forming the world as God intended."

"We are beginning to understand that we can no longer speak of 'missions'; we must think and act in terms of mission: the mission," he said.

"The going forth of these three laymen, to the honor and fruitfulness of this diocese, epitomizes a maturing of the whole Church in our times," he said.

Bishop Hayes hailed the three volunteers "for bearing special witness unto Christ," and assured them of constant remembrance in his prayers.

Bishop Hayes formally presented mission assignments to Laureta Andaya, a Hawaiian girl; Martha Ann Tobash of the Schuykill Ave., Pa.; and Mary Carruthers of Ottumwa, Ia.

Uganda Take Over Feared

Kampala — (NC) — The Archbishop of Rubaga has expressed alarm at "talk in certain quarters of making all our schools into government or state schools."

Archbishop Joseph Kiwanuka, W.F., told the annual conference of the Uganda Education Association there is also talk of depriving denominational schools of government support.

"I would insist here especially on the rights of the parents to have their children educated in the denomination of their choice," he declared.

Archbishop Kiwanuka, a member of the White Fathers, said parents "have the God-given duty to obtain the education of their children, and they have the right to be helped to that end."

"Therefore schools in which children can be educated in accordance with the wishes of their parents — that is, denominational schools — should be allowed to exist," he stated.

"One reason why the state should be prepared to help these schools to run efficiently is the fact that these schools are educating future citizens."

"The fundamental theory of liberty," declared the Court, "upon which all governments in this Union repose, excludes any general power of the State to standardize its children by forcing them to accept instruction from public school teachers only. The child is not the mere creature of the State; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations."

What is one of the most obvious and important implications of this decision?

It is that the exercise of a constitutional right must not be made excessively difficult or onerous. To recognize a right and then make it intolerably burdensome to exercise is virtually to nullify it. A right is meaningless unless it is clothed with the means to practice it.

Thus the right to life in our economy really means the right to a job or to a livelihood provided by the government. Otherwise the right is a merely verbal one, without substance or meaning. So likewise society must breathe the breath of economic and social reality into parents' constitutional right to determine the education of their children and send them to the schools of their choice.

How can the state implement the parents' rights?

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