

Parochial Battle Heads for Supreme Court

The "battle lines" in the struggle over federal and state aid to non-public schools were drawn more sharply recently when two more state legislatures and a national education group rejected the whole idea of such aid.

But ultimately the battle will be fought — and won or lost — in the U.S. Supreme Court some months hence.

The entire question of public aid to non-public schools was seen in microcosm July 6 when Michigan's legislature voted \$22 million to assist private and parochial schools, and the National Education Association (NEA) demanded that "all new aid" be withheld from non-public schools.

Shortly after that, the Louisiana legislature approved \$10 million in parochial aid.

Shaping up are court tests of Pennsylvania and Connecticut laws which provide some assistance to non-public elementary and secondary schools, and private colleges and universities, respectively.

NEA delegates, in a significant if not altogether surprising switch of position, overruled their own board of directors in calling for a halt to all aid programs for non-public schools—even those already operating.

A similar call was rejected at the 1969 NEA convention,

albeit by a slim margin. In recent years, the NEA had altered its traditional stance against such aid to include "the child benefit approach" recommended in 1965 by President Lyndon B. Johnson.

In fact, the legislative arm of the teachers' association had been active in implementing this approach.

A fear, especially among members of the black educational community, that federal and state aid to non-public schools would encourage and abet the segregationist cause was listed as a major reason for the NEA's new position.

As one NEA spokesman put it, "they (the members) fear that federal funds may help subsidize the many white private schools that have sprung up in the South in the wake of desegregation."

The church-state issue is still alive as well.

Recently six Jewish organizations filed briefs before the U.S. Supreme Court, challenging the constitutionality of the Pennsylvania law which provides financial aid to non-public schools.

The agencies charge that such financing results in the "commingling of church and state in a manner prohibited by the establishment and freedom of religion clauses of the First Amendment (since) it necessarily requires state supervision of the financed operations."

The agencies also charged that the law favors segregation and tends to promote private schools that are almost entirely white, relegating black students to public schools.

The Non-Public Elementary and Secondary Education Act of Pennsylvania, passed in 1968, assists private and parochial schools by helping to finance teacher salaries, texts and teaching materials in non-religious subjects.

Meanwhile, the Baptist Joint Committee on Public Affairs informed President Nixon's Commission on School Finance that its eight member denominations oppose all forms of public aid for church-related schools. It also protested the composition of the commission, charging that all four of its members are advocates of public aid to private schools.

The picture was clouded even more in June when a federal district in Rhode Island struck down that state's Salary Supplement Act of 1969 as unconstitutional.

The law had permitted the state to pay up to 15 per cent of the salaries of lay teachers of secular subjects in non-public schools. State officials immediately moved to have the decision appealed to the U.S. Supreme Court.

Among the parochial opponents, the Rhode Island decision was hailed by leaders of Americans United for Separation of Church and State as "a return to our fundamental American concept . . . under

which our people have been protected from any tax for the support of religion."

Just before the Rhode Island decision, a state aid "voucher plan" in Massachusetts was rejected by the state's supreme court, adding another plus to the anti-aid ledger.

And defeats of parochial aid legislation in Arizona and Illinois led some educators to state that the drive for aid to private and parochial schools "had lost its steam."

Only the recent developments in Michigan and Louisiana have given evidence to the contrary.

The cases which go before the nation's highest Court next October apparently hold the key to the future of such public aid and it is expected that many legislators will hold off further concerted action until those test cases are decided.

Although the future of state aid to non-public schools is highly uncertain, several top educational experts, including members of the NEA staff, see no threat to federal assistance laws already in effect.

Congress has already appropriated funds for the Elementary and Secondary Education Act for the next three years and it is inconceivable that any repeal of the law would be forthcoming, even under the most intense social and political pressure.

With respect to charges that such aid will further segrega-

tion in the South, it should be noted that the federal assistance acts all force compliance with the Civil Rights Act of 1965 and could not realistically be expected to promote racial segregation.

"If the Supreme Court rules favorably on the Pennsylvania and Connecticut cases, it will open a floodgate of aid to private schools," said one NEA official. Some 25 state legislatures are considering non-public school aid.

Catholic educators, who have the most to gain by aid to private and parochial schools because their schools make up the bulk of non-public education, feel that the impending high court action on the state aid laws of Pennsylvania and Connecticut—which covers the spectrum of non-public education—is leaning in their favor.

While continuing to emphasize the \$4 billion a year savings to the American taxpayers resulting from the maintenance of parochial schools, Catholic educators and administrators realize that the arguments for both sides have been stated.

And on the other side of the coin, opponents of "aid," while arguing church-state separation and damage to public education, are girding for the legal battles ahead.

What is likely to emerge is difficult to envision at this time, but some new approaches are likely to come, depending on the outcome of the court cases.

250 in British Parliament Urge Abortion Act Probe

London—(NC)—Nearly 250 of the 630 members of the British House of Commons have so far signed a motion calling for an independent and immediate inquiry into the Abortion Act, a subject of controversy since it was passed three years ago.

The move is being organized by a Catholic Conservative member of Parliament, Norman St. John Stevas, who led the opposition to the present act.

Statistics show that legal abortions are now approaching 100,000 a year in Britain. Latest figures show a steady increase in the monthly rate.

Of the 7,065 officially listed for June, 3,973 were carried out in National Health Service hospitals and more than 3,000 in private nursing homes.

The motion which the Commons would be asked to approve says that an inquiry should assess the effects of the Abortion Act on the health of the nation as well as on its legal, social and moral life. It should recommend any changes in the law in the public interest.

St. John Stevas said not only Parliament but official representatives of the medical and nursing professions want an inquiry.

St. John Stevas said his campaign is not directed at repeal of the act but at amending it and removing abuses. The act is the only piece of major social legislation approved in modern times in Britain without a preceding up-to-date inquiry, he said.

Sir Keith Joseph, member for Social Services, said the Abortion Act—inherited by the new Tory government from the previous Labor party regime—is a "particularly awkward issue."

He said he is not certain whether the time is yet right for a full inquiry. He said he is making a thorough study of all the facts.

However, to keep the government relatively free without discouraging "the essential main-

tenance of standards," he decided temporarily that none of the private abortion clinics now operating will have their licenses extended beyond the end of 1970. At present these licensed abortion clinics number 48.

St. John Stevas explained that his fight for reform rather than total repeal is based on the fact that the latter move would be quite impracticable in a pluralist society where he believes the majority—"an unpalatable fact"—want legalized abortion on health grounds but not a situation where abortion is available on demand. The legal position before the present Abortion Act was passed was that abortion could only be

performed to save the life of the mother or prevent serious injury to her health.

Major reforms he would like to see are supervision of an abortion by a National Health Service consultant gynecologist as well as by one other doctor, no abortion after 20 weeks (the limit is 28 weeks at present), removal of the present "social clause," allowing an abortion for sociological reasons, removal of the clause allowing an abortion because the child might be deformed, and finally a residential qualification. He suggests six months would be reasonable.

Most of these reforms are aimed at curbing "abortion on demand."

Stricter Abortion Law Forecast for Britain

Seattle, Wash. — (NC) — A woman member of the British Parliament forecast here a stringently drastic change in Britain's present loose abortion-on-demand law.

The prediction came from Mrs. Jill Knight, conservative member of the House of Commons, a featured speaker at the 33rd biennial Catholic Daughters of America convention here, attended by some 500 delegates from the 50 states of this country, Puerto Rico and the Dominican Republic.

Mrs. Knight said present British legislation allows abortion on demand up to 28 weeks of pregnancy. She said it may be repealed or stringently amended because a number of members of the new British Parliament have voiced strong opposition to the present situation.

Terming abortion the "product of a permissive society," Mrs. Knight said doctors in Britain are becoming increasingly worried about "the clear down-grading of the medical profession."

"Many hundreds of women who need gynecological care cannot get hospital beds," she declared. "In several instances, cases of pelvic cancer were allowed to progress for too long a period because abortion cases were given priority."

She cited the rise in the rate of abortions which this year will reach a figure of approximately 85,000.

"Today in Britain," she said, "only the relatively wealthy can afford abortions. It has become a monetary consideration. When the legislation was first enacted, abortions could be obtained for a fee of \$100. Today that cost has risen to \$500."

The abortion issue transcends the status of religion, Mrs. Knight said. "There are many individuals who are not Roman Catholics, like myself, who believe that abortion is unalterably wrong," she said.

Mrs. Knight warned: "The pro-abortion movement is very strong. We woke up too late. Please don't let it be too late in your country."



After the Raids

A woman in Belfast prays, fingering her rosary, in the doorway of her home in the Falls Road area after rioting followed raids by British soldiers who seized hidden weapons in the Catholic neighborhood. Five civilians were killed in the action. (RNS Photo)

Bro. Daniel a Real Standout

Detroit — (NC) — Brother Daniel J. McCullough, S.J., is a stand-out in any crowd — he measures 6-foot-5.

He was particularly noticeable July 26 in the graduating class at St. Joseph's Hospital school of nursing. He was the only man in the class.

Brother McCullough has trained and studied for two years to earn his registered nurse degree.

For the women graduates, graduation day opened new careers. But for Brother McCullough, it will be a return to duty as the infirmarian for retired Jesuit priests at Colom-

biere College, near Clarkston, Mich. He's held the job since 1961.

Laity Office Established

Milwaukee — (RNS) — Archbishop William E. Cousins of Milwaukee has announced establishment of an Office for the Laity, which will assist in setting up parish councils.

Gerald M. Schaefer, formerly executive vice-president of the Milwaukee Archdiocesan Council of Catholic Men, was named executive director of the new office.