

School Aid Rule Provokes Reaction

The latest U.S. Supreme Court decisions on aid to non-public education — particularly the rejection of laws in Pennsylvania providing "auxiliary services" and instructional materials — have provoked a wide variety of reactions, including a bid in Pennsylvania to build more public schools.

Elsewhere, the May 18 rulings have led to the de facto elimination of similar laws in Ohio and Minnesota, caused the American Civil Liberties Union to weigh a federal court challenge to the practice of three Rhode Island school districts assigning public school teachers to parochial schools, and prompted Roman Catholic and Orthodox Jewish leaders, and some Protestants, to charge the Court with dealing a blow to religious freedom.

Americans United for Separation of Church and State, a plaintiff in the landmark Pennsylvania case, in which the Court upheld the loan of textbooks to non-public schools but barred all other services, claimed that the Court's action will end state aid programs in other states.

The rulings have also spurred Pennsylvania legislators to seek to develop a \$30 million appropriation bill to provide funds for textbooks, supplies, and auxiliary services to non-public schools on a shared-time basis.

On the federal level, the Court's decisions have brought new questions about the constitutionality of programs developed under the Elementary and Secondary Education Act of 1965 (ESEA).

In Washington, D.C., during a June 18 meeting with President Ford, five leading U.S. bishops representing the Catholic episcopal conference expressed concern that the recent Supreme Court rulings might precipitate a move in Congress to alter provisions of the ESEA. This law provides federal aid to non-public schools for services similar to those barred by the Pennsylvania rulings.

Reportedly, the bishops were assured by Health, Education and Welfare Secretary Weinberger that the provisions of ESEA are "intact." Last March, Mr. Weinberger proposed that the right of educationally-deprived children in non-public schools (including those church-related) to equitable participation in ESEA Title I services should be "explicitly" set forth in federal regulations.

The proposal by HEW was challenged, however, by the Baptist Joint Committee on Public Affairs, headed by Dr. James E. Wood, Jr., which maintained that some of the proposed regulations would violate the constitutional requirement of government neutrality toward religion.

Americans United, which was joined in the Pennsylvania case by the ACLU, the Pennsylvania Jewish Community Relations Council, the NAACP and three

individual plaintiffs, said it plans to study the possibility of a legal challenge to federal programs aiding non-public schools under ESEA.

"The chances are strong that we will bring a suit," said Edd Doerr, the organization's director of research.

On the state level, in light of the rulings, a major alternative to state "aid" is an increase in the number of "shared-time" programs. Under these programs, non-public school students attend some classes — in strictly secular subjects — in public schools.

Three school districts in Rhode Island have attempted to reverse the shared-time concept (and save money) by assigning full-time public school instructors to non-public schools, all of which are Catholic. But because of the Court's rulings in the Pennsylvania case that practice is being questioned.

Rep. James J.A. Gallagher of Pennsylvania said that only shared-time programs have stood the tests of time and law. Shared-time programs have been in existence in Pennsylvania for 20 years, he said, and have never been questioned by the courts.

At the same time, a Pennsylvania Senate committee has approved a bill providing \$975 million (some \$33 million in private, parochial services was struck down by the Supreme Court) to build or buy new public schools to accommodate what some saw as an expected mass transfer.

In Minnesota, although Gov. Wendell Anderson signed a \$12 million measure to aid non-public schools, only the \$674,000 for textbooks is certain to "make it."

The Ohio program providing \$40 million a year in auxiliary services and instructional materials to non-public schools was, in effect, struck down by the Supreme Court shortly after its Pennsylvania ruling. It set aside a lower federal court ruling approving the 1967 law and remanded the case back to the Ohio court for further consideration in light of the Pennsylvania decision.

According to Americans United, similar programs in Iowa and Michigan are expected to be eliminated on the basis of the Pennsylvania decision.

Spokesmen for several religious communities have lashed out at the decision.

A U.S. Catholic Conference aide charged that the Supreme Court "perverted" the religion clauses of the First Amendment. Russell Shaw, USCC Secretary for Public Affairs, said the Court had raised the wall of church-state separation "as a barrier against handicapped children whose parents have been so misguided as to send them to church-related schools."

Rabbi Morris Sherer, executive president of Agudath Israel of America, labeled the Court ruling "a cruel act of discrimination against medically-deprived children." It "smashes" the hopes of non-public school children to be treated as equals, he said.

Dr. Joseph Kaminetsky, director of the National Society for Hebrew Day Schools, denounced the ruling as a "travesty" and said the Court has "made a mockery of our democracy by declaring millions of children in genuine need as second class citizens."

He said that Chief Justice Warren Burger, who dissented from the majority opinion, was correct in calling attention to the "melancholy consequences" of the ruling.

In another strong rebuke to the Court, Dr. Al H. Senske, secretary for elementary and secondary schools of the Lutheran Church-Missouri Synod, said the Pennsylvania ruling was "a great injustice to parents and children" who espouse non-public school education.

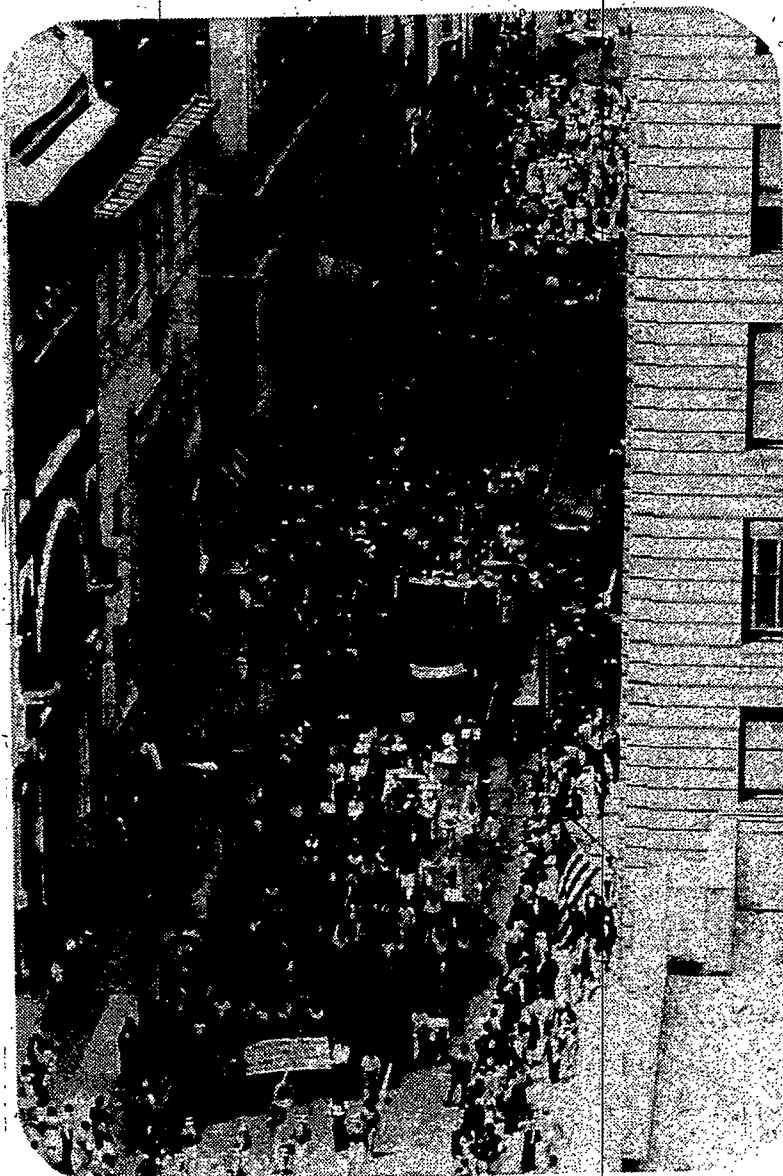
Observing that the decision "rules out some important educational services and materials for . . . non-public school children, and especially the disadvantaged," he said it also "severely limits for parents the exercise of free choice in education, their constitutional right." His Church maintains the largest school system of any Protestant denomination in the U.S.

In Philadelphia, reaction to the Supreme Court decision took the form of 60,000 demonstrators protesting the loss of state aid to non-public schools. They heard Rabbi Aaron Popack of Philadelphia declare that "there is no doubt that the intention of the Founding Fathers was to preserve religious freedom, not deny it."

Another concern in Pennsylvania is the impending dismissal of some 2,000 teachers and counselors who will lose their public school jobs as a result of the Court's ban on auxiliary services to non-public school students, primarily in Catholic schools. These services include testing, counseling and therapy, as well as special assistance to exceptional children.

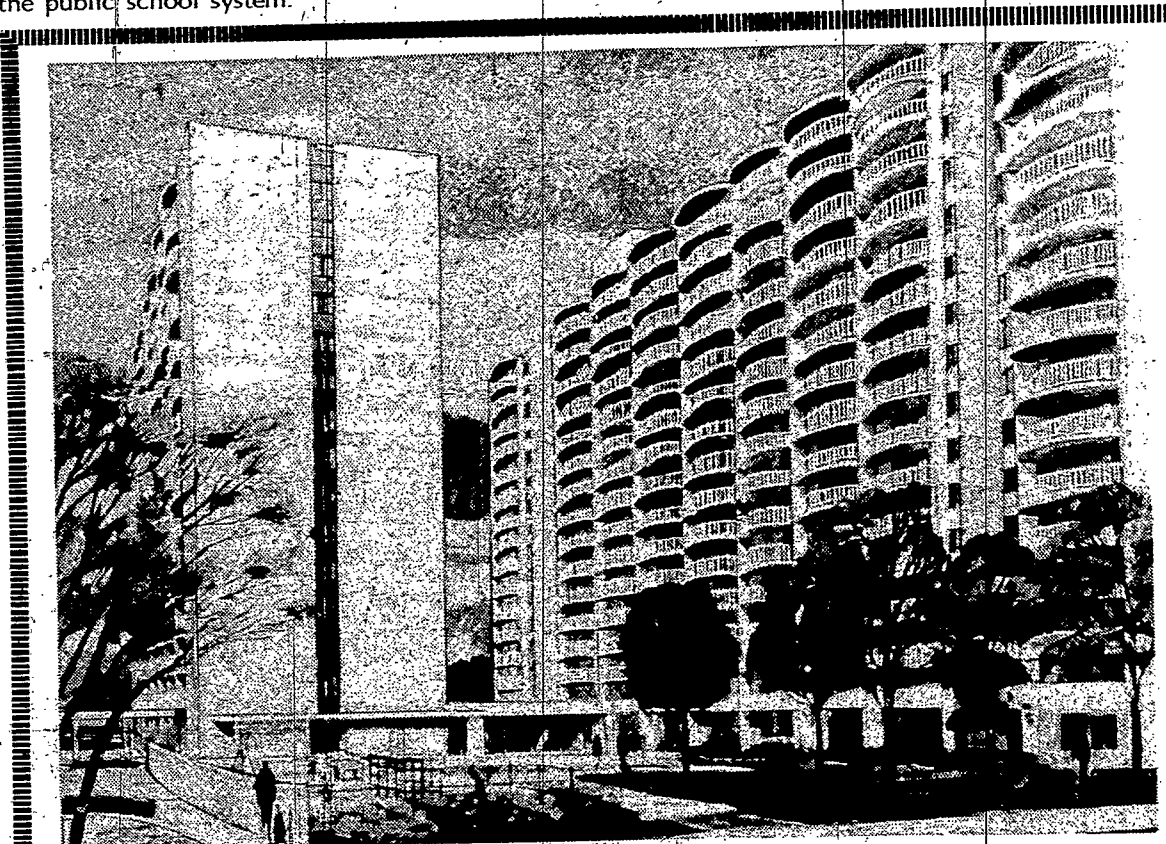
Gov. Milton Shapp of Pennsylvania said he would continue to seek ways to provide financial support to parochial and private schools.

"The role of non-public education in America is essential to our overall education system," he said. "If the non-public schools were to close, enormous new burdens would be placed on the public school system."



School Rights March

A "Give Us Our Rights" protest march and rally in Philadelphia brought between 60,000 and 70,000 persons to Independence Mall to voice opposition to the recent decisions by the U.S. Supreme Court striking down auxiliary services to children attending non-public schools in Pennsylvania. In its decisions, the Court — by 6-3 margins — overturned a state program for lending instructional materials and equipment to non-public schools and another providing "auxiliary services" to educationally-disadvantaged and handicapped children. The rally included speeches by Dr. Edwin H. Palmer, a Christian Reformed clergyman who is past president of Citizens for Educational Freedom; Msgr. Francis B. Schulte, superintendent of schools for the Philadelphia Roman Catholic archdiocese, and Rabbi Aaron Popack, executive vice-president of Beth Jacob Schools. (RNS)



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IHM SISTERS RETURN FOR SUMMER SCHOOL

Trumansburg — Religious Education Vacation School started June 23 at St. James the Apostle. Father Albert V. Ryan, pastor, said "Over 51 started Monday and the enrollment has increased considerably."

The teachers are Servants of the Immaculate Heart of Mary from Immaculata, Pa. The Sisters, in their traditional habit and veil have returned to Trumansburg for five consecutive years.

Father Ryan, commenting on their great contribution and the inspiration they provide, announced that one of his parishioners, Ruth McLallen, now known as Sister Regina Rosarii, took her first vows last Saturday in the Mother House in Pennsylvania. She is the daughter of Mr. and Mrs. Robert McLallen of Trumansburg.

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