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AN ANALYSIS OF THE DRIVE FOR PUBLIC FUNDS
FOR PAROCHIAL SCHOOLS: 1945-1963

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AN ANALYSIS OF THE DRIVE FOR PUBLIC FUNDS
FOR PAROCHIAL SCHOOLS: 1945-1963

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AN ANALYSIS OF THE DRIVE FOR PUBLIC FUNDS
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CHAPTER I

INTRODUCTION

Education is the agent or carrier of the genes of civilization. In addition to its usual function of transmitting the fund of man's accumulated knowledge, education has the potential of reflecting the culture as it is, or of altering and changing cultural patterns. Because of its intimate relationship to society and because of its power to help shape the mores and value structures, the importance of education is recognized by elements within the society who have strong interests in social, political, economic, and religious areas.

Religion has always been a prominent factor in the culture of the United States and in the education of its people. Religion and education have thus exhibited an interrelationship that makes the study of one incomplete without consideration of the other.

One of the manifestations of the interrelating structure of education and religion in contemporary American

schools is the problem of the use of public funds for non-public schools. As the need and demand for improvements in education increase, the urgency of achieving solutions to problems in this area will likewise increase.

Statement of the Problem

The purpose of this dissertation is to make an objective analysis of the drive for public funds for parochial schools, which is one aspect of the interrelationship between religion and education. It is the intention of this study to analyze motives, purposes, and intentions of selected individuals and groups seeking public financial support for parochial schools in order to determine if a larger pattern, design, or general purpose can be identified with these elements. It is further intended to determine from this study if certain types of apparently unrelated forces are not in fact related at least to the extent of giving incidental aid to the principal drive for public support of private institutions. It is the final intention of this study to evaluate dangers inherent within these movements and to make recommendations for solutions of the struggle on the basis of a consideration of possible consequences.

The Value of the Study

The value of this study is several fold: (1) in the amassing of information and data, (2) compiling objective evidence based upon expressions of the major spokesmen for

the various movements, (3) examining records and reports, (4) in delineating and correlating pertinent events and happenings. Finally, the organization and presentation of the data should be beneficial in developing a more accurate and precise understanding of the current status of this important problem in American education.

The Method

The method for this study is an intensive investigation of literature pertaining to the subject as a basis for establishing authenticity and objectivity. This literature includes official government records and reports, court decisions and opinions, official organizational statements and reports, expressed opinions and beliefs of interested individuals, and reliable accounts of events recorded in newspapers and periodicals. Pertinent books will be explored.

The material is organized chronologically and divided into several specific areas of investigation. The work concludes with a synthesis of materials covered, and will include generalizations, conclusions, and recommendations.

Statement of Limitations

This study is limited primarily to the expressed or implied viewpoints and overt actions of the Roman Catholic Church and its representatives in regard to the problem, and to other religious denominations or sects supporting or opposing the objectives of the Roman Catholic Church. Groups

other than religious ones are involved in the study in a secondary manner.

This study is limited to the period of time from the end of World War II through the year 1963.

Organizational Structure

Following the present introductory chapter, and a brief historical and philosophical background to the study, the investigation will be centered around the following subjects:

1. Chapters III, IV, and V investigate the drive for tax funds for the support of parochial schools on the national, state, and local levels during the years of the Truman, Eisenhower, and Kennedy administrations.
2. Chapter VI studies the drive for limited public aid in the form of auxiliary services during the same period of time.
3. Chapter VII considers the drive for cooperation between church and public institutions for a sharing of both public funds and educational responsibility.
4. Chapter VIII, the final chapter, summarizes the study, presenting conclusions indicated from the data, and includes some recommendations for consideration.

Summary

The problems of education are among the most urgent of those facing the present generation. Recent developments

in technology and in economics, politics, and sociology have produced profound changes that have given rise to crises different in many respects from any that have occurred in the past. These same developments, however, give mankind the potential of developing an ever increasing control over his environment, and offer possibilities of building a better world for all. Education is one of the factors that is vitally involved in both the problem and its solution.

CHAPTER II

HISTORICAL AND PHILOSOPHICAL BASES

The historical and philosophical bases of American education have been explored, and numerous volumes exist adequately covering these aspects of education in America. It is the purpose of this chapter to trace briefly certain selected facets of American education that furnish a background for this study. Certain religious traditions are included, as well as some of the related conflicts concerning:

1. The purpose of education,
2. The control of education, and
3. The financial support of education.

It is within the context of one or more of these conflicts that many of the religious, social, political, and economic struggles take shape.

The educational history of New England indicates that a concern for education was among the foremost problems facing the Puritans in the early days of the colonies. The purpose of education was clearly revealed in the close relationship between religion and education in the thinking of the Puritan. The following quotation from New England's First Fruits is illustrative:

After God had carried us safe to New England, and wee had builded our houses, provided necessities for our livelihood, reared convenient places for God's worship, and settled the civill government; one of the next things we longed for and looked after was to advance learning and perpetuate it to posterity; dreading to leave an illiterate ministry to our churches, when our present ministers shall lie in the dust.¹

Religion and education were compatible for a time in the schools of early New England mainly because these colonies were "Bible-State Theocracies" based on Calvinistic Puritanism. The Middle Colonies did not possess the religious unanimity of New England. In fact, religious diversity more nearly typified the character of these colonies, and a patchwork of religious beliefs resulted. Each individual community carried its educational burden and shared the fruits of its particular religious beliefs. In the South the sparse population and the rigidity of cultural patterns contributed to an even more fragmented approach to education. It reflected, except for the private schooling of the rich, the smallest amount of concern with education for all children, and perhaps the lowest level of educational achievement.

For the most part, however, Colonial education possessed two elements in common:

1. Education was a local function in both control and in financial support, and

¹Willard L. Sperry, Religion in America (New York: The Macmillan Company, 1948), p. 25.

2. Its purpose was basically conservative in that its chief aim was both to preserve and to perpetuate the social, economic, and religious situation as it was and as it had been in the past.¹

Evidences of the inadequacy of such narrow provincialism in education was not long in appearing. Cracks in the armor of even the New England "Bible-State" soon became evident:

Puritanism survived in New England only in the broad sense that the state supported as the official form of church organization an increasing number of independent churches, which never were able to agree either upon a common creed or even upon a very effective administrative machinery.²

With the development of diversity in religious sects and creeds, it became apparent that schools for the teaching of religion could hardly be established on a sufficiently broad basis for the satisfaction of all faiths represented. As sentiments favorable to political independence grew, and the need for a literate electorate became more apparent, sentiments favorable to publicly supported education became stronger. Early in the nineteenth century, with the westward expansion of the nation and with the tides of immigration from Europe with diverse racial, ethnic, and religious

¹Newton Edwards and Herman G. Richey, The School in the American Social Order, (2d ed.; Boston: Houghton Mifflin Co., 1963).

²Thomas Cuning Hall, The Religious Background of American Culture (Boston: Little, Brown & Co., 1930), p. 99.

backgrounds, uniform religious education became an even more obvious impossibility, and the doctrine of separation of church and state took shape and gained acceptance. Hall stated that:

Separation of church and state in America was a federal fact from 1789 to 1791, and became the fact in every single constituent state of the Union a little over forty years later. It is inconceivable that the issue should ever be reopened in this country.¹

Many of the educational problems of the nineteenth and twentieth centuries have resulted from the attempt of religion and education to coexist within a framework of the separation of church and state.

During the tremendous upheavals of the first half of the nineteenth century, it was inevitable that education should be included as a factor in the political, economic, social, and religious struggles. Even as early as 1780 conservative forces under the leadership of Hamilton were supporting a social and political philosophy holding that the interests of rich men should be directly united with the government, making it to the advantage of the wealthy to take an active interest in the affairs of government.

'All communities,' he told the men gathered in Philadelphia to ponder a constitution for the thirteen states, 'divide themselves into the few and the many. The first are rich and well-born, the other the mass of the people. . . . The people are turbulent and changing; they seldom judge or determine right.' The formula for government was simple.

¹ Sperry, p. 46.

'Give, therefore, to the first class a distinct, permanent share in the government. They will check the unsteadiness of the second, and, as they cannot receive any advantage by a change, they therefore will ever maintain good government.'¹

Webster supported Hamilton's theories of government based on an aristocracy of property in a famous speech in the Massachusetts convention as follows:

'Power naturally and necessarily follows property,' he declared; and again, 'A republican form of government rests not more on political constitutions than on those laws which regulate the descent and transmission of property.' It would seem, then, he concluded, 'to be the part of political wisdom to found government on property; and to establish such distribution of property, by the laws which regulate its transmission and alienation, as to interest the great majority of society in the protection of the government.'²

The preceding quotations indicate evidence of conservative interest in the preservation of the social, political, and economic status quo. It logically follows that the conservative concept of educational function would be oriented toward the welfare of members of the aristocracy of wealth and power.

With the election of Jefferson to the presidency in 1800, a liberal social and political philosophy came into prominence as a reaction to the conservative Federalist philosophy. In a sort of indefinite coalition with Transcendentalism and Unitarianism, liberalism tended to identify with

¹ Arthur M. Schlesinger, Jr., The Age of Jackson (Boston: Little, Brown & Co., 1946), p. 10.

² Ibid., p. 12.

religious views that were centered in the dignity and worth of the individual, and in his ability to commune directly with God without the shackles of strict dogmatic guidelines. Liberal educational goals reflected elements of the profound sociological changes taking place during the period, as evidenced by Jefferson's plans for education in the state of Virginia.¹

Evidence also indicates that economic and political conservatives sought alliance with the conservative element in religion. Schlesinger reasoned that:

Federalism similarly mobilized religion to support its views of society. At the very start, many conservatives, with the discreet skepticism of eighteenth century gentlemen, considered religion indispensable to restrain the brute appetite of the lower orders but hardly necessary for the upper classes. As the polite doubts of the eighteenth century passed away, particularly, as the clergy loudly declared Jefferson's Deism to be a threat, not only to themselves, but to the foundation of the social order, conservatism grew more ardent in its faith. . . . Religion, in exchange for protection against Jeffersonian anticlericism, would hedge the aristocracy of wealth with divinity. To the clergy were assigned the essential functions of reconciling the lower classes to inequity and binding them to absolute obedience to the laws.²

The democratic theories of government ushered in by the election of Jackson to the presidency in 1828 were in part a fruition of developing strains of liberalism. One of the principal functions of democratic educational theory

¹Freeman Butts and Lawrence A. Cremin, A History of Education in American Culture (New York: Henry Holt & Co., 1953).

²Schlesinger, p. 16.

involved the development of an enlightened electorate by broadening the base of educational opportunity to include the children of all the people. Welter considered American democratic theory to be closely related to the theory of education. In spite of the vulnerability of education to twentieth century hazards of wars and depressions, and in spite of the strengthening of practical careerist training and the weakening of political education, he concluded that faith in education has been and still is our most characteristic political belief.¹

During the period following 1830 great strides were made in public education in the development of the common school movement. Much of the credit for this achievement goes to men such as Barnard, Carter, and Mann. Barnard's concept of the public school as a foundation stone of democracy in contrast to the divisive effect of private schools, and Mann's contributions in strengthening and securing support for the common school helped to divert the tide of public opinion from the private school to the public school. These development of public education were of major significance in American history.²

¹ Rush Welter, Popular Education and Democratic Thought in America (New York: Columbia University Press, 1962).

² Merle Curti, The Social Ideas of American Educators (New York: Littlefield, Adams & Co., 1959).

Events during the second the third quarters of the nineteenth century contributed much to the complexity of the problems of religion and education. In spite of the wide acceptance of the theory of separation of church and state, it is erroneous to assume that elements of religion had been completely removed from the public schools of America. Although official state sanction of sectarian doctrine had been eliminated, evidence indicates that a brand of unofficial Protestantism still existed in public education in the form of concepts of morality, ethics, and in religious forms and ceremonies.¹

During this same period of time, the tides of immigration did much to destroy any remaining religious and ethnic homogeneity. The roots of Protestant and Catholic controversy can be traced to this period. The huge influx of Roman Catholics with different religious and ethnic backgrounds triggered a violent reaction among Protestants. Intensified by ignorance and prejudice, the movement culminated in examples of gross cruelty and persecution.²

¹John S. Brubacher, A History of the Problems of Education (New York: McGraw-Hill Book Co., 1947), p. 340.

Edgar W. Knight, A Documentary History of Education in the South Before 1860, Vol. II, Toward Educational Independence (Chapel Hill: University of North Carolina Press, 1950), pp. 165-166.

Horace Mann (ed.), The Common School Journal, Vol. I (Boston: Marsh, Capen, Lyon & Webb, 1839), pp. 4, 14, 56, 61.

²Ray Allen Billington, The Protestant Crusade, 1800-1860 (New York: Rinehart & Co., 1938).

Hofstadter cited the Catholic struggle against this Know-Nothing psychology as a primary factor in forming the characteristics of American Catholicism. He reasoned that the necessity of responding to this persecution was largely responsible for developing an attitude of militant self-assertion, and stated that:

The church thus took on a militant stance that ill accorded with reflection; and in our time, when the initial prejudice against it has been largely surmounted, its members persist in what Monsignor Ellis calls a 'self-imposed ghetto mentality.'¹

Such conflicts prepared the background for the promotion of extremist viewpoints among both Catholics and Protestants, and the possibilities of dialogue and consensus were thereby decreased.

Mann's attempts to teach moral and spiritual concepts in the public schools of Massachusetts were notable. He attempted to solve the problem by teaching "natural religion" consisting of certain common principles culled from several sectarian creeds and considered to be inoffensive to all. The fact that Protestants were in the majority in most communities apparently justified in his mind the weighting of these principles in favor of Protestantism.

Although Mann's educational theories enjoyed wide acceptance, they met formidable opposition, particularly with respect to his position on religion in the schools. Many of

¹Richard Hofstadter, Anti-Intellectualism in American Life (New York: Alfred A. Knopf, 1963), p. 137.

his attackers were doubtless sincere in their convictions, but it is probable that some were jealously interested only in having their own particular sectarian doctrine taught in the schools. Of particular significance to contemporary problems concerning religious practices in public schools were two opposing factions. One group accused Mann of attempting to introduce a State religion in the schools, while the opposing faction accused him of planning to exclude all religious training from the schools.¹

Mann saw several possibilities open to the State of Massachusetts, including the alternative of completely excluding all religious instruction from the schools. He concluded by stating that he did not believe a man could be found in all of Massachusetts who would declare himself to be in favor of such action.²

The preceding statement reveals a serious inconsistency between the theory and practice of the concept of separation of church and state in nineteenth century educational philosophy. The same inconsistency is apparent in contemporary American education, and the complexity of twentieth century society makes a resolution of the conflict a matter of utmost importance to education and to the society of which it is a vital part.

¹Horace Mann, The Republic and the School, ed. Lawrence A. Cremin (New York: Teachers College, Columbia University, 1957), p. 101.

²Ibid., p. 108.

Theories concerning the financial support of education may be roughly divided into three categories:

1. The theory that educational finances should be strictly local in character,
2. The theory that local and state effort should be combined, and
3. The theory that the federal government should supplement both local and state effort in the financing of education.

Advocates of local support only are likely to cite historical precedent as a basis for their argument, stating that early colonial education was a local effort, and that a pattern was thereby established that should be forever followed in education.

Advocates of state and local support generally feel that the federal government should not be concerned with educational financing. They often base their theory on the Tenth Amendment to the Constitution which delegates to the states or to the people those powers not specifically reserved for or prohibited by the federal government. Members of this group and the previous one are likely to fear governmental control as an evil that would necessarily follow any federal participation in the financing of education.

Those who advocate participation of the federal government in educational financing are likely to base their argument on the assumption that the purpose and scope of

education as well as the social and economic structure of society have changed radically since colonial days, and that the Tenth Amendment was a function of necessity due to the exigencies of the period in which the affairs of government in the new nation were being launched. Governmental interest in education is therefore viewed as having been merely postponed to a more convenient time rather than having been forever prohibited.

Advocates of federal aid to education are likely to cite as evidence of governmental concern with education previous to the adoption of the Constitution the Survey Ordinance of 1785, providing "for the reserving of lot number sixteen in every township,"¹ and to the Northwest Ordinance of 1787 stating that "religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged."²

Further evidence of governmental concern with education may be found in the Morrill Act of 1862, the Smith-Hughes Act of 1917, the National Youth Administration, the Public Works Administration, the Federal Emergency Relief Administration, and the Lanham Act of 1940.

¹"Ordinance of 1785," National Encyclopedia, Vol. VII (New York: F. F. Collier & Son, 1950), p. 429.

²"Federal Aid to Education," Congressional Quarterly Special Report (Washington: Congressional Quarterly Inc., 1961), p. 3.

Advocates of federal aid to education are likely to point out that the participation of the federal government in the previously mentioned educational efforts has not been accompanied by undesirable federal control, and will cite this as evidence that fear of governmental control or the development of a nationalized system of education is largely unfounded. Laski summarized this fear of governmental participation in vital elements of everyday life when he said, "articulate America still looks upon the state as the enemy as soon as it moves from the area of defense or of police."¹

Evidence indicates that the control of education was sought by groups who were vitally interested in social and economic issues often far removed from education as such. Conservative and liberal factions took positions with regard to education, as well as those forces of reaction and retrenchment against those of social and economic reform. Positions of various elements within the communities of business and labor sought substantiation and strengthening of their positions within the framework of education, as was the case with factions in organized religion. Even the education profession itself was not united in purpose and objective within and among these conflicting interests.

The interest of the business community in education was evident as early as 1914 when some members of the

¹ Harold J. Laski, The American Democracy (New York: Viking Press, 1948), p. 167.

business community saw opportunities in education for furthering their immediate interests. The Code of Principles of the American Electric Railway Association defended the principles of the long-term franchise system, extolled the virtues of private ownership over public, promoted a fair return on capitalization, although the term fair was not defined, and spoke in favor of adequate wages for employees but asked for protection against strikes and excessive demands of labor. The Code further advocated the creation of a financed bureau of public relations whose function was to include:

Influencing the sources of public education, particularly by (a) lectures on the Chautauqua Circuits, and (b) formation of a committee of prominent technical educators to promote the formulation and teaching of correct principles on public service questions in technical and economic departments of American colleges, through courses of lectures and otherwise.¹

The article hinted that an organized effort was being made by other private interests to shape doctrines taught in the schools.

The greater expense of new educational methods caused a consolidation of those forces among business interests concerned with the shaping of educational policy and those concerned with economy in government, in joint effort to reduce educational expenses and prevent a rise in tax rates. An example of concern with rising educational costs was found in the Seventeenth Annual Report of the Carnegie Foundation in

¹"Education with a Bias," The New Republic, November 21, 1914, pp. 7-9.

which the accusation was made that the United States was spending too much money on education, and that the principal reason for this extravagance was the program of studies demanded by the new Progressive Education.¹ A year later, the president of the Foundation expressed the conviction that the problems of education were due to our attempting to educate too many, and to the excessive expenses incurred in the attempt.²

Following World War I, evidence indicated that business looked to religion to establish and support a stable social and economic environment where business could flourish. An excerpt from the Manufacturer's Record cited religion, not markets, ships, etc., as the only sure basis for business and national safety.³

The ability of education to furnish a healthy environment for business was noted by a clothing manufacturer who contrasted the lethargy of workers in poor school districts with the intelligence and desire to improve among workers from the better school districts.⁴

¹"The Rising Cost of Education," Educational Review, LXVI (June, 1923), p. 32.

²Agnes de Lima, "The New Education," The Nation, CXVIII (June 18, 1924), pp. 702-703.

³"Business Backing the Bible," Literary Digest, LXXVI (March 31, 1923), p. 32.

⁴L. A. Williams, "The Business Man Speaks," Outlook, CXXVIII (May 25, 1921), pp. 178-179.

Evidence also indicated that education picked up the challenge of religion in the curriculum. President Kinley of the University of Illinois stated that no education could be complete without religion, and cited the demand for religious education from several sources, including ex-president Eliot of Harvard, Catholic archbishop Hayes, Roger Babson, Arthur S. Somers, ex-president of the Brooklyn Chamber of Commerce. He further expressed the belief that something must be done to counteract the lawlessness of youth.¹

The National Education Association showed interest in character training as the supreme aim of education, and morality as the principal basis for citizenship as early as 1921 when the superintendent of schools from Birmingham, Alabama, expressed a plea for incorporating within the schools the teaching of common principles of religion, evidently similar to the attempts of Mann nearly a century before in Massachusetts. He stated that the school must adopt those fundamental sanctions which constitute the common basis of religion, morality, and citizenship.²

Continued emphasis on character education was evident in the 1924 convention of the National Education Association, when character was defined in broad terms as "fundamentally

¹"Religious Instruction in Public Schools," Educational Review, LXVI (October, 1923), pp. 170-172.

²J. H. Phillips, "The Place of Religious Sanctions in Character Training," Addresses and Proceedings, National Education Association, LVI (1921), pp. 347-350.

the habit of making right decisions and putting them into effect."¹ No attempt was made to define a right decision, or to determine the viewpoint from which a decision was judged to be right.

Religion was aware of conflicts within society and was active in self-criticism. Small considered economic justice to be the central moral question of the day, and stated that evidence did not support the conclusion that leading church laymen were willing to recognize the problems of economic justice as the chief spiritual issue of the period. He also stated that Christians needed to think seriously before being qualified to plan intelligently for the exercise of Christian influence in industry. In conclusion, Small asked if Christianity was again going to abandon the real world to its fate and retreat into theology, or if Christians would awake to their real calling and make the world truly Christian.²

Niebuhr was also critical of contemporary Christianity in regard to the social aspect of the gospel. He questioned the belief that individual happiness could be achieved in defiance of every unfavorable circumstance of life, or that an individual could be completely saved in a lost world.

¹"The First Object of Education," Outlook, CXXXVII (July 16, 1924), p. 416.

²Albion W. Small, "Christianity and Industry," The American Journal of Sociology, XXV (May, 1920), p. 763.

In his appeal for a democratization of industry and some kind of socialization of property, he charged that the church has been concerned with individual sin and unconcerned with the inequities and sins of class against class. He continued to charge that the church has claimed to be the agent of world salvation, but has not applied herself diligently to the task, and that the immediate weakness of the church is that she is dependent upon the very class with which a social gospel would force her to contend.¹

Other movements and groups with idealistic and patriotic motives served further to increase the complexity of the educational situation. America was viewed by some as God's last chance to save the world. This salvation was to be brought about by teaching the child at school to love his country through education in ideals and Americanization, for patriotism, and for service to humanity.²

Summary and Conclusions

Through the history of the United States the changing purposes of education have necessitated changes in the nature of education. Conflict has developed among forces resisting change and those seeking to adapt to new conditions.

¹Reinhold Niebuhr, "The Church and the Industrial Crisis," The Biblical World, LIII (November, 1920), p. 588.

²Henry J. Ryan, "Education and Americanization," Addresses & Proceedings, National Education Association, LIX (1921), pp. 38-42.

In the first quarter of the twentieth century a conflict in education was raging between groups loosely committed to the "Old Education," or traditional education, versus the "New Education." Evidence also supports the thesis that the control of education was sought by other groups who were vitally interested in social and economic issues often far removed from education as such.

Events of the second quarter of this century, including a second world war, laid the basis for the critical third quarter in which solutions to basic world problems are urgently demanded. History has been accelerated tremendously, and the survival of civilization as it is known today may very well depend upon the solution of man's most urgent problems, not by threat or intimidation, but by consensus based upon objectivity, honesty, liberty, and justice for all. Religion and education are deeply intertwined with these problems.

CHAPTER III

AID TO EDUCATION - THE TRUMAN YEARS (1945-1952)

In the years immediately following World War II, national attention was directed to the problems of education in the United States. As was the case with other aspects of American life, the exigencies of war had required that normal growth and development of the educational system be deferred until the cessation of hostilities. If the automobiles and refrigerators of the civilian public were worn out and outmoded, and if the return of millions of servicemen to civilian status increased the demand for consumer goods, these factors illustrated a similar need for the expansion and improvement of the educational system of the United States in the post-war era.

The need for new classroom construction was regarded as acute.¹ In many areas the normal growth of school-age population had simply outgrown the facilities afforded by the pre-war educational plants. In many other areas, the problem was intensified by shifts of population necessitated by the

¹"Congressmen Urge Federal Aid; Chief Provisions of Amended S. 181 and Estimated Distribution of Funds," National Education Association Journal, XXXV (May, 1946), p. 234-236.

concentration of defense efforts and by military activities.

The need for educational improvement was also pointed up by the unprecedented technological advances during the war period. The educational demands of the sophisticated weapons developed during the war, and the implications of such developments in the future defense of the nation, were of great significance in the field of education, particularly with regard to adequate teaching facilities and better prepared teachers.

The enormous faith of many American citizens in popular education as the most effective bulwark of democracy against totalitarianism was apparently renewed following the defeat of Germany and Japan. Welter referred to this faith in education as the most characteristic political belief in America.¹ Taft, in supporting federal aid to education in 1947, referred to education as an essential to economic welfare, and as the only defense of liberty against totalitarianism. He further declared that:

We cannot preserve the Republic at all unless the people are taught to read and to think so that they can understand its basic principles and the application of those principles to current problems. No man can be free who does not understand the opportunities which lie before him. No man can have equality of opportunity if he has not the knowledge

¹Rush Welter, Popular Education and Democratic Thought in America, (New York: Columbia University Press, (1962)).

to understand how to use the rights which may be conferred upon him in theory.¹

As post-war interest in federal aid to education increased, and as prospects for favorable legislation brightened, opposing factions strengthened their positions for the impending struggle. Since the purpose of this dissertation is to analyze religious aspects of the controversy, attention will be focused principally on religious factors. Other aspects of the controversy will be examined only as they related directly or indirectly to the purpose of the study.

Religious groups in the United States were not unanimous either in support of or in opposition to federal aid to education. Groups supporting the use of public funds for public schools only included a large number of Protestant denominations, religious and non-religious groups adhering to various concepts of religious liberty, most Jewish religious bodies, and a number of non-believing atheists and skeptics. The largest religious group generally supporting the concept of public aid for private and parochial schools was the Roman Catholic Church. Some Protestant denominations and other religious sects and organizations have, however, supported similar positions. Groups voicing opposition to federal aid to all schools, public and private alike, included a

¹"The Sound Basis for Federal Aid to Education," Official Report, The American Association of School Administrators, Atlantic City Convention (1947), p. 166.

variety of religious groups as well as a number of economic and socially oriented organizations and individuals.

Some inconsistency is evident among all three categories in the aid to education struggle, and a shift of position from time to time in order to support a particular short-term objective is evident within each broad category.

Congressional interest in aid to education was evident in 1946, when the Senate Committee on Education and Labor reported favorably on a bill (S. 181) proposing a permanent program of federal grants to the states for the purpose of equalizing educational opportunity across the nation.¹ The bill was unanimously reported to the Senate but was not acted upon. Senator Robert A. Taft (R. Ohio) was one of the three sponsors of the bill, despite the fact that he had been opposed to federal aid to education in the past.² Taft summed up his change of mind in regard to federal aid to education as follows:

In general, Mr. President, I have felt very strongly that education is a State and local responsibility. I think that unless we can maintain the independence and the power of the State and local governments to control the education of their own children the Federal Government should take no action. It was because of my fear of that that at times I have opposed the different proposals, and I am still opposed to certain proposals for Federal aid to education.

¹ United States of America Congressional Record, XCII, (1946), p. 10619.

² Ibid., XCIV, (1948), p. 3935.

However, the difficulty which has developed during the study we have given to the problem is that in many States, although they are devoting to education as much as or more than the average amount, on the basis of their wealth and the current income spent on education by the entire Nation, nevertheless they are unable to provide an adequate basic minimum education for their children, due to the great difference in income as between the states. . . .

So I feel that the Federal Government does have a responsibility to see that every child in the United States has at least a minimum education in order that each child may have the opportunity which lies at the very base of the whole system of our Republic.¹

On another occasion Taft stated that:

My own belief is that the Federal Government should assist those States desiring to put a floor under essential services in relief, in medical care, in housing, and in education. Apart from the general humanitarian interest in achieving this result, equality of opportunity lies at the basis of this Republic.²

The word public was used in referring to schools to be aided by public funds in the proposed Senate bill 181, and proponents of aid for public schools only interpreted this wording to mean the exclusion of aid to private and parochial schools. If, however, drastic improvement should be made in the public schools, a comparable improvement would seem necessary in private and parochial schools if the latter were to remain in a competitive position with the former. It appears, therefore, that a drive by forces desiring public funds for private and parochial schools might be expected. An examination of literature reveals that such a drive was indeed being

¹ Ibid., XCII (1946), p. 10620.

² Congressional Record Appendix, XCIII (1947), p. A1026.

led by the Roman Catholic hierarchy in the National Catholic Welfare Conference.

In regard to S. 181, proponents of aid to public schools only took a defensive position based on the concept of separation of church and state, derived from early eighteenth century interpretations of the First Amendment to the Constitution. Catholic forces were accused of waging an offensive battle against this principle of separation. An article in the Christian Century, pointing out that the word public was used in the wording of the bill, expressed the fear that pressure would be exerted by Catholic forces to bend the wording to include parochial schools. As proof of this thesis Archbishop McNicholas of Cincinnati was cited:

The compelling purpose of federal aid to education will be defeated unless the funds are distributed without distinction because of . . . attendance at a public or non-public school.¹

Concern was also expressed by the Assembly of the Presbyterian Church in the United States of America in its declaration that:

Aggressiveness in the hierarchy of the Roman Catholic Church in pressing for a favored position for itself as a church threatens to curtail religious freedom in this country.²

¹"Federal Aid for Schools," Christian Century, LXIII (June 5, 1946), p. 710.

²"Presbyterians Define Religious Liberty," Ibid., LXIII (June 19, 1946), p. 773.

The Roman Catholic hierarchy, prepared for a long struggle, made use of most of the well-known arguments for public aid, such as double taxation, implementation of a legal right to attend the school of choice, the undesirable monopoly of public education, and others. Evident also was a willingness to develop new arguments and to use new interpretations of old arguments.

A prediction of alignment among religious minority groups, reactionary groups, and financially selfish groups for the purpose of defeating federal aid for public schools was made by Childs at a convention of the American Association of School Administrators in Atlantic City. He charged that Roman Catholics were determined to block federal aid to public schools unless they received it for their own parochial schools. He interpreted the issue as follows:

It means, in effect, that unless the demands of a minority are met, that minority will unite with reactionary and financially selfish groups to block Federal support for the public schools.¹

The plausibility of the charge was substantiated editorially by citing Catholic opposition to federal aid to education until just recently, when bills became rather ambiguous in their wording or became openly favorable to aid for parochial schools.²

¹John L. Childs, "Spiritual Values in Public Education," Teacher's College Record, XLVIII (March, 1947), p. 372.

²"Educator Speaks Out on Catholic Schools," Christian Century, LXIV (March 19, 1947), p. 356.

In 1947, a bill was introduced in the Senate (S. 472) providing federal grants to the states for the support of education. In this bill, evidence of attempts to make the bill acceptable to Catholic elements was seen in the provision that states could distribute the money received in accordance with whatever pattern they already used in distributing their own state educational funds. If the state supported private or parochial education, federal funds received under the proposed bill could be expended for the same purpose.¹

As might have been expected, public education forces vigorously attacked the bill, and attempted to secure the adoption of an amendment to prohibit such use of federal funds. The amendment attempts failed, and the bill was never cleared by the House Education and Labor Committee.²

The Christian Century warned of the determination of the Roman Catholic hierarchy to share in federal funds for parochial education, citing a statement of the Administrative board of the National Catholic Welfare Conference made in 1948. The board was composed of four cardinals, five archbishops, and four bishops and the statement of the group was to the effect that:

1. The First Amendment to the Constitution does not forbid federal aid to churches, and that separation of church and state is not an American principle in history or law;

¹Congressional Record, XCIII (1947), p. 718.

²Ibid., XCIV (1948), p. 4078.

2. Religion must be taught in public schools, and the Roman Catholic religion must be taught in Roman Catholic schools aided by public funds; and

3. The Supreme Court decision in the Champaign case should be reversed in order to make this possible.¹

This statement reveals a dramatic strengthening of the aggressive attitude of the Roman Catholic hierarchy in the struggle for educational aid.

Newsweek's treatment of the same statement emphasized the fear of secularism as the most deadly menace to the Christian and the American way of life, as well as reaction to the "novel" interpretations in the Supreme Court decisions concerning the First Amendment and separation of church and state. Faith was reaffirmed in the concept of "traditional" cooperation between government and religious bodies.²

The National Catholic Education Association, at their annual convention, was less aggressive in regard to the First Amendment and separation of church and state, but was generally agreed that secularism was the greatest problem of contemporary education. Archbishop McNicholas, apparently referring to legislative attempts favorable to public education only, criticized attempts to frustrate freedom of choice,

¹"Out in the Open," Christian Century, LXV (December 8, 1948), pp. 1327-1329.

²"The Bishops Speak," Newsweek, XXXII (November 29, 1948), p. 74.

which he said would be favorable to the wealthy who could afford to pay for private schools.¹

A statement made by Archbishop Richard J. Cushing in an address at the Holy Name Convention in Boston, illustrates the diversity of opinion among Catholic leaders, and expressed what might be termed an opposing view to that of the hierarchy in the following excerpt:

Catholics find it unintelligible when people accuse them of resenting the separation of Church and State in America, or of wishing to alter or abolish any part of the American tradition of civil liberties. . . . They accept the Constitution without reserve, with no desire as Catholics, to see it changed in the future. They can with a clear conscience swear to uphold it.²

Evidence of Catholic lay leadership subscribing to a position more in accord with that of Archbishop Cushing than with that of the hierarchy was found in the following quotation by Daniel L. Schlafly, president of the City of Saint Louis board of education:

I do not for a minute suggest that we should do less for Catholic schools. But I do say we have a clear obligation to do more for public education. A good case could be made for doing more even if we examined the question from the most selfish viewpoint.³

¹"Catholic Education Convention," Catholic World, CLXVII, 999 (1948), pp. 275-276.

²Vincent F. Holden, "Church and State in America," Ibid., CLXVI, 993 (1947), p. 248.

³Daniel L. Schlafly, "The Catholic Layman's Role in Public Education," Proceedings and Addresses, 160th Annual Meeting, National Catholic Education Association, (1963), p. 253.

Schlaflly listed three points to substantiate his argument:

1. It is reasonable to assume that there will always be a significant number of Catholics in public schools;

2. The destiny of the nation is shaped by public schools which carry the great educational burden, and no one can be a good citizen if he ignores the educational needs of these children; and

3. Public schools need to keep pace with other community improvement programs.

He concluded by stating that Catholic laymen have a special obligation to public schools, and to ignore that obligation is to ignore their faith.

Evidence of Protestant concern about secularism in public schools is also abundant. Morrison, in a series of articles on religious problems, stated that Protestantism is vulnerable to both Catholicism and secularism. He suggested only two possible solutions: (1) open the public schools curriculum to the teaching of religion, or (2) establish a system of Protestant parochial schools.¹

The year 1949 saw a new aspect of the struggle in the federal aid to education controversy, with feelings and emotions rising to a new high. A bill (S. 246), which was similar to S. 472, was passed by a vote of fifty eight to fifteen

¹Charles Clayton Morrison, "Protestantism and the Public School," Christian Century, XLIII (April 17, 1946), pp. 490-493.

in the Senate,¹ and a bill (H. R. 4643) was introduced in the House by Representative Barden (D., N. C.). Barden's bill would have restricted federal funds to tax-supported schools, thus ruling out federal aid to private and parochial schools.²

Opposition to both the Senate and House bills was intense, and included both religious and non-religious groups. Among the non-religious forces taking positions in opposition to one or both bills were the following groups:

1. The United States Chamber of Commerce, whose representative admitted that there was need for educational improvement but stated that the limits of ability of the states in providing financial aid to education had not yet been reached;³

2. The Pennsylvania State Chamber of Commerce, voicing opposition to federal aid on the basis that it was unnecessary;

3. The Indiana State Chamber of Commerce, also opposing federal aid, but based on fear of federal control;

¹Congressional Record, XCV, (1949), p. 5687.

²Ibid., p. 6076.

³Public School Assistance Act of 1949, Hearings before a Special Subcommittee of the Committee on Education and Labor, House of Representatives, Eighty-First Congress, First Session, on S. 246 and H. R. 4643, p. 248.

4. The Pro-America Organization, also opposing federal aid, but favoring educational improvement at the community, county, and state levels;¹ and

5. The Daughters of the American Revolution, whose spokesman expressed opposition to federal aid to education and to "the subversive indoctrination of young and old by left-wing educators, textbooks and national study magazines."²

Religious opposition was expressed by the National Catholic Welfare Conference through testimony of William E. McManus, Assistant Director, Department of Education, who stated that:

We are fast approaching that day, . . . when, whether we like it or not, we must face the fact that the Federal Government will have to lend some form of assistance to the states to help finance their schools.³

Favoring local control, and expressing fear of centralized control of schools, McManus stated five principles in support of the hierarchial viewpoint: (1) parental rights in education are first and foremost, (2) community control of schools is vital, (3) the educational function of government in a democracy is restricted to financing of approved schools, (4) education should not be regarded as a public service such as police and fire protection, and (5) governmental responsibility for financing education, both local and state, entails justice in the distribution of funds. In summary, he

¹Ibid., p. 346.

²Ibid., p. 536.

³Ibid., p. 729.

expressed opposition to both bills, since neither bill respected the rights of parents. He expressed particular opposition to H. R. 4643 because it did not provide aid for private and parochial schools. As an example of a type of federal aid that would be acceptable, McManus cited the Fogarty bill which would require ten per cent of any federal appropriations to be used to guarantee services to all school children.¹

Protestant opposition to S. 246 was strong, and was based for the most part on the position that federal aid to non-public schools permitted by the bill would be unconstitutional, and that passage of the bill would leave the door open for the diversion of other funds for private and parochial schools.² These same forces gave strong support to the Barden bill which they described as sound, honest, and consistent with the Federal Constitution. Protestants and other interested citizens were urged to write their congressmen in its support.³

Cardinal Spellman expressed strong opposition to the Barden bill by calling Representative Barden a new apostle of bigotry, and by accusing Mrs. Eleanor Roosevelt of

¹ Ibid.

² "A Weasel Omission," Christian Century, LXVI (March 23, 1949), pp. 558-559.

³ "Federal Aid Minus Jokers," Ibid., LXVI (June 29, 1949), pp. 782-784.

anti-Catholic bias and of conduct unbecoming to an American mother because of her support of the principle of separation of church and state in her newspaper column, where she stated "we do not want to see public education connected with religious control of the schools."¹

After sponsoring a letter-writing campaign of its own, the Christian Century was nevertheless critical of a letter-writing campaign in opposition to the House bill. Following Cardinal Spellman's attack on Representative Barden, the Protestant publication charged editorially:

In diocese after diocese across the land priests were ordered to read denunciations of Federal aid to public schools, and Catholic letters, written in an organized campaign, inundated Congress like a flash flood in spring.²

The fact that Roman Catholic congressmen occupied positions of leadership in relation to the Barden bill brought Protestant charges that their religious affiliation was a major factor in blocking the aid to education bills. Representatives John W. McCormack, Democratic leader of the House, and John Lesinski, chairman of the House Labor and Education Committee, were charged by proponents of the measure with keeping the Barden bill stifled in committee:

¹The New York World Telegram, June 23, 1949. For an excellent account of the Roosevelt-Spellman exchange, reference is made to the New York Times for the months of June, July, and August, 1949, especially June 20, June 23, and July 23.

²"Barden Bill Demise Is Greatly Exaggerated," Christian Century, LXVI (July 13, 1949), p. 835.

Both men are Roman Catholics. Both take their cues from Cardinal Spellman, although they were elected to represent constituencies in Detroit and Boston respectively. They declare that the bill is anti-Catholic, that it discriminates against negroes, that it prohibits use of Federal funds for health and welfare services to children and that it is unfair in its allocations. Each of these contentions is fallacious.¹

Lesinski was also accused of deliberately removing pressure for the passage of the Barden bill by dissolving the House Labor and Education sub-committee which had approved the bill by a vote of ten to three.²

The fight for federal aid to education continued into 1950 with the religious issue one of the principal points of controversy, and with Representative Barden, Mrs. Roosevelt, and Cardinal Spellman as central figures. Senate bill 246, which had passed the Senate, was killed in the House Labor and Education Committee after attempts had been made to amend the bill by deleting provisions for funds for private and parochial schools.³ The committee then considered bills providing for school construction only, but these too were shelved.⁴

¹"Catholics Bottle Up the Barden Bill," Ibid., LXVI (July 20, 1949), p. 861.

²"Mr. Lesinski Tries A New Move," Ibid., LXVI (September 14, 1949), pp. 1061-1062.

³Congressional Record Appendix, XCVI (1950), p. A8011.

⁴"Federal Aid to Education," Congressional Quarterly Special Report, (Washington: Congressional Quarterly Inc., 1961), p. 4.

The year 1950 saw passage of two aid to education bills, Public Laws 815 and 874. These laws provided for federal aid for school construction and compensation for the loss of revenues or added expenses due to acquisition of federal property within districts, attendance of children whose parents reside on or are employed on federal property, and increase in enrollment due to federal activities.¹

The religious controversy over federal aid to education reached a climax in 1950, and contributed significantly to a political stalemate. After passing Public Laws 815 and 874, consisting of limited aid to public education in federally impacted areas, Congressional interest in educational aid shifted to the off-shore oil lands of Texas, California, and Louisiana.

Supreme Court decisions affecting the ownership of off-shore submerged lands included the California case of 1947² ruling that ownership of this three mile marginal belt of submerged coastal lands rested in the United States government, and a similar decision in the Louisiana case in 1950.³

Attempts to secure state ownership of submerged lands during the Truman administration resulted in Presidential

¹Congressional Record Appendix, XCVI (1950), p. A8011.

²United States v. State of California, 332 U. S. 19 (1947).

³United States v. State of Louisiana, 339 U. S. 699 (1950).

vetoed based on the theory of United States governmental ownership of such lands. President Truman vetoed H. J. Res. 225, releasing claim of the United States to "lands beneath tide waters,"¹ and S. J. Res. 20, which would have substantiated state ownership of these lands.²

Groups favoring state ownership of submerged lands included the United States Chamber of Commerce, many local Chambers of Commerce, the Independent Petroleum Association of America, the American Bar Association, the Texas Bar Association, the Interstate Oil Compact Association, the Conference of Governors, the National Association of Attorneys General, the National Association of State Land Officers, and the American Association of Port Authorities.³

Representative Yorty (California), in a statement prophetic of the course of events to be followed under the Eisenhower administration in 1953, based the claim for state ownership on history and ownership since colonial times. He argued that the original thirteen colonies owned at least the three mile strip of land under coastal waters, that no transfer to the federal government was ever made, and that

¹Congressional Record, XCVII (1951), p. 8735.

²Ibid., XCVIII (1952), p. 6254.

³Congressional Quarterly Almanac, 82nd Congress, 2nd Session, VIII (Washington: Congressional Quarterly Inc., 1952), pp. 336-337.

whatever was not given to the federal government by the federal Constitution belonged to the states.¹

Claims of selfish motives and of influence by large oil interests on the coastal states involved were charged in the following statement:

The tidelands States, urged on by the big oil companies, then decided they wished the States rather than the Federal Government to control these riches. The theory, apparently, of the big oil companies was that they could get more out of the tidelands States than they could get out of Uncle Sam.²

Several unsuccessful attempts were made to secure revenues from off-shore oil lands for educational purposes. On January 8, 1951, a bill was introduced by Langer (S. 140), proposing to "establish a Federal waterlands reserve and to provide for aid to the public schools with a portion of the receipts therefrom."³ The bill was referred to the Committee on Interior and Insular Affairs.

An attempt to compromise and facilitate passage of oil for education legislation was made by Senator Hill (Alabama), who proposed an amendment providing for: (1) giving 37½ per cent of the revenues from off-shore lands to the states whose coast was involved, (2) using the remainder for national defense purposes until the end of the Korean

¹ "States Should Win Tidelands Oil Fight," Congressional Record Appendix, XCVII (1951), p. A5302.

² "Who Wants to Grab in the 'Big Grab'," Ibid., A2021.

³ Congressional Record, XCVII (1951), p. 88.

emergency, and (3) thereafter using revenue from such sources for federal aid to education.¹ The Hill amendment, incorporated in S. J. Res. 20, was rejected by tabling,² and the resolution was vetoed by President Truman on May 29, 1952.³ Similar attempts to secure such funds for educational purposes were likewise unsuccessful.⁴

The drive for public funds for parochial schools in the immediate post-World War II years was made principally at the national level, and had as its main objective the securing of part of the federal aid for schools which appeared to have excellent chances for passage. The drive was almost exclusively Catholic, and was led by the National Catholic Welfare Conference. The offensive drive was based largely on theology, historical precedent, and a favorable interpretation of the Federal Constitution.

The theology on which much of the Catholic drive was based derived from the Papal Encyclical on Education of Pope Pius XI in which the following statements were made:

And first of all education belongs pre-eminently to the Church, by reason of a double title in the supernatural order, conferred exclusively upon her

¹Ibid., p. 9098.

²Congressional Quarterly Almanac, VIII (1952), p. 336.

³Ibid.

⁴Congressional Record, XCVII (1951), p. 8503.

by God himself; absolutely superior therefore to any other title in the natural order. . . .¹

By necessary consequence the Church is independent of any sort of earthly power as well in the origin as in the exercise of her mission as educator, not merely in regard to her proper end and object, but also in regard to the means necessary and suitable to attain that end. . . .²

Accordingly in the matter of education, it is the right, or to speak more correctly, it is the duty of the State to protect in its legislation, the prior rights, already described, of the family as regards the Christian education of its offspring, and consequently also to respect the supernatural rights of the Church in this same realm of Christian education. . . .³

And let no one say that in a nation where there are different religious beliefs, it is impossible to provide for public instruction otherwise than by neutral or mixed schools. In such a case it becomes the duty of the State, indeed it is the easier and more reasonable method of procedure, to leave free scope to the initiative of the Church and the family, while giving them such assistance as justice demands.⁴

Catholic historical precedent dates back to the early part of the nineteenth century, when Protestantism was charged with abdicating its traditional claim to church control of education by turning over the educational burden to the state during the second quarter of the nineteenth century, thus leaving the Catholic system of schools as the exclusive heir to popular elementary education.⁵

¹ Christian Education of Youth, Official and Complete Text of the Encyclical of His Holiness Pope Pius XI (1929), p. 6.

² Ibid., pp. 7-8.

³ Ibid., p. 16.

⁴ Ibid., p. 31.

⁵ Francis Xavier Curran, The Churches and the Schools: American Protestantism and Popular Elementary Education (Chicago: Loyola University Press, 1954).

A friendly interpretation of the Constitution was based principally on the thesis that the First Amendment prohibited only the establishment of a single religion, and that cooperation between church and state in the form of aid to all religions was permitted.

The Protestant position was defensive in that it considered the principle of absolute separation of church and state to have been firmly established by the First Amendment, and that federal aid to any and all churches was prohibited thereby. Certain aspects of European history were cited as proof of the undesirable nature of education under the auspices of the church:

Anyone who knows history, particularly the history of Europe, will, I think, recognize that the domination of education or of government by any one particular religious faith is never a happy arrangement for the people.¹

Summary and Conclusions

It is evident that a considerable number of Protestants and allied groups feared the further intrusion of Catholics into the public purse, resented the inroads already made, and feared the secularism of the neutral public school. It is likewise evident that many Catholics also feared the secularism of the public school, resented the residue of Protestantism remaining in many public schools, and wished to

¹"Mrs. Roosevelt Replies to the Cardinal," Christian Century, LXVI (August 10, 1949), p. 931.

secure public funds for the operation of at least a part of their schools.

Catholic forces were determined to block federal aid to public schools unless they, too, could participate. Although they were a minority religion, they were more closely knit than most Protestant groups, and in alliance with other groups who opposed all federal aid to schools, their power to block undesirable legislation was sufficient.

Public school forces were in the majority, but were not united in regard to federal aid to schools, and were unable to push through Congress legislation providing federal funds for public schools only. It is also evident that as a whole they were determined to block federal aid which would include parochial schools, and in coalition with groups who opposed all federal aid to education, they too were able to block legislation unfavorable to their viewpoint.

If Catholics were guilty of primary responsibility in blocking legislation unfavorable to them, and if public education forces were likewise guilty of blocking legislation unacceptable to them, then both groups were guilty of participating in the creation of a situation in which the quality of education for all children was being held down.

CHAPTER IV.

AID TO EDUCATION - THE EISENHOWER YEARS

(1953-1960)

Following the shelving of school construction bills and the passage of Public Laws 815 and 874 in 1950, the controversy over the religious aspects of federal aid to education appeared to subside in Congress. In actual fact, however, the controversy continued within such groups as the National Education Association,¹ religious organizations,² and various groups whose principal purpose was to promote low tax rates.³

¹J. Hartt Walsh, "Wall of Separation," National Education Association Journal, XXXIX (February, 1950), pp. 99-101.

Elwood P. Cubberley, "The Battle to Eliminate Sectarianism in the Public Schools," (Reprinted), Ibid., XLI (April, 1952), pp. 228-230.

Forrest Rozzell, "Why I Believe in Federal Aid," Ibid., XXXIX (October, 1950), pp. 502-503.

²F. Ernest Johnson, "Religion and Public Education," Vital Speeches, XVI (March 1, 1950), pp. 311-314.

Walter D. Cavert, "When Parochial Schools Failed," Christian Century, LXXIV (November 13, 1957), pp. 1349-1350.

³"Statement of New Jersey Taxpayer's Association," United States of America Congressional Record Appendix, XCVIII (1952), p. A749.

During the last two years of the Truman administration and the first year of the Eisenhower administration, Congressional interest in education moved toward the use of income from off-shore oil lands for educational purposes. Several proposals were made for the earmarking of proceeds from such sources for grants in aid for education, but all were defeated. The evidence seems to indicate that the desire for individual and corporate gains from submerged oil land royalties was a major factor in preventing the use of such funds for educational purposes.¹

From 1954 through 1960, reluctance of the Eisenhower administration to enact bills providing federal aid to education, and racial segregation brought to the front by the United States Supreme Court decision in 1954,² were factors of major significance in the federal aid to education controversy. Southern segregationists who feared participation of the federal government in education as a threat to the entire pattern of racial segregation in the South could be expected to unite in a position of opposition to all federal aid to schools.³ Such a division in Democratic ranks along with

¹"President Should Not Block Tidelands Solution," Ibid., XCIX (1953), p. A28.

²Brown v. Board of Education, 347 U. S. 483 (1954).

³"S. J. Resolution 189," Congressional Record, XCVI (1950), pp. 9043-9044.

opposition from conservative and reactionary groups could prevent the passage of any type of federal aid.

In 1955, President Eisenhower asked Congress for a program of loans for school construction involving a sum of \$7,000,000,000, but would have provided only some \$200,000,000 in grants for the equalization of educational opportunity in poor districts.¹ In almost one third of the states, state constitutions and laws would have prevented its operation. The proposal made no mention of aid to private, parochial, or to racially-segregated schools.²

Opposition to the Eisenhower proposal was widespread,³ not only in Congress but among both Catholic and non-Catholic religious elements and other interested groups. Catholics were displeased with the emphasis on school construction only and shifted from an offensive position of seeking federal aid to a defensive position of opposing federal aid. Observed

¹ Ibid., CI (1955), p. 1250.

² "President Proposes Federal Aid in School Construction," Christian Century, LXXII (February 23, 1955), p. 228.

³ A. M. Fernandez, "Banker's Bill," Congressional Record Appendix, CI (1955), p. A1121.

"The Administration's School Program," Ibid., p. A1598.

Carl Elliott, "Failure to Educate Young Americans Is Good News to the Russians Who Are Going Strong with Their Own Educational Program," Ibid., p. A1614.

Congressional Record, CI (1955), p. 1425.

Ibid., p. 11745.

one writer: "By shifting the focus of federal aid to construction, it leaves private schools out."¹ Displeasure was also expressed because the President did not at least acknowledge the educational contributions of the private schools. National Education Association witnesses appearing before the Senate Education and Labor committee were critical of the "red tape" involved in the administration of the program, and stated further that they: "could find little to say in praise of President Eisenhower's proposed school building plan."²

Perhaps the most devastating attack was made by Strout, who was both facetious and sarcastic as he reviewed the Eisenhower years and criticized the failure to take action in the area of federal aid to the schools:

The President frankly concedes that education is a fine thing but far better have firetrap schools and illiterate teachers than let the public sip the Treasury cup that intoxicates and kills.³

And in regard to the loan program proposed by the administration Strout commented that:

The Federal government would underwrite state and local IOU's for sale to banks. It was a banker's bill. The Treasury would get back all it advanced but 220 million.⁴

¹"Federal Role in School Aid," America, XCII (1955), p. 549.

²"Educators Hostile to School Aid Proposal," Christian Century, LXXII (March 2, 1955), p. 261.

³Richard L. Strout, "The Big School Scandal," The New Republic, CXLI (September 19, 1960), pp. 11-12.

⁴Ibid.

In 1956, a bill (HR 7535) calling for federal matching grants for school construction and for a revolving fund to purchase school bonds, which had been reported by the House Education and Labor committee the previous year, was killed on the House floor.¹ The death of the bill was blamed on an amendment by Adam Clayton Powell (D., N. Y.) prohibiting such aid to states operating racially segregated schools.² Republicans who were opposed to the bill were accused of a deliberate maneuver in which they voted for the anti-segregation amendment, knowing that the amendment would align Southern segregationists with them in their final vote against the bill itself. The New Republic editorialized:

The adroit GOP maneuver was a brilliant success and showed that race is just as potent as religion in preserving the children from insidious federal aid.³

As had been predicted by Childs in 1947, a coalition of conservative Republicans and Southern segregationists proved successful in defeating federal aid to education.⁴

Again in 1957, the President renewed his request for a federal aid to education program in a message to Congress

¹Congressional Record, CII (1956), p. 11884.

²"Federal Aid to Education," Congressional Quarterly Special Report, Washington: Congressional Quarterly Inc., 1961), p. 5.

³Strout, The New Republic, CXLIII (September 19, 1960), pp. 11-12.

⁴John L. Childs, "Spiritual Values in Public Education," Teacher's College Record, XLVIII (March, 1947), p. 372.

delivered on January 28, 1957.¹ A compromise bill (HR 1) designed to reconcile differences between a Democratic bill and the Eisenhower proposal was offered by an opponent of the bill, Representative Wainwright (R., N. Y.)² in an obvious attempt to weaken the bill's chance of passage. The Democratic majority was again split by the segregation issue, and the final vote was 97 Democrats and 111 Republicans voting to kill the bill and 126 Democrats and 77 Republicans voting against killing it.³ President Eisenhower was also criticized for failing to exercise leadership for passage of aid to education, and the race issue was once again blamed as the deciding factor in the defeat of an education bill.⁴

It is pertinent to note that criticism in some of the Protestant and Catholic journals concerning the killing of federal aid bills was directed against the race issue rather than against religion, as had been the case only a few years earlier. For example:

It is hoped that Congressman Powell will think twice before victimizing the nation's children by playing politics with our hard pressed schools.⁵

¹Congressional Record, CIII (1957), p. 1012.

²Ibid., p. 12734.

³Ibid., p. 12769.

⁴"Death of the School Bill," Commonweal, LXVI (August 9, 1957), pp. 461-462.

⁵"School Aid Again Major Issue," Christian Century, LLXXIV (January 16, 1957), p. 67.

Catholic offensive pressures for educational aid appeared to be revived in Congress early in 1958. Shortly after a two-day meeting in Rome of Jesuit leaders from throughout the world, a demand was made that Roman Catholic schools not be barred from any federal aid passed by Congress. It seems, in light of the evidence, that the new drive for public funds was being headed by the Jesuit Education Association rather than by the National Catholic Welfare Conference which had led the attack a few years earlier. During a meeting of twenty-eight Jesuit College presidents, E. B. Rooney, President of the Jesuit Education Association, issued a statement urging across-the-board federal aid for all students and institutions.¹

A writer in America cited the rather general agreement that the federal government must soon give aid to education and also stated the Catholic position in favor of direct, unqualified grants to the states, to be distributed in the same pattern as funds disbursed under the Federally Impacted Area bills.²

In 1959, a number of educational aid bills were introduced in Congress.³ Among these was an administration

¹"Jesuits Seek Public Aid for Catholic Schools," Christian Century, LXXV (January 15, 1958), pp. 67-68.

²"Two Types of Federal Aid," America, XCIX (May 17, 1958), pp. 216-217.

³Congressional Record, CV (1959), p. 279.

backed plan to help school districts pay off long-term school construction bonds and a more generous Northern Democrat-sponsored bill providing grants for both school construction and teachers' salaries. A House Education and Labor Committee bill (HR 22),¹ also calling for grants to the states for school construction and teachers' salaries, was proposed. A hint of Catholic opposition to these bills was contained in an article appearing early in the year stating that: "it is a safe bet that none of these measures in its present form will become law."²

Firm religious opposition to these bills providing aid to public schools only was registered a few months later when it was admitted that although Catholic editors had in the past favored bills providing temporary aid designed to meet specific educational needs, the present Murray-Metcalf bill contained weaknesses and implications which required Catholic opposition. The writer questioned the necessity for federal grants for classroom construction on the basis that many communities had already caught up, or were rapidly catching up in their school building programs.³ Opposition to the granting of federal money for teachers' salaries was

¹Ibid., p. 29.

²"Federal Aid Report," America, C (February 28, 1959), p. 620.

³"Against the Murray-Metcalf Bill," Ibid., CI (May 9, 1959), pp. 296-297.

based on the thesis that such aid could not be temporary in nature, and on the theory of local support and control. And further rationalizing their objections:

Our American tradition has always been one of local responsibility for community services. That is why we have local police, local firemen and local sanitation crews--all of whom, as a matter of fact, could put in just as strong a claim for Federal aid as the teachers.¹

In spite of formidable opposition, a substantial federal aid to education bill came close to passage in 1960. The Eisenhower administration was still backing a loan bill, but the Senate and the House both passed substantial aid to education bills. The Senate bill (S 8),² providing for \$1,800,000,000 in grants for school construction and teachers' salaries, was almost amended to provide a more liberal \$1,100,000,000 per year for an indefinite period of time for the same purposes. The amendment was defeated, however, with Vice-President Nixon casting the tie-breaking vote.

The House of Representatives passed a bill (HR 10128) providing for grants for school construction only. The bill had no equalization formula, and contained a Powell anti-segregation amendment.³ Facing the threat of a Presidential veto, the House Rules Committee, in effect, vetoed the bill

¹Ibid., p. 297.

²Congressional Record, CVI (1960), pp. 1765 and 2093.

³Ibid., pp. 11302 and 11310.

by refusing to allow a conference committee to compromise the differences between the two bills. Remarkably:

This was the first year since 1950 in which the Senate passed a school construction bill and the first time the House had ever passed one. Even had the legislation not been balked in the Rules Committee, its provision of direct federal grants was expected to lead to a Presidential veto, as President Eisenhower was still backing a debt-service plan.¹

One writer summarized the situation as follows:

"Once more the conservatives had 'clobbered' the kids."²

In spite of the religious and segregation barriers, the negative, conservative position taken by the Eisenhower administration was a principal factor in preventing the passage of substantial federal aid for public schools in 1960.

The Catholic drive for educational aid at both the state and local levels appeared to increase in intensity after 1950, and both positive and negative methods were used.

In the positive drive for parochial school aid, the theory of double taxation and the consequent saving of public tax funds was often used. An example of attempts made by the pro-Catholic press to capitalize on the concept of public tax relief afforded by Catholic parochial schools is found in an article stating that Catholic schools in the Boston archdiocese save taxpayers \$28,500,000 annually by providing education

¹"Federal Aid to Education," Congressional Quarterly Special Report, p. 5.

²Strout, The New Republic, CXLIII (September 19, 1960), p. 12.

for Catholic children who would otherwise have to be educated in public schools.¹ In another publication, New York City Controller Lazarus Joseph was quoted as saying that if New York City public schools should have to absorb the children being educated in Catholic schools the cost would be \$425,000,000 for buildings and equipment and \$110,000,000 annually for maintenance and operation. Joseph was quoted as believing that parochial schools should receive: "more public encouragement."² A Protestant publication quoted Joseph, when speaking to a fund raising dinner of the Jesuit Seminary Association, as saying that the city should grant financial aid for the building of parochial schools as a remedy for overcrowding in public schools. He was further quoted as calling any who oppose such aid on Constitutional grounds "bigots."³

As a rule, Catholics were rather indifferent to the issue of aid for school building construction. One reason for such indifference may have been the apparent difficulty in recruiting teachers for the parochial schools. Although Cardinal Stritch viewed school building inadequacies as a significant problem, he referred to the recruitment of

¹"Catholics Lighten School Taxes," America, XCI (September 25, 1954), p. 606.

²"What Catholic Schools Save New York City," Ibid., LXXXI (June 13, 1956), p. 289.

³"New York City Official Favors Tax Aid for Parochial Schools," Christian Century, LXX (June 10, 1953), p. 685.

teachers as a more difficult problem.¹ Certainly any massive program of building for the parochial schools would result in the compounding of the already difficult problem of recruiting teaching personnel. The Associate Secretary of the National Catholic Education Association indicated an overextension of the parochial school when he stated:

Already in so many cases we have made commitments in building, plants, faculty, academic programs that it is almost impossible to retrace our steps. . . . Unfortunately, many of these commitments may have been made without due consideration of our resources, now or in the future.²

McDonald concurs regarding the shortage of teachers and adds still another problem, that of the economic limitations of the Catholic family. He illuminated this latter point by saying:

One Catholic father was delighted when his eighth-grade son met the stiff entrance examination requirements of a Catholic High School in his community, but at the same time he winced at the tuition fee, well in excess of \$300 a year.³

He listed \$600 per year which the Catholic parent was reportedly paying for public school taxes along with the fact that he had a total of five children of school age as evidence that the limits of financial ability of Catholic families

¹"N. C. E. A. Looks Ahead," America, XCI (May 8, 1954), p. 155.

²"Sisterpower Shortage," Ibid., CIII (May 21, 1960), p. 272.

³Donald McDonald, "Second Thoughts (Can We Keep On Paying for Catholic Schools?" America, CII (March 26, 1960), pp. 760-761.

had been reached in many cases. Rather than making the usual suggestion of abandoning the whole or a part of the Catholic educational system, McDonald recommended: (1) helping of the poor by the rich, (2) relieving of tax burdens of Catholic families, and (3) a pooling of Catholic academic facilities.

A number of plans have been proposed for relieving the tax burden of Catholic families. Dyer presented a case for income tax deductions for tuition, or at least the religious part of the tuition charge, such as the cost of operating chapels, religious courses in the curriculum, etc. His case was based on the fact that contributions to other religious enterprises are tax exempt.¹ Another plan was proposed by Thomson in which redeemable certificates would be issued to each family to "spend" wherever it might choose. Justification of the plan was based on the promotion of freedom of choice for the individual family, and the removing of existing inequalities suffered by those in religious schools.²

Negative methods used in the drive for public financing of parochial schools consisted mainly of attacks upon the public school system. Some of these were direct attacks while others were of an indirect nature, and in many instances consisted of giving silent support to attacks upon the public

¹Frederick C. Dyer, "Tuition or Donation," Ibid., CII (November 14, 1959), pp. 192-193.

²Procter Thomson, "Redeemable Certificate," School Review, LXIII, 4 (1955), p. 189.

school system by groups whose principal purposes might be entirely different from those of the parochial schools.

The issue of religion in the public schools afforded opportunities for both direct and indirect attacks. At the present time public schools are under attack for failure to pay more attention to religion in the curriculum. They are also under attack for maintaining elements of religion in the schools. The public schools are therefore put in the unenviable position of being caught up by both sides of the controversy.¹

Theoretically, the public schools are neutral institutions designed to serve the educational needs of all the people. As a matter of fact, however, they have all too often reflected the religious sentiments of the majority of the population of the community in which they exist without regard to the beliefs of any minority religious group that might be represented. As the religious plurality of the nation increases, so does the problem of religion in the schools.

Historically, the Roman Catholic church has resented and feared the manifestations of Protestantism remaining in the public schools. McCluskey frankly admits that when the public schools were experiencing their historic period of

¹V. T. Thayer, American Education Under Fire, (New York: Harper & Brothers, 1944).

V. T. Thayer, Public Education and Its Critics, (New York: The MacMillan Company, 1954).

growth and development in the second quarter of the nineteenth century, Catholic bishops feared that Protestantism would dominate the system, and states that the Catholic school system was organized to protect "leakage" of Catholic membership to Protestantism.¹ At the present there is evidence to indicate resentment of the Protestant elements stubbornly remaining in many public school systems, and instances of religious controversy have resulted.² Catholic students and parents were banned from participation in the Portland, Maine Public Schools baccalaureate programs because they were considered to be religious affairs which always reflected New England Congregationalism with prayers by Protestant ministers, hymn singing, and reading from the King James version of the Bible.³

There is also evidence to indicate that large numbers of Catholics now fear the secularism, neutrality, and the lack of religious teaching in the public schools. Notes Donohue:

But if in 1907 Catholics wanted public education freed from sectarianism, in 1957 they think that it may suffer from a more dangerous neutralism which

¹Neil G. McCluskey, Catholic Viewpoint of Education, (Garden City: Doubleday Inc., 1960).

²William W. Brickmann, Religion, Government, and Education, (New York: Society for the Advancement of Education, Inc., 1961). Chapter VIII. Baccalaureate in Brodhead: Interfaith Tension.

³"Banned Baccalaureate," Commonweal, LXVIII (April 11, 1958), p. 29.

really propagandizes for the secularistic conviction that religion is irrelevant to life.¹

Protestants and other non-Catholics are also divided on the question of religion in the schools. Practically all Jews, agnostics, atheists, and a number of Protestant sects also resent the inclusion of religious practices in the public schools. Christians, Jews, and agnostics were involved in a controversy in Miami, Florida in which the public schools were accused of advancing Christian ideas through Bible reading, pageants, prayer, and a long list of other means. A liberal viewpoint was expressed in the Christian Century, stating that Protestants often:

Find it difficult to accept the idea that their own long-accepted practices violate the Constitutional provisions requiring full separation of church and state. . . . We hope Protestants have the grace to acknowledge that they have been wrong and the will to find legal ways to give the religious instruction which is the right of every child.²

A more conservative viewpoint was expressed editorially concerning a court suit supported by the American Civil Liberties Union and the American Jewish Congress arising from the same religious problem in the Miami public schools. The editor stated that the court battle was being waged by the same groups who opposed released time for religious instruction, references to God in moral and spiritual matters, and

¹John W. Donohue, "Yesterday's Problems Today," America, XCVII (September 7, 1957), pp. 580-583.

²"Miami Battles Over Religion in Schools," Christian Century, LXXVII (August 3, 1960), p. 894.

who opposed cooperation between public schools and churches, and ended with the quotation: "We cannot wish them success."¹

Evidence also exists to indicate a growing interest among some Protestants and non-Catholics in the nineteenth century concept of the establishment of their own system of parochial schools. Cavert stated that:

The widespread feeling that something is lacking in the total program for education for American children has led to a growing interest in Protestant parochial schools. While accurate statistics are not readily available, it is safe to say that the number of such schools has greatly increased since the last war.²

There is also evidence to indicate that some Protestants have broken with traditional opposition to the use of public funds for parochial schools.³ It should be pointed out that these tendencies are apparently representative of only a small segment of Protestantism, but they are indicative of the hazards of fragmentation and debilitation of the public school system that might result from an expansion of the parochial school concept.

Catholics are also accused of attacks against the public schools by charging that they are irreligious. Such attacks are apparently designed to weaken and to discredit

¹"What's at Stake in Florida?" America, CIII (August 6, 1960), pp. 510-511.

²Walter D. Cavert, "When Parochial Schools Failed," Christian Century, LXXIV (November 13, 1957), p. 1349.

³Allan Hart Jahsmann, What's Lutheran in Education, (St. Louis: Concordia Publishing House, 1960).

the public school system. Caswell counterattacked with the statement that public schools are universally friendly to religion and challenged those who accuse to come forward with evidence:

Attacks are being made on the schools . . . because the battle for a single, nonsectarian, tax-supported public school system is being fought a second time. Those who seek to support with public funds a dual system under church control seem to think misrepresentation of the public schools as irreligious is necessary to that end. The American people ought to have less difficulty in seeing through these tactics than some of them do.¹

Such attacks were seemingly admitted by Cardinal Stritch, archbishop of Chicago, in an appearance before 12,000 Catholic educators when he expressed a lack of sympathy with what he called unreasonable attacks on public schools. He manifested a moderate approach to the situation as he expressed his concern for public education:

Our interest in our public schools is keen, alert and is a very part of our interest in the public welfare of our country and of our communities.²

Attacks upon the public schools by secular groups whose purposes and objectives are different from those of religious groups are none the less destructive of the welfare of the public school. The fear of Communism and the accompanying charges of subversive activity apparently masked

¹"Denies Public Schools Are Irreligious," Christian Century, LXX (January 28, 1953), p. 99.

²N. C. E. A. Looks Ahead," America, XCI (May 8, 1954), p. 155.

other motives in attempts to weaken or gain control of the public schools. The "Minute Women" of Houston, Texas apparently acted on signal and were involved in the campaign leading to the dismissal by the Houston Board of Education of assistant superintendent George W. Ebey. Ebey was first charged with disloyalty, exonerated, then dismissed on the basis of being a controversial figure because he wouldn't "attack Communism".¹

Another attack upon public education was made by the American Legion when it accused the National Education Association and leading public educators, particularly those connected with Teachers' College, Columbia University, of propagandizing socialism.² A report of the National Education Association Defense Committee was cited as noting an increase in the number, variety, and violence of attacks on public education. Said the National Education Association: "Smearing the public schools has been made into a lucrative racket by some practitioners of the big lie."³ The question was raised as to whether or not the American Legion had become the tool of these forces, and concluded by asking the

¹"School Man Fired as Controversial," Christian Century, LXX (August 5, 1953), p. 885.

²Irene Corbally Kuhn, "Your Child Is Their Target," American Legion Magazine, LII (June, 1952), p. 18.

³"Is Your Child the Legion's Target?" Christian Century, LXIX (July 16, 1952), p. 821.

question of who stands to benefit from these attacks on the public schools?

A list of resolutions taken from the 1952 convention of the American Legion included the following policies and objectives:

1. Violent attacks on the United Nations;
2. Veto of admission of Red China to the United Nations;
3. Criticism of Air Force policy under the Eisenhower administration;
4. Support for universal military training;
5. Opposition to federal grants to those not taking loyalty oaths;
6. Opposition to federal aid to any school whose textbooks were not guaranteed to be free from "taint";
7. Requiring United States history at all school levels, elementary through university;
8. Opposition to any scheme to impair United States sovereignty;
9. Opposition to the admission of any more displaced persons;
10. Support for the Bricker amendment;
11. Refusal to amend its constitution to bar racial discrimination from subsidiary organizations;
12. Request for an investigation of the American Civil Liberties Union, the Young Men's Christian Association,

the Young Women's Christian Association, religious, educational, labor, and governmental organizations which have been infiltrated with "Communist elements and other socialist handmaidens"; and

13. Unalterable opposition to the Consumers Union and its reports.¹

On the basis of such evidence, it appears that this group was interested in securing either direct or indirect control of education.

Joseph C. Harsch referred to the activities of the Senate Investigating Committee led by the late Senator McCarthy.² A writer in the Christian Century reviewed Harsch's editorial and stated:

Protestants . . . are beginning to see evidence in the wholesale discharge of 'security risks' from government posts in Washington 'that the open Roman Catholic attack on Communism spearheaded by Senator McCarthy actually is directed as much against Protestantism at home as it is against the Kremlin abroad; even that Roman Catholic fervor against Communism may turn out in the end to be primarily a vehicle for an assault on Protestantism.'³

The drive for economy in government was also a factor helping to weaken support for the public schools. This drive, with consequent squeezing of aid to education in the budget,

¹"Portrait of the Legion," Ibid., LXX (September 23, 1953), p. 1068.

²Christian Science Monitor, November 10, 1953.

³"The Monitor Bomb," Christian Century, LXX (November 25, 1953), p. 1350

was supported by the United States Chamber of Commerce, whose education committee charged in 1957 that no classroom shortage existed, and that the program of federal aid for classroom construction was only a device for gaining federal control of education. Opposing the Chamber of Commerce stand were such groups as labor organizations, church groups, parent-teacher associations, and the National Education Association, all of whom have a record of support for education. The Christian Century summarized as follows: "They speak for children. For whom does the United States Chamber of Commerce speak?"¹

While many of these prejudicial attacks on public education have no direct relationship to religious groups, some of them may have an indirect relationship, and all of them are related to the extent that weakening of the support of public education would have the inverse effect of relatively strengthening the position of a competitive system.

The movement among Southern segregationists to establish private, racially segregated schools contributes to a situation giving negative support to the private-parochial school movement in general. While Catholics have generally taken a position of leadership in regard to racial integration of their schools in the South, all Protestants have not responded in kind. In spite of Baptist and Methodist

¹"Children to Be Victims of Tax Cut Drive?" Ibid., LXXIV (April 3, 1957), p. 412.

opposition, in 1954 the State of Georgia adopted a "private school" amendment pointing toward a system of Protestant parochial schools with state support: "Dedicated to the proposition that all men are not created equal and that there must be a perpetual line drawn between the superior and the inferior races."¹

The following year the Virginia state legislature voted to hold a referendum concerning the calling of a constitutional convention for the purpose of amending state laws to permit public funds to be used for the education of children in private schools. This move was an apparent attempt to circumvent the Supreme Court ruling on desegregation, and would open the way for the use of public funds for all types of parochial schools by the use of tuition grants from state and local revenues.²

A plan instituted in Prince Edward County, Virginia, was cited as an attempt to evade moral and civil law by the closing of twenty public schools.³ Such action was taken with the cooperation of Baptist, Methodist, Episcopal, and Presbyterian churches in Farmville, the county seat. These churches had agreed to house the private schools to be run by

¹"Georgia Adopts Private School Amendment," Ibid., LXXI (November 17, 1954), p. 1388.

²"Virginia to Vote on Scuttling Schools," Ibid., LXXII (December 14, 1955), p. 1452.

³Watkins M. Abbitt, "Prince Edward Rests Its Case," Congressional Record Appendix, CI (1955), p. A4240.

the Prince Edward Educational Corporation. Provisions were made by the Corporation for the 1600 white children in the county to attend the private school, but no provision was made for the 1860 negro children. Other inadequacies of the plan included the dropping from the curriculum of physical education classes, courses in home economics, business courses, a number of extra-curricular activities, and in the use of church kitchens as science laboratories. It is revealing to note that \$200,000 had been pledged to the Corporation, with more expected when the decrease in school taxes became effective.¹

The obvious lack of concern for long-range values exhibited by proponents of the private segregated school movement in Prince Edward County, and their un-Christian attitude in the abandonment of public schools are unmistakable moves toward the destruction of the public school system.

The Catholic drive for state and local aid for private education was based in part upon recognition of the manner in which the public good is served by the parochial school, and upon the right of such efforts to be supported by public funds. The likelihood of attaining such aid was viewed by some as being greater on the local level where public opinion may take on more of a parochial viewpoint. The case was further supported by the fact that no consistent

¹"Church Accessories to the Crime," Christian Century, LXXV (January 8, 1958), p. 35.

national policy has been followed with regard to public aid to religion. On the contrary, a patchwork of inconsistent patterns exist from community to community throughout the nation. The idea was also expressed that parochial school education is now less of a sectarian enterprise, that it has more of a common welfare nature, and is therefore more worthy of public support. McCluskey stated the case for identifying the local level as the most likely environment for supporting aid to sectarian education as follows:

History and sociology are perhaps more helpful here than principles of law or logic. For in what concerns governmental help to education, tradition and approved practices vary widely from country to country and, within the same country, from period to period. Commonly, the meaning of the terms involved depend pretty well on what people want them to mean. It is difficult, therefore, to find a uniform or consistent pattern of State aid to education even within our own United States.¹

It may well be that the inclusion of religion in the public schools tends to strengthen the concept of cooperation between church and school, and that United States Supreme Court decisions encouraging such cooperation² might conceivably open the way for the public financing of religious schools.

¹ Neil G. McCluskey, "How Much State Support," America, CI (September 19, 1959), pp. 722.

² Zorach v. Clauson, 343 U. S. 306 (1952).

Summary and Conclusions

The struggle for aid to education during the Eisenhower years was characterized by shifts in emphasis and by increasing alignments among various groups. Political and economic conservatism and segregation were significant factors in the impeding of large-scale programs of federal aid to education.

The drive for grants in aid for parochial schools was renewed in the latter part of the Eisenhower years, and was concentrated principally at the state and local levels. Both positive and negative methods were used. The negative methods were particularly vulnerable to alignment for the attainment of mutual objectives.

The negative methods used in the drive for public funds for parochial schools consisted principally of attacks on the public schools for the purpose of weakening them and rendering them impotent. While it has been indicated that some of these attacks were made by Catholic forces, it is evident that a number of vicious attacks on public schools were made by entirely different groups. Many of these attacks are related only in the common purpose of weakening the public schools.

It would then appear that whether or not any other purpose unites the various unwarranted attacks on the public schools, all of the forces involved are united under the common denominator of subverting the public school system. If

the institution of the public school in the United States is one of the basic institutions undergirding democratic society-- and such is herein assumed to be the case--, then it follows that those groups seeking to weaken or to destroy the public school system are likewise united in an undemocratic spirit and endeavor.

CHAPTER V

AID TO EDUCATION: THE KENNEDY YEARS (1961-1963)

The stage was set in 1960 for a continuation of the federal aid to education controversy with the adoption of the platforms of the two major political parties. Educational aid became one of the major issues in the presidential campaign with both parties pledged to federal aid, but with a wide range of differences embraced in the proposed plans. The platform of the Democratic Party called for a program of grants to the states for educational needs of the greatest urgency, including classroom construction and teachers' salaries. The Republican Party platform called for a program of school construction in elementary and secondary schools based on the real needs of the various school districts. The Republican program called for state approval and state financial participation, and made no mention of teachers' salaries.¹

With the election of John F. Kennedy to the Presidency, new factors were injected into the federal aid to education controversy. A significant number of Protestants and

¹Kirk H. Porter and Donald Bruce Johnson, National Party Platforms, 1840-1960, (Urbana: University of Illinois Press, 1961), pp. 574-640.

other non-Catholics were concerned with the impact President Kennedy's religion might have upon educational issues in spite of reassurances from the candidate during his campaign as to his views on the subject. The following quotations from a pre-election campaign speech before the Greater Houston Ministerial Association in Houston, Texas, are indicative of his convictions concerning his personal religious views and his commitments should he be elected to the Presidency:

I believe in an America where the separation of church and state is absolute--where no Catholic prelate would tell the President (should he be Catholic) how to act and no Protestant minister would tell his parishioners for whom to vote. . . .

I believe in an America that is officially neither Catholic, Protestant, nor Jewish. . . .

I ask you . . . to judge me on the basis of my record of fourteen years in Congress--on my declared stands against an ambassador to the Vatican, against unconstitutional aid to parochial schools and against any boycott of the public schools. . . .

Whatever issue may come before me as President. . . I will make my decision in accordance with these views, in accordance with what my conscience tells me to be in the national interest and without regard to outside religious pressures or dictates. And no power or threat of punishment could cause me to decide otherwise.¹

President Kennedy was caught between two fires early in his term as President. In addition to the suspicions of some Protestants and non-Catholics, he was subjected to attack by the hierarchy of his own Catholic church. On January 17, 1961, Cardinal Spellman criticized the President's \$5,800,000,000 aid to public education proposal on the basis

¹"Test of Religion," Time, LXXVI (March 24, 1961), p. 21.

of an interpretation of the First Amendment which would be useful as a means to "preserve freedom and justice, not to serve as a pretext for taxing a constitutional right out of existence."¹ Cardinal Spellman alleged that when taxes were low the matter was not of particular concern, but if a massive federal aid to education program omitting Catholic schools should become a reality, the religious minded parent would have to pay for his children's education from his own resources while paying higher taxes for public education. The constitutional right established by the United States Supreme Court in the Oregon case², concerning the right of the parent to educate his children, was on the way to becoming an empty phrase.

Cardinal Spellman continued his attack on the Kennedy aid program, charging discrimination against parochial school children that would deprive them of freedom of mind and of religion, and which would be equivalent to thought control. He predicted that pressure for aid to parochial schools would increase due to the efforts to improve public schools, and cited Catholics as a delaying influence.³

¹"Freedom to Educate," America, CIV (January 28, 1961), p. 552.

²Pierce v. Society of Sisters, 268 U. S. 510 (1952).

³"A Regrettable Revival," Christian Century, LXXVIII (February 1, 1961), pp. 131-132.

Time, in an article outlining the proposed educational program for public schools only, and citing Cardinal Spellman's statements of a God-centered education, thought control, and double taxation for Catholics, suggested a compromise solution in the form of direct grants to students modeled after the "G. I. Bill of Rights," Public Laws 346 and 679.¹

Other Catholic disagreement with the views of President Kennedy was revealed in a suggestion for relieving the double-tax burden of Catholic families by allowing individual tax-payers to pay school taxes to the school of their choice, citing as reference a similar plan in operation in Ontario, Canada. The author admitted the possibility of a Constitutional barrier to his plan, but flatly disagreed with the President in his statement that public aid to parochial schools would be unconstitutional.²

On February 20, 1961, President Kennedy sent a message to Congress requesting the enactment of a program of educational finance consisting of:

1. Grants of approximately \$2,300,000,000 over a three year period, to be distributed according to an equalization formula, and to be used principally for public elementary and secondary school construction and for teachers' salaries.

¹"The Cardinal's Claim, Time, LXXVII (January 27, 1961), p. 62.

²". . . And the Federal Aid Question," America, CIV (February 4, 1961), p. 580.

Ten per cent of the funds allocated to each state was to be used for special educational needs.

2. A five year program of college and university construction, providing for \$250,000,000 for residential housing and \$300,000,000 in loans for libraries, classroom construction, etc.

3. A five year program of student loans providing for a total of 212,500 loans with a maximum of \$1,000 each. The program was to be state administered, and was to provide for a free choice of program and college, and for an allowance to the college selected by the recipient of the loan.¹ The message plainly prohibited public funds for elementary and secondary parochial schools on the basis of its prohibition by the Constitution.

Bills providing for the President's educational aid proposals were introduced in the Senate (S 1021) by Wayne Morse (D., Oregon),² and in the House (HR 4970) by Frank Thompson, Jr. (D., New Jersey).³ The bills also provided for the extension of the impacted area program which was to expire on June 30, 1961.

Opposition to these bills soon appeared. The emphasis, probably due to President Kennedy's stand on the

¹United States of America Congressional Record, CVII (1961), p. 2429.

²Ibid., p. 7923.

³Ibid., p. 2918.

Constitutional prohibitions, shifted from the seeking of grants to the seeking of long term loans.

On March 3, 1961, the administrative board of the National Catholic Welfare Conference stated that unless the proposed bills were amended to include long term loans to private and parochial schools they would have no choice but to oppose them. A summary of the board's position was reported as follows:

1. Catholics are free to take any stand as to the need for federal aid to education;

2. If federal aid should be passed, distributive justice would demand that Catholic children should participate;

3. Long-term, low-interest loans to parochial schools are within the framework of the Constitution; and

4. Federal aid without such amendments would be discriminatory and would be opposed.

In addition to opposition of the Roman Catholic hierarchy, it was predicted that other groups would oppose federal aid to education for other reasons. Included among these groups were the following:

1. Economic conservatives, Republicans, and Southern Democrats who oppose all forms of massive spending by the federal government;

2. Political conservatives and states rightists who see "creeping socialism behind every bush"; and

3. Northern liberals and Negro leaders who feel that the proposals are not sufficiently strong in opposition to racial segregation.¹

It is relevant to note the susceptibility of some of these groups to mutual alignment for the purpose of furthering common goals and interests.

On March 8, 1961 President Kennedy stated at a news conference that he believed across-the-board loans, as well as grants, to private schools would be unconstitutional.² The contribution of this development to the increased complexity of the issue was summarized as follows:

Thus, to the bill's "natural" enemies in the House--conservative Republicans and Southern Democrats--who already posed a formidable threat to passage, was added the prospect of a sizable number of the House's 88 Catholic Members. Most of the Catholics were Northern Democrats and had voted for education bills in the past, but the strength of the controversy in 1961 could force them into a position of having to vote against the school bill unless private schools were also backed.³

The United States Constitution and the nineteenth century concept of separation of church and state provided a basis for wide divergence of opinion on educational aid among

¹"The Aid-to-Education Furor," Commonweal, LXXII (March 17, 1961), pp. 623-624.

²Public Papers of the Presidents John J. Kennedy 1961 (Washington: United States Government Printing Office, 1962), p. 156.

³"Federal Aid to Education," Congressional Quarterly Special Report, (Washington: Congressional Quarterly Inc., 1961), p. 6.

religious groups. Many Protestants and non-Catholics looked to the First and Fourteenth Amendments to the Constitution as absolute guarantees against any form of financial subsidy or aid to religious enterprises. Catholics often pointed to court interpretations of the Constitution favorable to their viewpoint. The Cochran case¹ and the Everson case² provided substantiation for the theory of cooperation between church and state in religious undertakings.

The position adopted by some Catholics in regard to the separation of church and state was characterized in the statement that the wall of separation "has always been and must be a fiction and an impossibility,"³ as illustrated by the long tradition of federal chaplaincies in the armed services, tax benefits for religious institutions, prayers in Congress, the pledge of allegiance, and other practices. Other examples of the indistinct line of separation between church and state in educational aid included federal loans and grants to sectarian colleges, federal loans to parochial schools, and the use of public funds for the transportation of parochial school children in a number of states.

Murray took a novel but extreme position on the issue of separation of church and state by recommending a

¹Cochran v. Louisiana State Board of Education, 281 U. S. 370 (1930).

²Everson v. Board of Education, 330 U. S. 1 (1947).

³Commonweal, LXXIII (March 17, 1961), p. 623.

reinterpretation of the Constitution. He stated that the usual means of preserving the principle of individual freedom of religion is by separation. However, when the usual means infringes upon the freedom of religion of the individual, as it was alleged to do in the case of double taxation and the prohibitive costs of parochial school education, the wall of separation was no longer a useful means and the Constitution would require reinterpretation in order to attain justice. He also enumerated ways in which public funds had been used for private schools, such as child-benefit loans and grants, state and federal veterans laws, and parts of the National Defense Education Act. His final point was that Constitutional means had been found to provide public aid at the college level, and he questioned whether or not such means could be found for the elementary and secondary levels. The inference appeared to be that the central problem in public aid for parochial schools was not to "get around" the Constitution but to "re-interpret" it.¹

O'Gara adopted a slightly different position in regard to the school aid question in that he admitted the controversy resembled too closely for comfort the bitter divisions along religious and class lines of European history, but expressed the opinion that once the Catholic case was stripped of excesses it deserved a more respectful hearing than was usually

¹James J. Murray, "What Is the Real Issue?" America, CIV (March 25, 1961), pp. 818-820.

given. His devotion to the First Amendment was slanted toward the provision of freedom to exercise religious beliefs rather than toward the prohibition of the establishment of religion.¹

An apparent attempt to reconcile the breach between the President and the Catholic bishops was made on March 2, 1961, when the theory of direct conflict between the two viewpoints was described as exaggerated and unfair. It was pointed out that the bishops refrained from expressing any opposition to general federal aid to public schools, granting to each individual Catholic the right to support such aid even if it should exclude parochial school children. The bishops expressed deep conviction, however, that the exemption of parochial school students from such aid would be discriminatory and that such discrimination would leave them no choice but to oppose it. It should be noted that the position of the bishops, while allowing Catholics freedom to decide on a matter of secondary importance, provided firm leadership in the matter of primary importance.²

Another editorial expressed regret that the Catholic controversy on federal aid got off to such a bad start by President Kennedy's statement that federal aid to parochial

¹James O'Gara, "The School Question," Commonweal, LXXIII (March 3, 1961), p. 602.

²"Bishops on Federal Aid," America, CIV (March 18, 1961), pp. 777-778.

schools was undebatable,¹ and by Cardinal Spellman's statement that it was unthinkable any American child would be denied federal assistance that might be available to other children simply because of his parents choice of a "God-centered" school. The author believed that there were possibilities of varying positions between the two extremes, and that debate, rather than being excluded, should be encouraged. In regard to the President's suggestion that partisan opposition to the bills should be withdrawn and special legislation introduced and debated on its own merits, the author stated that this was a concession Catholics might be called upon to make, and if necessary they should do so.²

Such widespread and powerful opposition to the Kennedy education program indicated something must be done to insulate the bills from their enemies. The apparent strategy of the administration with regard to the parochial school issue was to extend and expand the National Defense Education Act. Title III of this act provided grants to public schools and loans to private and parochial schools for teaching equipment in the fields of science, mathematics, and modern foreign languages. This section was to be extended and expanded to include equipment for physical fitness and for the construction of classrooms in which these subjects were to be taught.

¹Public Papers of John F. Kennedy, p. 142.

²"Aid-to-Education Debate," Commonweal, LXXIII (March 24, 1961), pp. 647-648.

Loans to private schools under this section would then be considered to be in the interest of national defense rather than across-the-board loans, as had been labeled unconstitutional by the President. The administration strategy in regard to segregationist opposition was apparently entrusted to Ribicoff, Secretary of the Department of Health, Education, and Welfare, who stated on a number of occasions that he would not withhold federal school aid from segregated school districts unless Congress specifically directed him to do so.¹

On May 25, 1961 the Senate passed the administration bill (S 1021)² and the House Education and Labor Committee reported its aid bill (HR 7300) a few days later.³ Neither of these bills provided for aid to private or parochial schools.

The strategy involving the Senate bill (S 1241) concerning the strengthening and extension of the National Defense Education Act, and which was designed to be acceptable to the Catholic viewpoint,⁴ was a source of concern to some. Advocates of the bill feared that the public school aid bill might be passed first, and that the National Defense Education Act bill might be killed later. The following quotation shows these fears were justified.

¹Congressional Record, CVII (1961), p. 8522.

²Ibid., p. 9054. ³Ibid., p. 9374.

⁴Ibid., p. 19710.

Their fears were not unjustified, for several Southern and border-state Congressmen who favored public school aid represented strongly Protestant constituencies which opposed Catholic aid.¹

The House Rules Committee, composed of ten Democrats and five Republicans,² was expected to favor the administration education bills. The Committee, however, voted to withhold action on the public school aid bill until the National Defense Education Act bill was reported to it. This action was taken in order to preclude the possibility of killing the National Defense Education Act bill following the passage of the public school bill. In order to postpone action on the bills, two Catholic members, Delaney (D., N. Y.) and O'Neill, (D., Mass.) voted with five Republicans and two Southern Democrats.³

The membership of the House Rules Committee was reported to consist of five "gloating" Republicans, two "Dixiecrats", two normally liberal "hierarchy Catholics" (Delaney and O'Neill), and six Democrats, including Madden (Ind.) who like the President, was described as a non-hierarchical Catholic. The first seven men were considered to be opposed to federal aid to education under any condition, the next two

¹"Federal Aid to Education," Congressional Quarterly Special Report, p. 6.

²Official Congressional Directory, 1961 (Washington: United States Government Printing Office), p. 252.

³"Federal Aid to Education," Congressional Quarterly Special Report, p. 6.

were reported to want such aid, but only on Cardinal Spellman's terms. The last six were strongly in favor of the administration program. If public school aid should fail because of the action of the House Rules Committee, much of the blame would be charged to the Roman Catholic hierarchy. Commented the New Republic: "The tragedy is that injecting the church issue may kill all school aid, just as the racial issue killed it in 1956."¹

Soon after the Rules Committee vote on the aid bill, the House Labor and Education Committee reported a bill (HR 7904) providing for the extension of the National Defense Education Act along the lines of the administration request.² Delaney, in a move that was surely a bitter disappointment to the administration forces, again voted with the five Republicans and two Southern Democrats to table the public school aid bill, the National Defense Education Act bill, and the college aid bill, stating that he felt that private and parochial schools should receive the same kind of aid that public schools received. Although Catholic influence was generally regarded as responsible for the tabling of the bills, three Southern Democrats were ready to vote against the National Defense Education Act bill if it should have

¹"Education Over a Barrel," New Republic, CXLV (July 10, 1961), p. 2.

²Congressional Record, CVII (1961), p. 11988.

been considered separately. In this case, it is unlikely the public school bill could have been passed.¹

Following the tabling of all school aid bills in the House, the Senate Labor and Public Welfare Committee reported a National Defense Education Act bill (S. 2345) which included the construction loan feature for private schools. Facing determined opposition from Senator Lister Hill (D., Ala.), who was strongly opposed to private school loans, the bill was substituted for one providing for only a simple extension of the National Defense Education Act.

The evidence is that Catholic influence was a primary factor in defeating the school aid bills in the House, and it is likewise apparent that the defeat of similar bills in the Senate Committee was due to Protestant and non-Catholic influences. The issue of segregation, somewhat overshadowed by religious activity, was perhaps the deciding factor in the defeat of education bills. Evidence also indicates that other groups and individuals opposed to the expansion of governmental spending and to the drastic improvement of education found in the issues of religious extremism and segregation a favorable opportunity for mutual alignment. Such a coalition was a significant factor in the defeat of the administration's education program.

¹"Federal Aid to Education," Congressional Quarterly Special Report, p. 7.

A number of groups and individuals expressed interest in the federal aid to education controversy during the 1961 legislative session. Testimonies given during Congressional committee hearings reveal indications of possible alliances among groups whose common objectives and motives may have extended beyond interest in education. Spokesmen for the following conservative-oriented organizations expressed opposition to federal aid for schools:

1. The United States Chamber of Commerce, stating that federal subsidies for schools were not needed, expressed the fear that such aid would lead to a nationalized school system.

2. The National Association of Manufacturers stated that the federal government had no responsibility in public education, and that there was no crisis present or impending in education. The fear of federal control of education was also expressed, and it was asserted that state and local governments were in better position to make financial contributions to education. The belief that federal money does not hold the key to excellence in learning was also expressed.

3. The Institute for Social Science Research stated that studies made by their organization showed no need for federal aid to education.

4. The Investment Bankers Association of America also expressed opposition to federal aid for education.

Both sides of the controversy were represented by religious organizations. Among those whose representatives testified in favor of federal aid for private and parochial schools were the following:

1. The Citizens for Educational Freedom supported the position of parental right to choose a "God-centered" education for their children without being discriminated against in the event of financial aid from the government.

2. The National Catholic Welfare Conference expressed the belief that aid to public schools only would have the effect of limiting Catholics to the status of second-class citizens.

3. The Council of Catholic Men advocated loans to private schools, with provision for the filing of taxpayers' suits in order to test the constitutionality of the law.

Organizations whose representatives testified in opposition to grants and loans to public and private schools included the following:

1. The Baptist Joint Committee on Public Affairs opposed aid based on the child benefit theory on the basis that such aid would lead to a fragmentation of American education.

2. Protestants and Other Americans United for the Separation of Church and State declared that loans today would point toward grants in the future, and that while Catholics had a right to operate their own schools, they

should not expect governmental assistance when they encountered financial difficulties.

3. The American Jewish Congress assumed the position that loans as well as grants would constitute federal assistance to religion.

4. The Unitarian Fellowship for Social Justice saw in the use of public funds for parochial schools the destruction of a basic American freedom, the right of the taxpayer to be free from assessments for a faith he does not accept.

5. The National Council of the Churches of Christ opposed any form of grants or loans that would encourage the various denominations to establish their own school systems and thus undermine the public school system, an act which would lead to cultural schism.

6. The National Lutheran Church also opposed loans as a clear form of tax support facilitating the establishment of segregated private schools as an alternative to the integrated public schools.

7. The National Association of Evangelicals opposed public financial aid to any private school as an unwise and un-American move.

In reference to the segregation issue, the witness for the National Association for the Advancement of Colored People urged the placement of anti-segregation safeguards on any and all aid to education, and charged that governmental

policy with regard to the impacted area bills was actually extending racial segregation.¹

Later in 1961, the administration and House leaders decided to attempt passage of a compromise bill deleting the teachers' salary provision, limiting the construction aid to a one year program, including the impacted area program, and providing for the extension of the college student loan provisions of the National Defense Education Act. The deletion of the teachers' salary provision was calculated to ease Catholic opposition, and the emphasis on construction was intended to secure support from Southerners. A companion bill for college aid was also prepared providing for grants and loans to public and private colleges for classroom construction but deleting provisions for federal scholarships, to which Republican members of the House Education Committee had objected.

Both bills were reported by the Education Committee in August, and the college aid bill was sent to the Rules Committee for clearance. Education and Labor Committee Chairman Adam Clayton Powell decided to bypass the Rules Committee with the general education bill by use of the

¹Hearings Before the Joint Subcommittee on Education of the Committee on Education and Labor, House of Representatives, 87th Congress, 1st Session, (1961).

Hearings Before the Subcommittee on Labor and Public Welfare, United States Senate, 87th Congress, 1st Session, (1961).

"Calendar Wednesday" procedure. Such efforts were futile however, as the House voted without debate 170 to 242 not to consider the compromise bill.¹ Opposition to the compromise bill was registered by Catholics who considered them to be discriminatory against private schools, by the National Education Association who considered them to be inadequate, and by Republicans who resented the manner in which the matter had been handled.

The federal aid to education controversy during the remainder of President Kennedy's term was in many respects an anti-climax to the legislative attempts of 1961. A number of education bills were proposed, including a bill in the Senate (S3330) liberalizing provisions of the National Defense Education Act to extend stipends and allowances to parochial school teachers in counseling and guidance institutes and in foreign language institutes.² A bill introduced in the House (HR 11823) called for aid for construction in both public and private colleges, but did not include private elementary and secondary schools.³

The editor of America predicted in June, 1962 that no major education bill would be passed during the year, not because of controversy over public and private schools, but

¹"Federal Aid to Education," Congressional Quarterly Special Report, p. 7.

²Congressional Record, CVIII (1962), p. 8737.

³Ibid., p. 8853.

because of the simple fact of impending November elections; "Congressmen would rather campaign on an upcoming issue, hot though it be, than defend an irrevocable vote."¹

As had been predicted, the House bill was rejected in September with the principal blame being charged to the church-state issue. The National Education Association, charged with placing priority on its own bill providing for aid to public elementary and secondary schools only, was blamed specifically for pushing "the issue of church-state separation into the open at the last minute, sending a telegram signed by Dr. William G. Carr to every member of the House."²

The National Education Improvement Act of 1963 was in trouble by the middle of February, as opponents called it a "package deal" which they would not buy in order to get the particular aid program they wanted. The measure provided for \$1,500,000,000 over a four year period to assist the states in carrying out their own plans for the improvement of primary and secondary education, and was restricted to improving teachers' salaries, building classrooms, and the initiation of special programs in slum and depressed areas. The bill

¹"Education Bills," America, CVII (June 16, 1962), p. 394.

²"Death of a Bill," Ibid., CVII (October 6, 1962), p. 834.

also provided for \$1,000,000,000 over a three year period for construction of facilities at colleges and universities.¹

Following President Kennedy's tragic assassination in November, 1963, a college and university aid bill was signed on December 16, providing for matching grants and repayment loans for the construction of research and teaching facilities in the natural sciences, foreign languages, and engineering in both public and private institutions.² Two days later Public Law 88-210 was passed, providing for the improvement of vocational education and for extending Public Laws 815 and 874 for a period of three years.³

Soon after this legislation was enacted charges of "new obstructionism" were levelled by Catholic forces against the American Association of School Administrators, the Council of Chief State School Officers, and the Division of County and Intermediate Unit Superintendents of the National Education Association.⁴ During the same period, the Protestant press lamented the weakening of the wall of separation resulting

¹"Administration Offers Another School Bill," Christian Century, LXXX (February 13, 1963), p. 196.

²U. S., Statutes at Large, LXXVII (1963), p. 363.

³Ibid., p. 403.

⁴"The New Obstructionism," America, CIX (December 21, 1963), p. 784.

from the grants and loans to church related colleges and universities.¹

Throughout the entire aid to education controversy, the support given to the extremist viewpoint (herein defined as those viewpoints having an affinity for extraordinary and excessive interpretations) is both substantial and disturbing. The ability of proponents of extremism to achieve desired objectives is proof of substantial strength. The support given to the extremist viewpoint is disturbing because of the possible consequences of their action. The extremist position gives evidence of being based on fear, misunderstanding, and a lack of regard for ultimate consequences. As one extreme position influences another, the area of possible consensus is dissipated and the likelihood of fruitful debate and compromise is substantially reduced.²

The position taken by the Roman Catholic hierarchy in this debate cannot be objectively described as the Roman Catholic position, for no single viewpoint on a major issue of the school aid question can be identified as representative of the entire Catholic community. In fact, a wide

¹"President Signs College Aid Bill," Christian Century, LXXXI (January 1, 1964), pp. 4-5.

²For an exposition of the possibilities of dialogue in the solution of church-state problems, see Conrad H. Moehlman, School and Church, The American Way, (New York: Harper & Brothers, 1944), and The Wall of Separation Between Church and State, (Boston: Beacon Press, 1951).

variety of expression representing almost the entire spectrum of opinion is available.

A Catholic teacher in a private non-sectarian university expressed a moderate approach to the aid to education question reflecting little, if any, of the hierarchial viewpoint as follows:

I can hardly blame non-Catholics who fear that we are following a foot-in-the-door policy on legislation, with a long string of demands yet to be revealed. Frankly, that's the way it looks to me. Do we not owe a candid answer to those who might ask, 'just where is your final demand in this matter? Where do you think the United States Constitution or justice draws the line?' As a Catholic, of course, I am not inclined to view these progressively increasing demands as a part of a sinister plot. I suspect they simply reflect a failure on the part of Catholic authorities to face the education problem squarely, and to determine what would be required to maintain the parochial school system for the next generation or so. . . . I wonder how in justice government aid to education can take a form that will increase the properties of an establishment which is Constitutionally exempt from legislative action. . . . Is anyone seriously proposing that the Church could effectively operate a school system made larger by virtue of government loans for buildings without requiring additional support for lay teachers also? . . . What concessions of autonomy, if any, are Church authorities prepared to make in return for government aid? . . . If answers to these and similar questions have been formulated, then I believe the Church authorities would do better to share their views with the laity, rather than waiting for some politically propitious moment.¹

An article in America also affirms a division of opinion among Catholics on the question of aid to education, and admits that the hierarchy has "spearheaded" the attack, but

¹Thomas J. Connolly, "Federal Aid to Education," Commonweal, LXXIV (May 5, 1961), p. 152.

places primary responsibility for the problem on the parents of the children who are involved.¹

There are other evidences of Roman Catholic disagreement on the school problem. The objectives of the Catholic parochial school system are being seriously challenged by some. Research by Peter and Alice Rossi suggests that the impact of parochial school education on students may be overestimated by both Catholics and their critics. Conclusions of the study are suggestive. For example,

1. The parochial school Catholic is only slightly more closely identified with his church than the public school Catholic, but the former has a higher regard for religious leaders in public affairs, especially where the welfare of the church is at stake.

2. The influence of the parochial school is most noticeable in areas where the church has taken a strong stand, such as on the support of religious education.

3. Parochial schools, often catering to highly motivated students and those with exceptionally high intelligence quotients, are often used as recruiting grounds for the clergy.

4. Local school board politics in communities with a high proportion of Catholics is especially vulnerable to

¹"A Time for Action," America, LXXV (April 29, 1961), pp. 209-210.

demagoguery and irresponsibility on the part of unscrupulous politicians.¹

Another example of the freedom of expression of ideas among Catholics was found in an article describing as "preposterous" the accusation that if Commonweal editorial policy is not with the bishops it is against them. Commented the editor:

What we do object to, and strongly, is the way the Bishops have chosen to conduct their campaign. We think they have chosen a means of stating and pursuing their case which will defeat the very ends which they are seeking. . . . But the last thing the church needs in this situation--and in many others--is the closing off of debate and the dramatic forming of a political bloc.²

Extreme viewpoints are also found in the positions taken by certain Protestant and non-Catholic religious groups. A significant segment of the Protestant press, in the expressions of such organizations as Protestants and other Americans United for the Separation of Church and State, tends to express values and beliefs that offer little if any contribution toward the development of a common consensus in which dialogue can take place. The really extreme non-Catholic religious groups, however, often exhibit a close affinity to other extreme right-wing reactionary groups. One of the most

¹Peter H. Rossi and Alice S. Rossi, "Some Effects of Parochial School Education in America," Daedalus, Journal of the American Academy of Arts and Sciences, XC (1961), pp. 300-328.

²"Prudent Silence or Open Debate," Commonweal, LXXV (March 23, 1962), p. 665.

immoral aspects of this alliance is that through the medium of partial truths, illusion, and innuendo, religion is often used as a tool to solicit the support of well-meaning but ill-informed religiously oriented people.

One of the principal objectives of the reactionary groups seems to be the subversion and weakening of institutions which they would like to destroy or to convert to their own purposes. The interest of large segments of the population in religion in the public schools, as evidenced by the United States Supreme Court decisions concerning prayer, Bible reading, and religious practices in the public schools,¹ has been exploited by some of these forces. Activities of the John Birch Society in Amarillo, Texas, where extremist pressure on ministers has been intense, were reported by a Protestant minister to be shifting away from the churches as their point of attack and toward the schools.²

Other positions taken in regard to the issue of religion in the public schools vary from honest and sincere efforts to comply with the laws of the land to the frustrating and delaying tactics of well-meaning but ignorant persons whose devotion to law, order, and Constitutional government

¹Engel v. Vitale, 370 U. S. 421 (1962).

School District, Abington Township v. Schempp; Murray v. Curlett, 374 U. S. 203 (1963).

²J. Claude Evans, "Extremists at Church," Christian Century, LXXX (January 2, 1963), pp. 22-23.

is devout but naive. This group is typified by such organizations as the Christian Crusade which implied that "the Reds are coming; not by land or by sea, but from your schools and colleges, your churches, your textbooks, your libraries, your government."¹

Evidence of moderate conservative tendencies among non-Catholic denominations is indicated in a report on a conference of the National Association of Evangelicals, which admitted that the older, larger churches of European background are not yearning for the privileges of establishment as much as might be expected, and that the younger, more evangelical churches are not exhibiting as much confidence in the power of the word as might be expected, but instead are "looking back to the 'Christian commonwealth' of colonial days--the American version of medieval Christendom."²

Examples of moderate conservative beliefs of individuals can be found in the expressions of such men as Robert Hutchins, who gave indirect support to the drive for public funds for parochial schools when speaking on the church and state issue at a conference under the auspices of the University of Chicago law school. Asserted Hutchins:

The wall has no future because it cannot help us learn. If taken literally, it is arbitrary and

¹"The Midnight Ride of Hargis and Walker," Ibid., LXXX (February 27, 1963), p. 262.

²Dean M. Kelley, "N. A. E. on Church-State, Ibid., LXXX (April 10, 1963), p. 455.

unreasonable, pretending to separate things that are not in all respects separable, thwarting . . . hampering us in our search for what we need above everything else, a national idea¹ of education and a national program to carry it out.

In an article written some six months later, Hutchins referred to federal aid to education as an absolute necessity, but said that debate on the subject was a political argument simply masquerading as a Constitutional issue.²

The issue of segregation reflects points of view varying from the sincere attempts to integrate, such as are found in some states, to the positions of extremism reflected in the closing of public schools in Virginia, the activities of the Ku Klux Klan in supporting white racism in the South, and in the murder of civil rights workers in Mississippi.

Summary and Conclusions

In the federal aid for education controversy of the Kennedy administration, the familiar drive of the Roman Catholic hierarchy for parochial school aid was evident. Tactics were changed in some respects, and points of emphasis were revised, but consistent pressure for the attainment of objectives was exerted. Protestant and most non-Catholic religious groups were generally united in opposing the Catholic drive for funds, but were divided on other major points.

¹"The Future of the Wall," Ibid., LXXX (January 23, 1963), p. 99.

²Robert M. Hutchins, "A Liberal Calls for Aid to Church Schools," Saturday Evening Post, CCXXXVI (June 8, 1963), p. 20.

A substantial number favored public aid for public schools, but not at the expense of similar aid for private and parochial schools. Others were opposed to public aid for both public and private schools. Non-religiously oriented conservative forces and segregationists were also active in the struggle, sometimes utilizing diversionary tactics and delaying actions, and at other times joining forces with other groups to prevent the passage of substantial aid to public or private schools.

The really new element which differentiated the period of the Kennedy administration from previous periods was the strengthening and toughening of forces of reaction and extremism.

The position of extremist elements of economic and cultural conservatism might be strengthened by the blocking of federal aid to education. The position of the segregation extremist might likewise be strengthened by a weakening of the educational system, resulting from continued attrition and the withholding of effective financial support from public education. Forces on the extreme fringe of religion might also profit by a weak and ineffective system of public schools which could result from repeated destructive attacks and from continued financial malnutrition.

The position of all these forces would be enhanced by weaknesses in the public school system, and all of them are threatened to some extent by the prospect of a genuinely

dynamic, progressive, and democratic society. A truly effective system of public education could facilitate the attainment of such a society.

The recent history of the struggle over federal aid to education warrants the hypothesis that the reactionary groups seeking to forestall federal aid (and thereby directly or indirectly weakening public education) have worked more closely with one another than the published record indicates.

CHAPTER VI

AUXILIARY SERVICES

As used in this chapter, auxiliary services means any aid or service rendered to the basic educational function of the school. Services most often included in this category are hot lunches, textbooks, and transportation.

In the period following World War II some aspects of the drive for auxiliary services to parochial schools appeared to undergo significant change. As the number of Catholic voters increased, particularly when concentrated in urban areas, many people sensitive to political issues also became sensitive to the political potential of this religious group.¹ Small but significant changes were also noted among other groups. Some Protestant and non-Catholic denominations expressed interest in developing parochial schools of their

¹Peter H. Rossi and Alice S. Rossi, "Some Effects of Parochial School Education in America," Daedalus, Journal of the American Academy of Arts and Sciences, XC (1961), pp. 300-328.

own,¹ and interest in the "moral and spiritual" content of the public school curriculum appeared to increase.²

As was the case in the drive for federal aid for parochial schools, no single position in regard to auxiliary services was representative of the entire Catholic community. The National Catholic Welfare Conference, however, provided effective and aggressive leadership in the struggle, basing claims to auxiliary services on what was considered to be rights derived from the Federal Constitution. The "child benefit" theory and the concept of freedom to exercise religion without financial discrimination were often used to substantiate claims.³ Many Catholics thus considered it to be discriminatory to prohibit their children from participating in such aids and services as were made available to public school children through tax funds.

¹Allan Hart Johsmann, What's Lutheran in Education, (St. Louis: Concordia Publishing House, 1960).

"Stirrings Within the Missouri Synod," Christian Century, LXIII (January 9, 1946), pp. 35-36.

²Jacques Maritain, "The Foundation of Democracy," The Nation, CLX (April 21, 1945), p. 440.

William G. Carr, "How Can We Teach Moral and Spiritual Values in the Public Schools?" National Education Association Journal, XL (March, 1951), p. 177.

³David M. Knight, "State Regulation of Independent Schools," America, XCIII (June 4, 1955), pp. 263-265.

John S. Kennedy, "Opposition to a Bus Bill," Ibid., XCVII (September 7, 1957), pp. 570-574.

An example of an eloquent but less popular viewpoint was expressed by a Catholic layman, Congressman Andrew Jacobs of Indiana:

The legal right to maintain parochial schools does not establish the right to public maintenance. To so argue is to say with one breath, our parochial schools are in the public category, for the purpose of public aid; while in the next breath we stoutly maintain our right to parochial schools for the purpose of religiously training our children. However, when we put our parochial schools in the public school category for one purpose, we do so for all purposes, and we must then comply with public school regulations which forbid sectarian religious teachings therein.

The issue is clear. Either you keep parochial schools and maintain them or take public funds and convert them into public schools, and they will then no longer serve the religious purpose for which they were established.¹

Protestant and non-Catholic religious groups were less unified in opposing auxiliary services for parochial schools than had been the case in regard to direct financial support. Some felt that the case for some auxiliary services was sufficiently different to justify public support. Mrs. Eleanor Roosevelt, although doubtful about public money for textbooks, admitted that a good case could be made for transportation. She also expressed the belief that health services to parochial school children would be justified if taken out of school jurisdiction and placed under some neutral agency,

¹Andrew Jacobs, "On Public Financial Aid to Parochial Schools," United States of America Congressional Record Appendix, XCV (1949), p. A4359.

such as the Public Health Service.¹ Others opposed the extension of any of the auxiliary services to parochial schools and to the children in attendance. Opposition was often based on the belief that any such drive was merely a masked part of a larger conspiracy to break down public resistance and to secure complete tax support for their schools. Morrison viewed with alarm what he considered to be attempts by the Roman Catholic hierarchy to gain a diversion of public funds for its own uses through a foot-in-the-door drive to secure transportation, textbooks, and lunches for parochial school children. He considered these objectives to be only a step away from appropriations for the needy, salaries for teachers, and funds for building construction. The attainment of any or all of these objectives, he alleged, would lead toward the establishment of religion by law.²

The National School Lunch Act of 1946 authorized federal aid in the form of funds and food to states for use in serving hot lunches to children in both public and non-profit private schools.³ The program was administered by the United States Department of Agriculture through the state departments of education in those states where such practice was allowed

¹"Mrs. Roosevelt Stands by Her Position on Schools," Christian Century, LXVI (September 7, 1949), p. 1028.

²Charles Clayton Morrison, "Roman Catholicism and Protestantism," Ibid., LXIII (May 8, 1946), pp. 585-588.

³"National School Lunch Act," Public Law 87-823, 42 United States Code Annotated, Section 1756.

by state law. In twenty eight states, however, constitutional provisions prohibited the departments of education from dealing with private schools. The program was made operational in these states by setting up United States Department of Agriculture regional offices to which private schools could apply directly for such aid.¹ The plan was widely accepted as an aid to the student rather than to the school, even though it was administered locally by the individual school.

In a statement that was considered the signal for a switch in emphasis, Cardinal Spellman took a position in favor of limiting the Catholic drive for federal aid to auxiliary services. He further expressed opposition to the theory of states rights, saying that he did not believe that the individual states should have the right to decide on the issue of federal aid to education.² This position is inconsistent with later Catholic attempts to secure auxiliary services at the discretion of state and local authority.

In an article published two days later, Bishop Oxnam of the New York Methodist area, accused the Roman Catholic hierarchy of being responsible for the death of federal aid to education bills, and stated that the attacks on Representative Barden and on Mrs. Roosevelt were part of a coldly

¹"Federal Aid to Education," Congressional Quarterly Special Report, (Washington: Congressional Quarterly Inc., 1961), p. 20.

²New York Times, August 6, 1949, p. 1.

calculated plan to defeat the program unless the hierarchy could secure a part of any public funds that might be appropriated for school support.¹

Cardinal Spellman's change of attitude did not escape notice in the Protestant press, as it was pointed out editorially that the Barden bill was concerned only with direct aid to education, and that if the hierarchy really did not want direct aid for their schools, the Cardinal was inconsistent with regard to charges of bigotry against Representative Barden, as he had evidently "changed his mind since he called Congressman Barden a bigot, or that he was mistaken when he applied that epithet."²

Bishop Oxnam received rough treatment at the hands of the Catholic press for his stand against Cardinal Spellman in the exchange,³ but his position was reinforced by Episcopal Bishop Horace W. B. Donegan. Both bishops asked for a clarification of exactly what the Roman Catholic hierarchy wanted in regard to parochial schools before they took a position on auxiliary services. Specifically, the Protestant bishops sought assurance that the Roman Catholic bretheren would not later claim tax support for the maintenance of their educational system. If such assurance was not forthcoming, the

¹Ibid., August 8, 1949, p. 13.

²"Cardinal Spellman Climbs Down," Christian Century, LXVI (August 17, 1949), p. 956.

³"Was Bishop Oxnam Right?" Ibid., LXVI (August 24, 1949), pp. 979-981.

bishops alleged that in view of past history, it would be difficult not to view auxiliary services as a "wedge" for the subsequent attainment of other benefits.¹

In November, 1955, shortly before the opening of the White House Conference on Education a policy statement was issued by the Roman Catholic hierarchy reinforcing previous stands taken on school questions. The statement was devoted to a defense of the parochial school system and of the right of parents to educate their children in such schools. Protestant and non-Catholic fear was again expressed that demands for auxiliary services would be amplified later into demands for tax support for building and maintaining schools under the heading of health, welfare, and safety of students.²

Expressing a viewpoint divergent from that of the hierarchy, archbishop Richard J. Cushing of Boston, in a speech following the White House Conference on Education, stated that he flatly rejected the concept of public funds for building parochial schools. He felt that such aid would inevitably lead to federal control. He stated however, that he believed that Catholic children should be permitted to participate in federal funds for welfare services.³ The

¹"Episcopal Bishop Asks What Hierarchy Seeks," Ibid., LXIX (December 10, 1952), pp. 1428-1429.

²"Catholic Bishops Demand Tax Aid for Parochial Schools," Ibid., LXXII (December 7, 1955), p. 1420.

³"The Archbishop and School Aid," Ibid., LXXII (December 21, 1955), p. 1484.

question again left unanswered in the minds of many non-Catholics was whether or not the term "welfare" could be defined so as to be acceptable to a majority, then be used as a "wedge" to gain further access to funds.

Dr. Benjamin Fine, education editor of the New York Times, speaking to the Forty Seventh Annual Teachers' Institute of the Boston archdiocese in 1956, predicted a period of peace and cooperation between Catholic education and public education. He expressed opposition to a monopoly in education as with any other monopoly, and stated that it would be discriminatory to deny health or lunch aid to those children not enrolled in public schools.¹

Fine's prediction of peace was doomed, as Catholic layman Richard Joyce Smith launched a multi-point attack for securing public aid for parochial schools in November of the same year. He cited the unprecedented drive by the state in the past decade to increase and to improve public school facilities by providing neighborhood schools, free transportation, higher teachers' salaries, auxiliary services, modern buildings, and expanded course offerings. He observed that in spite of such competition parochial schools have grown, and suggested that even a slight increase in community services to the children in these schools would prompt a shift of more children from public to private schools. Smith also

¹"No More Bickering," America, XCV (September 15, 1956), p. 552.

cited the increased demand of Jews, Lutherans, and Episcopalians for their own schools, and promoted the idea that the law did not prohibit the extension of auxiliary services to private schools. He based many of his assumptions on court rulings favorable to his viewpoint, such as the *Everson*¹ and *Cochran*² decisions. He repudiated the *McCullum*³ decision as having no bearing whatsoever on the auxiliary services issue.

Smith also cited the extension of bus service in twenty five districts, and of health services in thirty six districts in the state of Connecticut as proof that a limit had not been reached in extending services to all children. He also suggested the "taming down" of protests against direct aid to parochial schools by pointing out that forty per cent of the seventh and eighth grade students in the private schools of Connecticut were receiving vocational instruction in industrial arts and homemaking at public expense. He also cited Connecticut law providing a \$200 per year tuition payment to any institution of higher learning for a child of a Connecticut resident who had been killed in World Wars I or II. He summed up his argument by stating that if such aid was not aid to religion, then parochial school aid would not be either.

¹ *Everson v. Board of Education*, 330 U. S. 1 (1947).

² *Cochran v. Louisiana State Board of Education*, 281 U. S. 370 (1930).

³ *McCullum v. Board of Education*, 333 U. S. 203 (1948).

It is significant to note that he promoted the community level as the area most likely to be receptive to parochial school aid, particularly in those communities with a high level of Catholic population, stating that:

How far any community or any particular State should go in making contributions to the education of pupils in private and parochial schools seems to be essentially a question of practical policy to be determined at the level of the particular community.¹

Smith's treatment of public school financing policies in Connecticut were indicative of the ever present danger of starving and stretching the resources of public schools to the point that their efficacy would be so marginal as to contribute to the growth of private schools in order to fill the educational vacuum left by inadequate support of public schools. On this point he said:

The idea that public schools can ever meet the total demands for education in Connecticut is nothing but wishful thinking on the part of those extremists among public school protagonists who, as a matter of State policy, would like to abolish all other kinds of schools.²

He concluded with the statement that the exclusive public school idea has no chance of success in Connecticut and that private school education will be an ever-increasing fact, and again emphasized the local level as the most likely

¹Richard Joyce Smith, "Aid to Private and Parochial Schools," America, XCVI (November 10, 1956), p. 156.

²Ibid., p. 157.

area for attaining these objectives. He made his point by saying:

Our hope is that appropriate community recognition of this participation may soon be achieved through a clarification of existing laws and through the development at the local level of the kind of integrated educational service that can best serve the particular needs of each community.¹

Evidence indicates that the drive for tax support for parochial schools was a well-planned and organized effort. An article in America referred to the first stage of the question as debate on whether church schools might constitutionally receive federal funds, and the second stage, reflecting influences of the National Defense Education Act, as to whether or not national educational standards could be raised for specific purposes by cooperation between government and church schools. If such cooperation should be effected, the forms it might take and the restrictions placed thereon were viewed as items of vital importance.²

A three-point compromise program, advocated by Cardinal Spellman, was aimed toward securing public financing for the secular part of the parochial school educational program. The plan was questioned by the Protestant press on the assumption that Catholic theology permeated all of parochial

¹Ibid.

²Charles M. Whelen, "School Question: Stage Two," America, CV (April 1, 1961), pp. 17-19.

school education, and that the secular part could hardly be separated.¹

In the post-World War II period an increase in the number and activity of organizations interested in educational aspects of the Federal Constitution was noted. A newcomer among such organizations, the Citizens for Educational Freedom, was organized in Saint Louis in 1959. Although claiming to be non-sectarian, its membership was alleged to be predominantly Catholic, and its goals were said to be strikingly similar to those of the Roman Catholic hierarchy. Objectives of the organization were reported to be a better understanding of: (1) parental rights, (2) Constitutional provisions of freedom of choice and equal protection under the law, and (3) the role of independent schools in a pluralistic society. The organization was politically active, and was charged with promoting legislation for transportation, textbooks, and other auxiliary services in nine states. It was further charged that the ultimate aim of the group was to secure \$450 in federal funds for each child enrolled in parochial schools.²

At the national level, the patchwork of contrasting interpretations of the Federal Constitution and the numerous

¹"Cardinal Spellman Tries Again," Christian Century, LXXVIII (May 17, 1961), p. 613.

²"Organized Effort Seeks to Change Opinion," Ibid., LXXX (January 30, 1963), pp. 132-133.

contradictory court decisions intensified the controversy. In spite of small victories won on various fronts from time to time, the total struggle, including the drive for auxiliary services, resulted in a rather uneasy and uncertain stalemate. Since no well defined and unchallengeable Constitutional guidelines were extended from the federal government to the state and local governments, it is logical to assume that a microcosm of the national struggle might exist at the state and local levels. Such was indeed the case in many states.

An examination of some of the attempts to secure auxiliary services at the state and local levels offers numerous case studies illustrating the various types of drives and the varying modes of operation. Many of these drives were based on attacks upon state constitutions and upon legal barriers at the local level. An editorial in America suggested:

Our purpose here is to point out that the presently insurmountable barriers to public support of private religious schools are found in the constitutions of the 48 states.¹

The author emphasized that auxiliary services do not constitute public support, and except for textbooks, they are peripheral aids, which are allowable under the Federal Constitution and under some, but not all, of the state constitutions, depending on court decisions and attorney general opinions.

¹"State Barriers to Aid to Private Schools," America, XCII (March 19, 1955), p. 639.

Textbooks

The issue of textbooks was considered by many as containing the first breach in the wall of separation between church and state. The United States Supreme Court in the Cochran case¹ decided that public funds might be legally used to furnish textbooks to children enrolled in parochial schools in the state of Louisiana. The ruling was based on the theory that such aid was a benefit to the child and to the state, but did not result in aid to the church. The "child benefit" theory, deriving much of its strength from this decision, has been widely used to substantiate claims for aid and services to children in parochial schools.

Although the federal court gave permission on the national level for the use of public funds for the purchase of textbooks in parochial schools, resistance to the practice was formidable in some cases at the state and local levels. Opposition was often based on the theory that the Supreme Court decision was merely permissive, and that such use of public funds was not required. On this basis, state and local laws prohibiting such aid were considered to be valid, and were often enforced to prevent such expenditures.

The twenty year old practice of supplying textbooks for parochial schools at public expense was challenged in the state of Oregon, and the Oregon Supreme Court ruled the

¹ Cochran v. Louisiana State Board of Education, 281 U. S. 370 (1930).

practice illegal on November 15, 1961. The ruling was based on a clause in the state constitution prohibiting financial benefits to any religious or theological institution in the state.¹

A request to reconsider the ruling in the textbook case was denied by the Oregon Supreme Court, and the refusal was interpreted by public school forces as extending to other areas, such as transportation and health services, and to serve as a basis for denying such aid.²

Catholic parents appealed the decision of the Oregon court to the United States Supreme Court, basing their appeal on the child benefit theory, the equal benefits of the law, the due process of law, and on the prohibition of the free exercise of religion. The court refused to hear the case, and the two sides of the controversy took opposite views of the decision. Proponents of the textbook provision took the view that the Supreme Court's refusal to hear the case concerned only an internal matter in the state of Oregon, while opponents insisted that the refusal had national significance in that it substantiated the theory that Catholics were not deprived of Constitutional rights when the state refused to purchase textbooks for them at public expense.³

¹"Parochial School Aid Outlawed in Oregon," Christian Century, LXXVIII (December 6, 1961), pp. 1452-1453.

²"Church, State and Textbooks," Ibid., LXXIX (May 23, 1962), p. 673.

³"Court Rejects Catholic Plea," Ibid., LXXIX (October 24, 1962), p. 1281.

The National Defense Education Act apparently triggered a drive in the state of Rhode Island to secure state funds for the purchase of science, mathematics, and foreign language textbooks to be loaned, not given, directly to students in private and parochial schools. The study commission making the recommendation to the governor also recommended state financing and administration of achievement and intelligence tests to all pupils, including both public and private schools. The recommended action was estimated to potentially affect 49,000 parochial school pupils and 2,000 students in other private schools. The commission also noted that the legality of such transactions was as yet undetermined.¹

Opposition to the recommendation was noted from the Rhode Island Methodist Church Board, protesting that:

To aid parochial schools by furnishing secular textbooks that are educationally impartial is in the same category as furnishing heat and light which are physically impartial.²

Rhode Island Governor Chafee, an Episcopalian, signed into law a bill authorizing public provision of certain aids to parochial schools. Opposition to the bill was registered by the State Baptist Convention, the American Civil Liberties Union, and the Protestants and Other Americans United for the

¹W. W. Richardson, "Aid to Parochial Schools," Ibid., LXXX (February 13, 1963), pp. 218-219.

²"Will Rhode Island Banish Roger Williams?" Ibid., LXXX (March 6, 1963), p. 294.

Separation of Church and State, indicating that further legal tests on the issue were likely.

Evidence indicates that conservative and reactionary groups with political, social and economic motives were interested in the textbooks used in American schools. Evidence of an effort to instill attitudes and values in the minds of the nation's school children can be traced to the post World War I period. Speaking of a survey of public school textbooks made by a committee of the American Federation of Labor, and expressing organized labor's resentment, Samuel Gompers stated:

There appears to be evidence of a preconcerted and well organized effort to shape the thought of the young through the textbooks used, and there is a total absence of labor's viewpoint.¹

Evidence of reactionary interest in the control of textbooks in the schools was indicated in Pasadena, California. A year after the removal of Willard Goslin as superintendent of the Pasadena Public Schools, pressure was being applied on his successor, Alexander Stoddard, in an attempt to dictate curriculum policies. The Veterans of Foreign Wars, some posts of the American Legion, and patriotic organizations such as the Liberty Belles, and the American Public Relations Forum succeeded in influencing the board of education to

¹"Organized Labor and Education," School and Society, XIV (September 3, 1921), p. 122.

withdraw from use in the Pasadena schools a teachers' handbook entitled The E in UNESCO. The attack on the book was considered to be part of an attack on superintendent Stoddard, who was its author.¹

Economic motives were considered to be behind an attack by a group known as "Texans for America" on some fifty standard textbooks in the state of Texas. The flow of oil and money to the north and the northeast, and the concept that ideas tend to follow economic forces was suggested as supplying motives, and the danger of strange ideas, even at a distance, in an interactive society such as ours was cited as a warning against such attempts to control ideas in textbooks.²

The segregationist concern for the control of textbooks was expressed at a public hearing before the Mississippi Textbook Purchasing Board in Jackson in November, 1963. A group of housewives complained of "brainwashing texts" that taught that prejudice was wrong, that promoted the idea of world government, and that supported the concept of the brotherhood of mankind. Governor Barnett sided with the

¹"Southern California Is Hard on Superintendents," Christian Century, LXIX (September 17, 1952), p. 1052.

²"Books Assaulted in Texas," Ibid., LXXVIII (November 15, 1961), p. 1359.

housewives, but the five man board voted against an immediate purge of textbooks in Mississippi.¹

The interest of parochial school groups in the public purchase of textbooks for their schools was based on a desire to secure a financial subsidy as an aid to the student or as an aid to the school. Protestant and non-Catholic interest was centered for the most part in defensive efforts, but their motives were more complex and numerous. Conservative, reactionary, and segregationist groups looked to the textbook issue as a means of controlling and manipulating ideas for the attainment and retention of cherished viewpoints. While no direct connection is necessarily implied between or among these groups, the extremist elements within each group would be aided in the attainment of many of their objectives by a fragmented and locally controlled approach to educational problems, rather than by a broad objective approach.

Transportation

The issue of transportation for parochial school students, in addition to the element of financial subsidy, was closely related to the welfare and safety of the child, and thus contained elements that were more personal than those involved in other auxiliary services. For this reason, the

¹"Neutral Schools," America, CIX (December 21, 1963), p. 785.

controversy was marked in a number of instances by intense feeling and emotion.

The drive for parochial school transportation was primarily a Roman Catholic effort, and was based for the most part on the child benefit theory and on the theory of equal protection under the law. Protestants and non-Catholics generally opposed the drive, and based most of their arguments on the principle of separation of church and state and on the prohibition of the establishment of religion.

The drive for tax-supported transportation of parochial school students gave rise to the second great breach in the wall of separation between church and state. In 1941 the New Jersey state legislature passed a law allowing local option in providing for public supported transportation of pupils in sectarian schools. The state could either provide bus transportation or reimburse parents for such expense. The issue was challenged by *Everson*, who charged that the principle of taxation was used in the statute in violation of the due process clause of the Fourteenth Amendment, that citizens were forced to pay taxes to support a faith to which they did not adhere, and that the use of state power to support church schools was contrary to the prohibitions of the First Amendment which the Fourteenth Amendment made applicable to the state.¹ The United States Supreme Court, in a

¹*Everson v. Board of Education*, 330 U. S. 1 (1947).

five to four split decision, upheld New Jersey's right to furnish transportation to parochial school children on the basis of the child benefit theory. The minority decision was based on the theory that such aid differed only in degree from the complete establishment of religion. The ruling was hailed by Catholic forces as a "landmark" decision in their favor, while the minority decision was considered by opposition forces to contain the more valid reasoning.

The New Jersey transportation issue was not considered settled by either side in the controversy. Protestants were challenged to awaken and prevent further encroachments, which was charge to be the aim of Catholic forces.¹ Catholic forces attempted later in the year to consolidate their gains by securing a similar clause in the new state constitution authorizing the use of public funds for parochial school transportation.²

Shortly after the Supreme Court decision in the New Jersey case, a similar drive for bus transportation was launched in Pennsylvania. The case originated in Chester county when a consolidated school district discontinued transportation for parochial school pupils, and the county court refused to order a continuance on the grounds that such action

¹"Now Will Protestants Awake?" Christian Century, LXIV (February 26, 1947), pp. 262-264.

²"How a Church Issue Gets into Politics," Ibid., LXIV (September 3, 1947), p. 1038.

was not required by law.¹ The directors of the school were sued for refusing to provide tax-supported bus service for parochial school children, and the case was taken to the Pennsylvania Supreme Court. The principal difference between the Pennsylvania case and the New Jersey case was that the ruling was permissive in the latter decision, while the suit in the Pennsylvania case was for the purpose of requiring public transportation for parochial and private school pupils. Catholics were accused of attempting to stretch the permissive ruling into a mandatory ruling.²

A transportation controversy in Wisconsin in 1946 was referred to by Protestants as only a skirmish in the battle for the complete support of sectarian schools, and it was charged that success in the drive would result in a complete revolution in the public school system.³ The Roman Catholic press was also charged with intimidation in its effort to secure the adoption of an amendment to the state constitution providing for public transportation for parochial school pupils.⁴

¹"Pressing Supreme Court's School Bus Decision," Ibid., LXIV (March 5, 1947), pp. 292-293.

²"Another Bus Case on the Horizon," Ibid., LXIV (May 7, 1947), p. 580.

³"Wisconsin Bus Law Is Not a Local Issue," Ibid., LXIII (December 11, 1946), pp. 1493-1494.

⁴"Newspapers Yield to Intimidation," Ibid., LXIII (November 20, 1946), p. 1396.

This amendment was defeated by a vote of 530,000 to 463,000, but further action on the part of Catholics was predicted. Catholic attempts to keep the issue alive succeeded, and Governor Nelson signed a bill in 1962 requiring school boards to provide transportation at public expense to the nearest public school for parochial school pupils as well as for public school children in non-urban areas. The governor stated that he wanted the constitutionality of the issue decided "once and for all."¹

Even though the state legislature had passed the bus bill by a two to one majority, the Wisconsin Supreme Court struck down the legislation, thus outlawing the transportation at public expense of the state's 52,000 parochial school children. The Catholic press attacked the decision which was based on the aid to school theory, charging a violation of their freedom of religion. The State Supreme Court was accused of going:

Up and down the aisle of every taxpayers' bus, segregating every nonpublic-school child and ousting him from the bus to walk the long, dangerous route to the school he legally attends.²

It was noted editorially that Wisconsin law permitted public expenditures for general welfare aids resulting in

¹David A. Runge, "New Parochial School Aid Plan," Ibid., LXXIX (April 4, 1962), p. 441.

²Virgil C. Blum, "Children Bumped Off Buses," America, CVII (August 4, 1962), p. 563.

incidental benefits to religion, and it was asked if these were legal, why would not bus rides be also?

Evidence that the controversy was continuing as a political issue was seen in the charge that some three hundred letters were written by officials of the Citizens for Educational Freedom to federal, county, and circuit judges, to bar association presidents, to leading attorneys, and to the two candidates for the Wisconsin Supreme Court, inquiring their opinions on the issue of bus transportation.¹

In Massachusetts controversy arose in 1950 concerning permissive bus service to parochial schools. A referendum committee initiated a move to restrict tax-paid bus service to public schools only, and the political implications of the controversy began to crystallize. The press noted that:

Both political parties act as though the idea of confining the use of public busses to public schools was the most unreasonable suggestion in the states' history--the Democrats because the core of their vote is Catholic, and the Republicans because they fear such a referendum would bring out an unusually heavy Catholic vote which, after registering against any change in the present law, would stay in the booths long enough to cast a straight Democratic ticket.²

A question arose in Lynn, where public transportation was demanded by pupils in a parish school, while none was required by the public school. The Attorney General's office

¹"School Bus Question," Christian Century, LXXX (February 13, 1963), p. 218.

²"Parochial School Bus Service Mandatory," Ibid., LXVII (January 18, 1950), p. 68.

ruled that a public school system must provide free transportation for parochial school pupils, even though there should be no public schools to be served. This ruling injected a new factor in contrast to the situation where public buses merely picked up parochial school students along their established routes.¹ A clause in the state constitution subsequently provided specific prohibition as follows:

All moneys raised for the support of public schools shall be applied to no other schools than those which are under the order and superintendence of the town or city in which the money is expended; and no use of public money shall be made for the purpose of aiding any school, whether under public control or otherwise, wherein any denominational doctrine is inculcated.²

A bus transportation case of considerable significance arose in Maine in 1956, when a vote of 3,915 to 2,470 decided in favor of providing transportation for parochial school pupils in the city of Augusta. The Maine Supreme Court decided that neither the United States Constitution nor the state constitution forbade such service, but that no authority specifically provided for the act. It was therefore decided that enabling legislation would be required of the state legislature before such transportation would be legal. Even though the state of Maine had previously defeated bus transportation legislation for parochial schools,

¹Ibid.

²Hamilton School Law Service, (New London, Conn.: Croft Educational Service, 1962), 3545.46.

some people thought the constitutionality issue had been removed by the state supreme court decision. The matter, therefore, would have to be settled on the basis of public policy in regard to welfare legislation. Court decisions favorable to one side of the controversy were cited as supporting the case. Although transportation had been ruled illegal as an aid to religion, the Everson case was cited as the basis for permission on the child benefit theory. Proponents of the legislation therefore considered it necessary that the law state clearly that the purpose was to help parents get their children, regardless of religious affiliation, to and from state accredited schools.¹

In spite of a long tradition of supplying bus service for parochial school children in many Maine communities, the state legislature rejected the proposal to allow local option on bus service. Since enabling legislation was not passed, and even though state and federal Constitutions were considered to be non-prohibitive, the courts ruled that the city of Augusta was exceeding its authority and should cease the practice.²

¹ Robert F. Drinan, "School Bus Rides in Maine," America, CI (June 13, 1959), p. 424.

² Squires v. Inhabitants of Augusta, 153 A 2d 80 (1959).

"Confusing the Maine Bus Issue," America, CII (February 13, 1960), pp. 575-576.

Proponents of enabling legislation continued the struggle, looking to the local option feature to permit each individual community to decide the transportation issue as it saw fit, and stating that the separation of church and state was not an issue. Opponents viewed this approach as a move to abridge the principle of church and state separation at the local level, and considered it to be as illegal as such state-wide legislation would be.

The local level apparently offered a favorable environment for enabling legislation, and repeated attempts resulted in success for the endeavor. In May, 1961 the state legislature of Maine passed a local option law enabling local school districts to provide bus service to parochial school students.¹

The bus transportation controversy in Connecticut assumed distinct religious and political dimensions, and contained a number of alarming and regrettable incidents.

The First Amendment to the Constitution provided weapons for both sides of the controversy, depending upon whether emphasis was placed on the prohibition of the establishment of religion clause, or on the clause guaranteeing the free exercise of religion. The lack of uniformity in the

¹"Something Smells in Maine," Ibid., CV (June 10, 1961), p. 416.

Pierce,¹ Cochran,² and Everson³ decisions served to complicate the issue, as did later decisions concerning released time programs in public schools. The McCollum case,⁴ ruled against released time programs in the public schools, and the Zorach case⁵ found released time programs off school property to be legal. The lack of consistency in these five Supreme Court decisions in addition to the absence of any specific barrier to public services to parochial schools in the Connecticut state constitution left the door open for individual interpretation by local school boards on the issue of auxiliary services to parochial schools.

Although Connecticut judicial history gave little guidance to the problem, two opinions delivered by the Attorney General were of significance in the issue. The first stated that towns without a high school could supply public transportation to a Catholic high school in another town, provided that the Catholic school was designated by the local school board and was approved by the State Board of Education. The second opinion provided that the question of whether pupils could be transported at public expense to non-public

¹Pierce v. Society of Sisters, 268 U. S. 510 (1925).

²Cochran v. Louisiana State Board of Education, 281 U. S. 380 (1930).

³Everson v. Board of Education, 330 U. S. 1 (1947).

⁴McCollum v. Board of Education, 333 U. S. 203 (1948).

⁵Zorach v. Clauson, 343 U. S. 306 (1952).

schools within the city limits could be decided by local school boards upon seeking the advice of the town counsel. The first opinion was highly permissive, and the second amounted to the passing of responsibility for decisions from the state level to the local community level. In some cases it was ruled legal to provide any service not specifically prohibited, and in other cases it was decided that only those services specifically provided for by law could be offered. The result was a patchwork of conflicting decisions leading to conflict and strife.

Due to pressure from supporters of public services to non-public schools, several bills providing for permissive or mandatory legislation were introduced in the 1957 Connecticut General Assembly. Politically, such bills seemed to have little chance for passage. Both houses of the legislature were predominantly Republican, the party that had historically represented the Protestant faith. The Catholic element was for the most part represented by the Democratic minority party. Several factors not readily apparent at the outset of the struggle affected the final passage of school bus legislation. One factor was the alignment of forces along religious lines, Protestant versus Catholic, rather than along traditional political party lines. A second factor was the realignment of forces in the Republican party in an attempt to gain political strength among traditionally Democratic Catholics by supporting the school services bills. It appeared

that with Republicans in control of both houses of the legislature, if parochial school aid bills should be defeated the blame would be laid by Democratic Catholics at the door of the Republican Party. Such an eventuality would tend to weaken the Republican Party and to strengthen the Democratic Party. A third factor was the apparent abdication of objectivity and a resorting to extremist tactics by many on both sides of the controversy. While some arguments were legally and morally defensible, others were obviously slanted irresponsibly in support of particular objectives. The controversy resulted in a number of regrettable events, and the relations between Catholics and Protestants were considerably impaired.¹

Summary and Conclusions

The drive for auxiliary services at the national, state, and local levels was strengthened by the lack of any broad and consistent guidelines for action. All too often, possibilities of consensus were negated by the resorting to extremist tactics by one or both factions in the struggle.

Seldom were issues examined in an objective and impartial manner. Seldom were the ideals of honesty and justice relied upon, and long-range consequences were often ignored in the quest for short term expediency. Solutions based on

¹For an excellent account of the school transportation issue in Connecticut, see Theodore Powell, The School Bus Law, (Middletown: The Wesleyan Press, 1960).

such insecurity gave promise of little more than continued strife and misunderstanding.

CHAPTER VII

COOPERATION AND CONFLICT

Cooperation between church and state, while impeded by the nineteenth century concept of separation, has nevertheless been accelerated in the twentieth century by several United States Supreme Court decisions and by various interpretations of the Federal Constitution emphasizing the freedom to exercise religion without discrimination. Efforts during the past century to develop cooperation have eroded the principle of separation of church and state.

An examination of practices in various parts of the nation reveals evidence of sectarian and non-sectarian institutions blending into a state of more or less mutual cooperation. Drives resulting in the tax support of parochial schools in the form of teachers' salaries, buildings, and equipment were evident in a number of communities with a large proportion of Catholic population. Similar drives were also apparent where a non-Catholic majority, usually Protestant, attempted to retain or to institute programs of religious education in public schools. Evidence indicates that in many instances both drives were for the purpose of perpetuating religious dogmas. An editorial in the Christian

Century charged that public schools in New Mexico were misused to promote Catholic interests by the employment of nuns and lay brothers as faculty members.¹ A writer in America charged that Protestant Bible classes were taught by public school teachers in public school buildings and for public school credit in the state of North Carolina. He also charged that Protestant chaplains were on public payrolls in state teachers' colleges.²

A National Education Association study of 2,639 public school systems revealed that 1,621 had never had a religious education program of any kind, 310 had had such programs in the past but had discontinued them, and 708 schools still retained some sort of religious education program. The use of church owned buildings for public school purposes was reported in at least thirty states, at least sixteen states employed teachers who wore sectarian dress in the classroom, and in ten or eleven states sectarian teachers came into the public school during regular school hours and gave religious instruction.³

In the period following World War II such practices were challenged in a number of communities. The ensuing

¹"Decides for Protestantism in New Mexico School Case," Christian Century, IXVI (March 23, 1949), p. 357.

²"P. O. A. U. and Catholicism," America, XCIII (April 9, 1955), p. 56.

³The Status of Religious Education in the Public Schools, (Washington: The National Education Association).

controversy resulted in a number of unfortunate consequences.

A vicious battle occurred in North College Hill, a suburb of Cincinnati, where a Catholic majority was elected to the local school board. The open strife began in 1940 when the Saint Margaret Parochial school was incorporated into the city school system, and rent on classrooms and salaries of teaching nuns were paid by the city. Soon afterward, it was charged that rent and salary payments were increased. At the next school board election the Catholic majority was unseated and arrangements with the Saint Margaret school were terminated.¹

In 1945, however, a Catholic majority was again elected to the school board and once more the parochial school was incorporated into the public school system. Tension developed between the superintendent of schools and the board of education over the hiring of teachers, and it was charged that the Catholic majority was determined to place the entire school system under the domination of the Catholic church. The superintendent, Dr. William A. Cook, was eventually charged with insubordination and his contract renewal was refused. Protests and heated debates followed. Twenty eight of twenty nine teachers, members of the local teachers' association, submitted resignations effective at the end of

¹Harold E. Fey, "Preview of a Divided America," Christian Century, LXIV (May 28, 1947), pp. 682-684.

the school term, and over 700 school pupils went on strike in protest. The student strike had the backing of a large number of parents in the city. The school system, in an unprecedented action by the National Education Association, the Ohio Education Association, and the local teachers' association, was blacklisted and declared to be an unprofessional place for a teacher to work.¹ After the on-the-spot investigation by the National Education Association, the North College Hill situation was referred to as "probably the most serious school situation now current in the nation."²

On June 17, 1947 the entire school board resigned, putting the administration of the school system in the hands of Probate Judge Chase M. Davis of Cincinnati. A public hearing was then held concerning the appointment of a superintendent of schools, at which feelings and emotions were exceedingly high. Following the hearing, Dr. Cook was given a new three-year contract, and the twenty eight teachers who had resigned withdrew their resignations and were given raises in salaries.³

¹Report of the Committee for the Defense of Democracy, "Proceedings of the Eighty Fifth Annual Meeting, National Education Association, LXXXV (1947), p. 267.

²Fey, Christian Century, LXIV (May 28, 1947), p. 683.

³"Report of the Committee for the Defense of Democracy, "Proceedings of the Eighty Sixth Annual Meeting, National Education Association, LXXXVI (1948), p. 361.

Factors contributing to the resignation of the school board were:

1. The blacklisting of the school system by the National Education Association;
2. The stand taken by the Ohio Education Association in the case;
3. The filing of a taxpayer's suit in common pleas court seeking to enjoin the district from executing contracts concerning the rental of parochial school property; and
4. The united action of Cincinnati Protestantism, including the Lutheran Pastoral Conference of Greater Cincinnati.¹

At the school election held later in the year, two Protestant members were elected to the board of education. The vote of 2,400 to 1,600 indicated a high degree of citizen concern, and was cited by Protestant forces as evidence that many Catholics sided with opposition views in a nearly equally divided community.²

Opposition to the use of sectarian teachers in the public schools of North Dakota resulted in a heated controversy early in the post World War II period. Roots of the conflict, however, extended to the post World War I period

¹Harold E. Fey, "They Stand for Free Schools," Christian Century, LXIV (July 2, 1947), pp. 824-825.

²"Catholics Lose in Ohio," Ibid., LXIV (November 19, 1947), p. 1388.

when Roman Catholic nuns began teaching in the public schools. The validity of the practice was tested in 1936 in Gladstone, where the court decided that since no law specifically prohibited it, the practice was legal. Following this decision, the practice grew, and in 1947 seventy four nuns and eight priests were teaching in twenty school districts in eleven counties, and were receiving \$71,475 annually in public tax money. An attempt was made in the 1947 state legislature to bar the practice, but pressure groups consisting of both Catholics and Protestants forced the withdrawal of the issue. The initiative petition was the only route left open to opposition forces.¹

Supporters of the initiative petition declared three objectives as their goal:

1. To restore the practice of the theory of separation of church and state;
2. To keep public schools free from sectarian influence; and
3. To keep public funds from aiding sectarian institutions.

The defense of forces opposing the petition was based on the allegation that:

1. The church-state issue was not involved;

¹C. A. Armstrong, "What Happened in North Dakota," Ibid., LXV (July 28, 1948), pp. 754-755.

2. The Catholic church was only trying to supply the needs of teacher shortage;

3. The dress worn by their teachers in the classroom was not sectarian; and

4. Public funds paid to nuns for teaching service was not a subsidy for the church.

The press and radio treated the issue with extreme caution, and many refused to sell ad space or radio time to either side of the controversy.

The population was split by the struggle along religious lines. The pro-petition forces were represented by the Committee for the Separation of Church and State, made up of representatives of the North Dakota Interchurch Council, Synods of the National Lutheran Council and the Missouri Synod, and other smaller denominations. Forces opposing the petition were represented by the Committee for the Defense of Rights, alleged by Armstrong to be a "front" for the Catholic bishops of North Dakota.

The methods used by opposition forces were severely criticized by the pro-Protestant press. The population of North Dakota was estimated to be approximately half non-Catholic and half non-Protestant. It was reported that every Catholic was required to get pledges of support for their cause from at least three and up to six non-Catholics. It was further charged that photostatic copies of the petitions were made, and that the list of signers was posted in churches

or read in church services, and that Catholics were urged to call on those who had signed and urge a change of mind.

The issue was decided on June 29, 1948, in a primary election. The vote was 93,469 for the petition and 83,038 against it. The intensity of the controversy was indicated by the fact that the vote total on the petition exceeded by some 10,000 the number of votes cast for governor in the same¹ election.

A situation in New Mexico in 1948 was similar to the North Dakota case, but also contained significant differences. The practice of using Catholic teachers in the public schools was challenged, and it was admitted that the Catholic catechism was taught in public schools. The practice was defended, however, on the basis that such instruction was given before or after regular school hours.²

The controversy, centered at the town of Dixon, was decided in a Santa Fe court early in 1949 when the judge ruled in favor of Protestants. He cited the misuse of public schools to promote sectarian interests, and his ruling resulted in

1. The prohibition of 143 nuns and lay brothers from ever teaching in New Mexico public schools:

¹Ibid.

²"New Mexico School Case Opens," Ibid. LXV (October 13, 1948), pp. 1067-1068.

2. Requiring the removal of public schools currently being held in sixteen Roman Catholic buildings;
3. Prohibition of the teaching of sectarian doctrines in the public schools;
4. Prohibition of the use of free textbooks in parochial schools;
5. Prohibition of free bus transportation for parochial school pupils;
6. Prohibition of displays of sectarian or religious symbols in public school classrooms; and
7. Prohibition of the payment of public tax funds to teachers in parochial schools.¹

In a subsequent court case illustrating the inconsistency of Protestant adherence to the principle of separation of church and state, four teachers, a Baptist minister member of the school board, and a school janitor were enjoined in a suit charging that Baptist and Presbyterian publications were used as textbooks, that sectarian prayers were said, and that Protestant sermons were preached to the pupils.² The case was resolved in 1952 when the use of Southern Baptist

¹Zellers v. Huff, 263 P. 2d 949 (N. M.).

Lee O. Garber, "Supreme Court Defines Church-State Separation for Public Schools in New Mexico," The Nations Schools, XLIX (February, 1952), p. 69.

²"Protestant Teaching Charged in New Mexico School," Christian Century, LXVI (September 14, 1949), p. 1059.

literature was specifically prohibited in the Dixon public schools.¹

A school cooperation case in Kentucky also contained differences from previously mentioned cases. The problem developed in Marion County at Bradfordsville, a Protestant community in which a majority of the school board and about half of the county's population was Catholic. The Bradfordsville public school had been closed for a year, and many of the parents of the community felt that they had been victims of religious discrimination in that Catholic interests had been promoted by the board of education. They also felt that the employment of over forty Roman Catholic nuns teaching in the public schools and reportedly turning over their earnings to the Catholic church amounted to the establishment of religion.²

The Kentucky Court of Appeals confirmed charges of religious discrimination, finding that the County Superintendent had indeed manipulated school bus schedules to the detriment of public schools, and that a long list of discriminatory practices had been followed. The court ordered the Bradfordsville public school opened, that the expenditure of public funds for sectarian teaching and for the purchase of

¹"Religious Literature Barred from New Mexico Public Schools," Ibid., LXIX (June 4, 1952), p. 660.

²"No School for a Year in Bradfordsville," Ibid., LXXII (June 29, 1955), p. 749.

sectarian books be ended, and that school buses must operate on religious holidays unless they are public holidays. The court did not rule on the legality of the employment of nuns as public school teachers.¹

The Saint Francis School, also in Marion County, was formerly a parochial school and was owned by the Roman Catholic church. It was operated, however, as a public school. The Marion county school board rented classrooms for \$75 each, and nuns in their traditional dress taught in many of the classes. Even though the highest court in the state had ruled against a similar practice in neighboring Bradfordsville, the county school board found a way to circumvent the purpose and meaning of the law.² In a subsequent decision, however, the Kentucky Court of Appeals ordered Marion county to erect a consolidated school "with all reasonable speed."³

The "G. I. Bill of Rights"

Public Law 346,⁴ the Serviceman's Readjustment Act of 1944, as later amended, was widely known as the "G. I. Bill of Rights." This law provided for a massive program of

¹"Protestant Village Wins Court Test," Ibid., LXXIII (July 18, 1956), pp. 843-844.

²Gainer Bryan, Jr., "Public Schools, Roman Style," Ibid., LXXIV (October 16, 1957), p. 1234.

³"Briefly Noted, Here and There," Ibid., LXXIV (December 12, 1957), p. 1469.

⁴U. S. Statutes at Large, LVIII, Part 1 (1944), p. 284.

federal aid to education unprecedented in scope and magnitude, and doubtless provided much of the basis for the theory of cooperation in the national interest between government and school. This theory was later used to undergird the cooperation principles employed in the National Defense Education Act.

The "G. I. Bill" was passed as a gesture of thanks from a grateful nation to veterans in return for services rendered in the defense of their country. It was intended to provide a means whereby the veteran could pursue an education that had been interrupted or postponed by his service in the armed forces. There is no doubt that the act resulted in tremendous benefits both to the individual involved and to the nation of which he was a part.

The educational provisions of the bill consisted of an institutional program and an on-the-job training program. The institutional program provided subsistence grants plus tuition, fees, and certain supplies to the veteran for a period of time based on the length of his service. A service man with ninety days or more of service and who had received an honorable discharge was entitled to educational benefits for the length of his service plus one year, up to a limit of four years. The on-the-job training program provided subsistence allowances, and was a cooperative effort between the veteran and the individual or firm granting the training. The program was designed to assist the veteran in receiving

training for a future vocation and was limited to a period of two years.

The institutional program embraced an aid to religious schools, particularly at the college level, as a subsidy was paid the educating institution as a reimbursement for additional expenses incurred in providing facilities for the veteran. Since the veteran was not limited to the choice of a public institution, religious schools and colleges often received federal financial aid.

Criticism of the "G. I. Bill" from the aid to religion perspective was surprisingly light. This fact may be accounted for by the theory, later articulated by President Kennedy, that aid to religious institutions of higher education differs drastically from aid to religious elementary and secondary schools.

The bill, however, did not escape all criticism. It was charged that some veterans and training institutions took advantage of the provisions of the bill to promote objectives other than those for which the program was intended. Criticism was especially severe in regard to the readjustment allowances and to the on-the-job training programs.¹

Evidence also indicates that some institutions of higher learning, particularly those with religious affiliation, succumbed to the temptation to inflate tuition charges

¹Renwick C. Kennedy, "The G. I. Gravy Train," Christian Century, LXIV (August 6, 1947), pp. 944-945.

during the period of high veteran enrollment. Table 1 shows a listing of tuition and fees charged by a sample of forty six institutions of higher education from the period of 1933-34 through 1953.¹ Particularly significant is the 1950 data. A comparison of charges this year with those in previous and following periods reveals instances of a striking inflation of charges during the period of high veteran enrollment.

Critics of conservative orientation saw in the expenses incurred by the federal government as a result of the "G. I. Bill" the threat of financial insolvency. For example one article stated:

The federal government in the aggregate is spending almost as much on education as are the state and local governments to whom the function is supposedly reserved.²

Others of a reactionary nature saw in the bill a vague threat of some sort of national program of education carrying with it a stigma of socialism. An article by Fine in the New York Times was critical of some 200 separate programs in which the federal government participated in education. He stated that many universities received as much as half their income from federal sources, principally from Veterans Administration, the national military establishment,

¹Huber William Hurt, The College Blue Book, (New York: Christian E. Burckel, 3rd Edition, 1933; 4th Edition, 1939; 5th Edition, 1947; 6th Edition, 1950; 7th Edition, 1953).

²"Federal Government Deep in Education," Christian Century, LXVIII (September 12, 1951), p. 1035.

TABLE 1

LIST OF TUITION AND FEES IN SELECTED COLLEGES AND UNIVERSITIES

| Institution | Location | 1933-34 | 1939 | 1947 | 1950 | 1953 |
|----------------------------------|--------------------|---------|--------|--------|-------|--------|
| <u>Baptist Affiliation</u> | | | | | | |
| Bucknell University | Lewisburg, Pa. | \$337 | \$339 | \$490 | \$530 | \$325 |
| Redlands University | Redlands, Calif. | 244 | 250 | 375 | 475 | 290 |
| Wm. Jewell College | Liberty, Mo. | 159 | | 285 | 400 | 225 |
| Linfield College | McMinnville, Ore. | 155 | 210 | 264 | 390 | 222 |
| Franklin College | Franklin, Ind. | 230 | 180 | 250 | 320 | 200 |
| Howard College | Birmingham, Ala. | 185 | 185 | 268.50 | 300 | 150 |
| Hardin-Simmons Uni. | Abilene, Tex. | 180 | 180 | 195 | 250 | 160 |
| Louisiana College | Pineville, La. | 185 | 185 | 185 | 220 | 118 |
| <u>Lutheran Affiliation</u> | | | | | | |
| Muhlenburg College | Allentown, Pa. | 337 | 385 | 510 | 578 | 315 |
| Wittenburg College | Springfield, Ohio | 290 | 300 | 310 | 450 | 225 |
| Luther College | Decorah, Iowa | 172 | 195 | 280 | 320 | 207.50 |
| Concordia College | Moorhead, Minn. | 145 | 177.50 | 250 | 320 | 185 |
| Augsburg Coll. & Theol. Sem. | Minneapolis, Minn. | 95 | 100 | | 312 | 190 |
| <u>Non-Sectarian Affiliation</u> | | | | | | |
| Univ. of Penn. | Philadelphia, Pa. | 400 | 420 | 520 | 625 | 395 |
| Boston University | Boston, Mass. | 340 | 340 | 400 | 495 | 250 |
| <u>Methodist Affiliation</u> | | | | | | |
| Southern Meth. Uni. | Dallas, Tex. | 229 | 245 | | 400 | 250 |
| Centenary College | Shreveport, La. | 207 | 184 | 261 | 165 | 165 |

TABLE 1--Continued

| Institution | Location | 1933-34 | 1939 | 1947 | 1950 | 1953 |
|-------------------------------------|-----------------------|---------|--------|--------|--------|-------|
| <u>Roman Catholic Affiliation</u> | | | | | | |
| Notre Dame Univ. | South Bend, Ind. | \$250 | \$300 | \$480 | \$1120 | \$355 |
| St. Edwards Univ | Austin, Tex. | 220 | 220 | 350 | 805 | 190 |
| Boston College | Chesnut Hill, Mass. | 230 | 285 | 339 | 425 | 200 |
| Duquesne Univ. | Pittsburgh, Pa. | 225 | 8% | 10% | 401 | 245 |
| Lasalle College | Philadelphia, Pa. | 350 | 350 | 400 | 400 | 225 |
| Coll. of St. Thomas | St. Paul, Minn. | 180 | 150 | 300 | 400 | 240 |
| Portland Univ. | Portland, Ore. | | 165 | 300 | 385 | 225 |
| Loyola Univ. | New Orleans, La. | 163 | 175 | 260 | 350 | 225 |
| St. Louis Univ. | St. Louis, Mo. | 235 | | 300 | 350 | |
| Loyola Univ. | Los Angeles, Calif. | 225 | 228 | 228 | 350 | 190 |
| Dayton Univ. | Dayton, Ohio | 225 | | 235 | 310 | 118 |
| Loras College | Dubuque, Iowa | | 140 | 260 | 300 | 185 |
| St. Ambrose Coll. | Davenport, Iowa | 120 | 150 | 255 | 300 | 360 |
| Spring Hill Coll. | Spring Hill, Ala. | 230 | 220 | 320 | 300 | 175 |
| Immaculate Heart | Hollywood, Calif. | 180 | 180 | 290 | 290 | 470 |
| Coll. of St. Catherine | St. Paul, Minn. | 150 | 195 | 210 | 265 | 140 |
| Mount St. Mary's | Los Angeles, Calif. | 170 | 170 | 170 | 250 | 120 |
| San Francisco Univ. | San Francisco, Calif. | 165 | 165 | 150 | 175 | 205 |
| Gonzaga Univ. | Spokane, Wash. | 169 | 169 | 254 | 156 | 190 |
| <u>State Supported Institutions</u> | | | | | | |
| University of Ala. | University, Ala. | | | | | |
| Resident | | 61.50 | 121.50 | 42 | 285 | 83 |
| Nonresident | | 106.50 | | 141.91 | 375 | 208 |

TABLE 1--Continued

| Institution | Location | 1933-34 | 1939 | 1947 | 1950 | 1953 |
|---------------------|--------------------|---------|-------|--------|-------|-------|
| Oregon University | Eugene, Ore. | | | | | |
| Resident | | \$ 00 | \$ 96 | \$112 | \$127 | \$ 55 |
| Nonresident | | 264 | | 262 | 277 | 115 |
| Univ. of Minnesota | Minneapolis, Minn. | | | | | |
| Resident | | 78 | 225 | 75 | 123 | 33 |
| Nonresident | | | 375 | | 258 | 100 |
| State Univ. of Iowa | Iowa City, Iowa | | | | | |
| Resident | | 121 | 121 | 130 | 115 | 360 |
| Nonresident | | 141 | 141 | 200 | 245 | |
| Univ. of Washington | Seattle, Wash. | | | | | |
| Resident | | 60 | 82 | | 100 | 55 |
| Nonresident | | | 427 | | 300 | 105 |
| Univ. of Missouri | Columbia, Mo. | | | | | |
| Resident | | 80 | | 162 | 75 | 00 |
| Nonresident | | 130 | | 372 | 165 | 225 |
| Univ. of Texas | Austin, Tex. | | | | | |
| Resident | | 30 | 70 | 70 | 75 | 31 |
| Nonresident | | | | | 175 | 150 |
| Univ. of Calif. | Berkley, Calif. | | | | | |
| Resident | | 200 | 25 | | 70 | |
| Nonresident | | | 175 | 177.50 | 370 | |

TABLE 1--Continued

| Institution | Location | 1933-34 | 1939 | 1947 | 1950 | 1953 |
|-----------------------|-------------------|---------|-------|-------|-------|-------|
| Louisiana State Univ. | Baton Rouge, La. | | | | | |
| Resident | | \$ 10 | \$112 | \$112 | \$ 70 | \$ 30 |
| Nonresident | | 150 | 372 | 372 | 270 | 130 |
| Indiana Univ. | Bloomington, Ind. | | | | | |
| Resident | | 77 | 77 | 00 | 48 | 60 |
| Nonresident | | 100 | 125 | 97.50 | 153 | 173 |

and the Atomic Energy Commission. The participation of the federal government in the financing of higher education was also criticized because of a lack of coordination, and from a lack of reference to educational policies as a whole.¹

The "G. I. Bill of Rights" was of tremendous importance in the field of education, particularly in the area of federal aid to education. It was significant not only for the benefits rendered the individual and the nation, but as an example of a successful program by the federal government to give massive aid to education. Its wide acceptance and efficacy indicated that the program was a resounding success and points tacitly toward the possibility of greater participation of the federal government in all fields of education.

Summary and Conclusions

The exploitation of theoretically neutral public schools in the interest of religious cooperation was viewed by many as both a natural manifestation of religious belief and practice and as a means of effecting religious discrimination. Cooperation between public schools and church schools resulted in the erasing of many of the lines of demarcation between the two institutions and in the blending of all or a part of one school system into the other.

The drive for cooperation was characterized by two dominant motives. The first involved economy in government

¹New York Times, May 23, 1949. p. 1.

and the saving of tax money, but was attained at the expense of freedom of religion and was usually accompanied by a disregard of the rights of the minority. The second involved the use of the public schools or the expenditure of public funds for the teaching of religious principles and for the perpetuation of sectarian doctrine.

Both Catholics and Protestants participated actively in cooperative ventures, and a significant number among both groups sometimes displayed an absence of the long range perspective, a disregard for ultimate consequences, a disrespect for law and order, and a lack of devotion to the principles of constitutional government.

CHAPTER VIII

SUMMARY AND CONCLUSIONS

Seventeenth and eighteenth century traditions and practices in American education reveal a close relationship between religion and education. This intimate interaction continued through the struggles of the nineteenth century and remains evident in the twentieth century.

In seventeenth and eighteenth century America, the purpose of education was essentially that of cultural conservation. The church looked to education as a means of preserving its dogma, and social and economic traditions were likewise protected. Since the purpose of education was closely identified with the local community, the control and financial support of education was also local in nature.

The nineteenth century brought changes altering the relatively stable nature of education, and intensified conflict between conservative and progressive groups. The influence of these new groups served to broaden the scope of education and indicated that the purpose of education could no longer be predominantly conservative.

The development of democratic concepts of government and the accompanying need for an enlightened electorate

supplied a powerful new purpose for education. Commercial and industrial developments and the ensuing need for literate workers gave a distinctively utilitarian purpose to education. Huge tides of immigrants came to the new nation, bringing with them diverse racial, social, religious, and economic backgrounds. It soon became evident that a system of schools broad enough to serve the wide range of needs in so complex a society could not be limited to the perpetuation of political, social, economic, and religious dogma.

From America's complex background, the concept of separation of church and state emerged, and was accepted by a majority of people as the theoretical pattern by which education in such a religiously heterogeneous society could be harmoniously oriented.

The principle of separation of church and state, however, has never achieved universal acceptance in the United States, and has never been completely translated from theory to practice in the field of education. In spite of the momentous developments of the nineteenth and twentieth centuries, education is still viewed by a significant number of Americans as a means of perpetuating and strengthening religious dogma and the status quo generally.

Protestants, once a distinct religious majority, have sometimes viewed the public schools as an arm of their religious faith, and have from time to time shown disrespect for the rights of the minority. Catholics were one of the

minority groups facing the problems of adapting to a new country where habits, customs, traditions, and religion were foreign to their environment. They were nevertheless citizens and their rights deserved respect.

During the formative years of American Catholicism, the social environment was generally hostile, and doubtless contributed to the character of the movement. Although a review of church and state relations in European history is not conducive to the unquestioned trust of Old World Catholicism in the American setting, misunderstanding, ignorance, prejudice, and fear among the majority contributed to a situation where an aggressive attitude in the minority apparently offered the best prospects for survival. This attitude of aggressiveness growing slowly in American Catholicism, has increased sharply in recent years, and has become a significant social force in post-World War II American history.

This increasingly aggressive attitude has been apparent in the drive for public funds for parochial schools on the national, state, and local levels. Evidence in Chapter III indicates an offensive drive by the Roman Catholic hierarchy for a portion of any federal funds that might be made available to the nation's schools in the immediate post World War II years. Evidence of a resurgence of this drive is indicated in Chapter V during the Kennedy administration. Chapters VI and VII reveal evidence of a more or less consistent drive for state and local tax money for a portion of

parochial school expenses during the entire post-war period.

Evidence contained in this dissertation warrants the following conclusions:

1. These various individual drives are in reality a portion of a larger drive to secure public tax support for expenses incurred in the operation of the Roman Catholic school system.

2. Evidence in Chapters III and VI indicates that much of the leadership of this drive in the post-war period was based on principles strikingly similar to those articulated by Pope Pius XI in the Christian Education of Youth in 1929.

3. These principles were vigorously opposed by groups who considered them to be antagonistic to the best interests of democratic society in twentieth century America.

4. Evidence in Chapters IV and V indicates that groups other than religious ones aligned themselves within the framework of the controversy, and that reactionary political and economic groups have become more involved in problems of religion and education than is generally recognized. Following the United States Supreme Court decision on segregation in 1954, social and political conservatives sought alliance with religious and economic conservatives in order to preserve cultural patterns in certain areas of the nation. Evidence in Chapters VI and VII suggests similar alignments

among economic, political, and religious groups for the attainment of common objectives.

5. Chapter VII contains evidence of some of the ramifications and problems involving cooperation between church and state in the emotionally charged areas of religion and education.

6. Evidence indicates that both offensive and defensive groups in the struggle have often resorted to tactics of extremism and excess, and have thus tended to intensify and magnify differences among the various viewpoints. Chapter V reveals evidence of a considerable strengthening and stiffening of positions of extremism during the period from 1960 through 1963, thus further restricting effective communication among the various factions.

7. Further analysis of evidence presented in this dissertation justifies the conclusion that many of the religious, political, economic, and socially conservative groups, while supporting divergent positions, are capable of unifying in a conservative support of the status quo.

Unless solutions to problems presented in this dissertation are achieved, two impending dangers are apparent:

1. Serious damage to both religious and secular institutions, including the public and parochial school system, is likely to occur.

2. Rather than face the changing value structures imposed by twentieth century technology, a retreat into regressive theory and practice is a possible eventuality.

This dissertation reveals evidence of a large and significant area of middle ground where the possibility of mutual consensus and compromise offers a basis for the eventual solution of many of these perplexing problems. Of particular importance is the body of moderate religious, social and political beliefs contained in Chapters III, IV, V, and VI. It would seem that a consideration of mutual needs, purposes, and desires, based on objective truth, knowledge, and justice, and oriented toward the long-range perspective offers the possibility of a workable solution.

An understanding of the problems of the past, embracing the immense implications of change, will facilitate the development of mutual consensus where the real needs and long-range purposes of all citizens can be united in common objectives. If the concept of separation of church and state is valid for the United States, it should be honored in a manner that will not only prevent the domination of the state by the church, but also will prevent the domination of the church by the state. Both church and state should be allowed freedom to function within a well defined framework of the laws of the land, and consistent with the rights of all citizens.

If public funds are used for truly public education that has a public purpose and is publicly controlled, without hampering and restricting religious freedom, it would appear that the solution to allied problems of less magnitude could then be achieved.

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