

# The Blaine Amendment... a Red Herring?

Albany — "Aid to the parent, now, is our prime concern," the executive secretary of the Catholic School Superintendents for New York State said this week.

**An Analysis**  
J. Alan Davitt commented on a story which appeared in the New York Times (12-31-70) and in the Courier-Journal (1-6-71) in which a change was cited in tactics on the part of support-

ers of non-public school aid in the state.

The report indicated that the main emphasis for parochial aid proponents this year will be on legislative action in the form of a tuition-aid bill and that constitutional action in the form of an attempt to repeal the Blaine amendment will play a secondary and almost negligible role.

"The Blaine amendment has become an inflammatory and unproductive issue," Davitt said.

"We are interested in real help, now, which will be constitutional with or without Blaine."

The Blaine amendment has long been cited by foes of non-public school aid as a constitutional bar. However legislative and judicial action have all but cut the ground out from under their arguments, according to Davitt.

"It is apparent to parents, supporters, and educators in our schools that what is needed is help... not a long, drawn-

out squabble over a constitutional provision that has become a red herring."

"What's happened," Davitt said, "is an alignment, judicially, between the First Amendment and the Blaine Amendment. So that now, as interpreted, Blaine is no more restrictive than the federal First. This is particularly noticeable in the Allen case in which the Supreme Court approved the use of public school paid-for textbooks by the non-public school student."

Another indication of the minor role Blaine plays now is the fact that the 1970 Legislature's Mandated Services Law is being challenged on the basis of the federal First Amendment and not Blaine.

The Mandated Services Law provides reimbursement to non-public schools for examination and attendance expenses on the basis of a per-pupil count. First payments under the 1970 law will be made to the schools in February.

Another instance Davitt cited is the pending decision in the Supreme Court in the Pennsylvania Aid case. A bill which provides for purchase of secular services by Pennsylvania in the non-public schools is being challenged in the Supreme Court. The case is expected to rule on the case this Spring.

"This (Pennsylvania Case) decision," Davitt said, "is expected to set guidelines which will cover many areas of aid to the non-public school student. No matter what we do in New York this decision of the Supreme Court will determine what can be done."

"What I am saying is that whether or not Blaine is repealed this year, or any year, the problem of aid to the non-public school remains. Our efforts, then, are on aid to the parent in the form of tuition grants."

## Cameroon Bishop Sentenced to Death

Yaounde — (RNS) — Roman Catholic Bishop Albert Ndongmo of Nkongmaba, Cameroon, was sentenced to death by a military tribunal here on charges of plotting to assassinate President Ahmadou Ahidjo and other leading members of the government of this tiny West African nation.

Two other men were also given the death penalty. Fifty-eight alleged plotters were given prison terms ranging from life to five years. Fifteen others were acquitted.

A Yaounde Radio broadcast stressed that there is no appeal under Cameroon law, but the president had the power to grant clemency.

If President Ahidjo does not commute the death sentences, Bishop Ndongmo, Gabriel Tabou, and Celestin Takala will be shot at a public execution.

In an earlier court-martial that ended Dec. 30, Bishop Ndongmo was sentenced to life

imprisonment on charges of plotting to overthrow the government.

In the second trial, the prosecutor said Bishop Ndongmo and Gabriel Tabou, a self-styled prophet and friend of the bishop, led a quasi-religious organization, "the Holy Cross for the liberation of Cameroon," that planned the killing of President Ahidjo.

The prelate denied that he participated in any planned coup d'etat aimed at violently overthrowing the government. He also denied that he had plotted to kill the Cameroon president.

In a September 1970 edition that was banned in Cameroon, the French weekly, L'Express, asserted that the Ahidjo government had done everything possible to discredit Bishop Ndongmo. His influence on the young was "immense" and his social-concern activities "no doubt embarrassed certain economic relics of colonization," the journal said.



BISHOP NDONGMO

## Father Groppi Goes Free

Chicago — (RNS) — A federal court here has upheld the right of the Wisconsin legislature to impose a six-month jail sentence on Father James E. Groppi of Milwaukee.

Father Groppi will not go to jail, however. The law under which he was sentenced for contempt on charges growing out of a welfare demonstration at the state capital, says that such a sentence may not last beyond the life of the legislative session which imposed it. The session ended Dec. 28.

## Study Questions Affluence Of Urban Catholic Families

Jamaica, N.Y. — (RNS) — A priest-educator suggested here that parents of urban Catholic school children are not as "middle class" as society is led to believe, and that they may have reached the "limits of ability" to support their parochial school systems.

Citing a hitherto unpublished study of some 230,000 New York Catholic school families, Msgr. George A. Kelly said there were "corroborating data" to indicate that urban Catholics, while not the "poorest of the poor," comprise the major bloc of the "nearly poor" in America's cities.

Msgr. Kelly, a former New York archdiocesan school administrator who holds the John A. Flynn Chair in Contemporary Catholic Problems at St. John's University, said that should the data prove substantially correct "then serious questions are raised for society itself and its governmental and philanthropic aims."

Drawing from the 1968 Catholic school families study compiled by Louis R. Gary at the request of the New York archdiocese and the Brooklyn diocese, he noted its tentative conclusions that Catholic school parents have one child more to educate, that not one out of five breadwinners is a professional man, that the income level is "well below" national norms, and that one of ten families subsists "below the poverty level."

Indicating that the New York picture might fairly represent other urban areas in the United States, Msgr. Kelly observed:

"When the Catholic parents says: 'I cannot afford more,' he may be speaking more of the truth than up to this moment anyone realizes. Consequently

when dioceses like New York, Brooklyn or Buffalo move to place new money burdens on the parents of Catholic school children they may be placing those burdens on those least able to carry them."

Msgr. Kelly said that closely related to the school question are others concerning welfare and work.

Explaining that a \$5,000 annual income for a welfare family of five — with additional federal, state and local benefits — can be supportive, he noted that a Catholic father with the same number of dependents will have to earn much more to achieve the same level, especially since he pays taxes and pays for services like Catholic education.

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