

3 Problems Face Legislators on Aid To Private Schools

Albany—At least three major problems face the legislative leaders and their aides who are preparing a bill to restore the \$33 million in aid to nonpublic school students cut off by the Federal Court in December.

"Aid must be meaningful, easily set into motion and comprehensive," says J. Alan Davitt, secretary of the state Catholic School Superintendents Council.

"Remember," Davitt pointed out, "the leaders recognize that speed is essential. It is the reason the legislature so overwhelmingly passed the Secular Educational Services aid program in 1971. The difficulty was the means. Following their approval the Supreme Court determined that certain payments to help nonpublic school students could result in 'excessive entanglement'. A federal court in New York, following that Supreme Court decision felt our SES law was similar to those the Supreme Court has struck down in Pennsylvania and Rhode Island. So that avenue of approach to help has temporarily been closed."

When the federal court cut off the 1971 aid, the governor and legislative leaders immediately pledged to restore the aid as soon as possible. In mid-January Gov. Rockefeller was hopeful a drafted bill would be ready within a month. As that deadline draws near, Davitt outlines some of the thinking that has surfaced on the restoration bill.

"We're not writing any bill ourselves," Davitt said of the Catholic school superintendents, "but since the bill will have a major impact on our schools we all are really very much concerned."

"The essential ingredients for any bill are

1) that it be meaningful. The drafters are aiming to restore the entire \$33 million which was restricted by the court. The money has been appropriated, is in the budget . . . and is in the new budget. By that I mean, the governor sees this as an essential. He's looking at the figures and sees that one out of every five children in elementary and secondary schools in the state is in a nonpublic school. He knows it would take billions of tax dollars to substitute for the nonpublic schools and teachers.

2) that it be easily set up. What we're talking about here is money the legislature decided last year was needed this year to stem the closing of nonpublic schools. The court action forbidding the help came at a time when all the preliminary work had been done.

"The figures had been gathered, the extensive program of moving money to the nonpublic school student was in the works. With over 750,000 students in some 2,000 schools it is obviously a major administrative job. That job was done for Secular Educational Services and before it was halted by the court. So we can't go now for

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a program that's going to require additional extensive planning and paper work and expect to get any help this year. So they're looking for a program that can be put into motion quickly with very little lead time.

3) Finally it must be comprehensive. The drafters do not want to produce a program that aids only some or portions of the students or restricts aid in one way or another. They know the need exists in every school. So they will be trying to aid every student in every school the 20% of the student body in the state that have lost their support as a result of the court decision that halted the Secular Educational Services aid program.

What about constitutionality?
"Of course they must draft a constitutional bill. But here they are, as often as not, on unchartered waters.

Fleischmann Commission

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schools," said Father Brent, "but that's where 20 per cent of the kids are. Then they didn't use the data available to them — except selectively to support a prejudgment."

The Catholic school superintendents' council rejected "strongly and without qualification" each of the five conclusions of the Fleischmann report.

The first conclusion on the separation of church and state, said the council, "derives from an attitude of mind characteristically anti-Catholic, or at best secularistic to the core."

The second conclusion, that the recent Supreme Court decision was controlling and binding, the superintendents found "superfluous. Of course, it's controlling and binding. The relevant question is the proper interpretation."

Third, said the superintendents, the conclusion that the economic interests of the state would be jeopardized by aid to non-public schools "is a series of unsubstantiated generalizations. These fundamentally misinterpret the significance of (the commission's) own background research."

Two Priests Warm To NCC Membership

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time for ecumenical action "from the ground up."

The proposal that Catholics join the NCC came as a conclusion to a three-year study on possible membership by top officials of both groups.

The study group's report said "nearly every argument in favor of the continuance of the NCC (or a comparable successor) is also an argument for Roman Catholic membership."

In Rochester, the Rochester Area Council of Churches was dissolved two years ago to form GEM. Less than 5 months later the Diocesan Priests' Senate signified its intention to join the ecumenical coalition. Bishop Hogan had proposed membership in the group during the period of discussions which led to the dissolution of Rochester's Council of Churches and the birth of GEM.

The NCC report relates to the NCC as an agency "going through a period of self-examination looking towards possible reorganization." Although major steps have been taken in the reorganization process, final determination of the future NCC structure awaits the decision of the General Assembly scheduled

to meet in December of this year.

The study group notes in its report that it has no authority to make decisions and that whether or not the Catholic Church applies for membership in the National Council is for that Church itself to decide.

Established in 1950, the National Council of Churches is now composed of 33 member communions with a combined membership of about 42.3 million. The Catholic Church has approximately 48 million members in the United States.

Horseheads Retreat Set

Horseheads—Men of St. Mary Our Mother Church here are invited to attend a three day retreat at the Notre Dame Retreat House in Canandaigua in May.

The retreat will begin at 7:30 p.m., May 5 and will close at noon, May 7.

Extraordinary Ministers and Readers in the parish are strongly urged to attend the three-day retreat. Reservations for the retreat must be made during Lent.

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