FACT AND OPINION

by SAMUEL SPIEGLER

AN INTRODUCTORY NOTE

This installment is almost wholly opinion, the fact content being chiefly supportive of the opinion. Your editor would welcome opinion in response—corroborative or disputative opinion on the matters herein considered, or any other opinion relevant to readers of the Journal.

The Federal Aid to Education Act of 1965

As these comments are being written, President Johnson's school aid bill awaits final action in the Senate. By the time they appear in print, the bill will be law, in all likelihood little changed from the form in which it was proposed.

It is a law freighted with dangerous potentialities, departing drastically from traditional relationships between government and religion and gravely threatening the future growth of the American public school system.

Many qualified students consider those parts of the law that require school districts obtaining federal aid funds to make free loans of textbooks for parochial school pupils (and teachers) and to provide them with other educational services to be unconstitutional. It is most unlikely that the United States Supreme Court will have occasion to resolve this issue, for it is governed in such matters by a 1951 ruling of its own that denies taxpavers the right to challenge federal appropriations unless they can show some specific pecuniary damage in a sufficiently substantial amount to give them "standing to sue." The bill's advocates have refused to consent to incorporation in it of a provision that would in effect waive the standing to sue ruling. Without venturing a judgment on the question of constitutionality, it is difficult to avoid speculating that even they doubt that the courts would uphold their contention that the law is wholly constitutional.

Constitutionality aside, the law establishes and implements a relationship between government and institutionalized religions that is in direct contradiction of the tradition of separation—of the principle that there shall be no governmental support of religion, no governmental interference with it, and no insinuation of religious interests into governmental services and operations. In the education of children of economically deprived families, the public schools and the churches that maintain their own religiously oriented schools are, in effect, made partners by this law.

Every major feature of the law makes provisions for children attending private and parochial schools as well as public schools. Public school districts can get some of the \$1 billion authorized for direct grants only on condition that they make "provisions for special educational services and arrangements" for children attending non-public schools. "to the extent consistent with the number of educationally deprived children" in such schools. State public education officials decide whether such provisions are adequate, but it is not easy to suppose that they will fail to seek the opinions of parochial school authorities in the affected school districts-especially inasmuch as the National Catholic Welfare Conference has asserted that agreement between public and parochial school officials should be reached before the state educational office approves an arrangement. It is thus possible that, in practice, this law will place responsibility for some part of the parochial school program upon the public schools -regardless of the severity of their own problems—because the parochial schools otherwise can block their access to federal aid.

This is no longer a constitutional "technicality," as the detractors of the constitutional approach term it. It adds another to the already numerous sources of interreligious conflict and hostility in our society. For who can doubt that, with public funds up for grabs, there will be increased rivalry among religious sects and factions for control of the local boards of education that will administer those funds?

The threat to the public schools goes far beyond the question of constitutionality in the strictly legalistic sense. This threat is of more than one dimension. Of the required "special educational services" to be rendered to non-public school pupils, perhaps the most highly approved in advance by the United States Commissioner of Education is "dual enrollment" or "shared time." This is a program in which parochial or

other private school pupils come to public schools for instruction in some subjects. Usually, in the programs already in existence, these subjects are the ones the parochial schools consider relatively innocuous in value-formation among pupils-vocational training, home economics and physical education, less often mathematics and the exact sciences. Almost never do the parochial schools send their pupils to dual enrollment classes in any of the academic subjects: social sciences, citizenship training and the like. The denigration of the public schools to purveyors of mere training, rather than education, implicit in such a division, is manifest.

But more directly threatening is the principle laid down in the aid to education act, and almost made doctrine by its advocates in rebuttal of criticism, that pupils attending non-public schools have a right to public assistance in meeting the costs of their schooling in those Should substantial tax funds schools. find their way into this indirect conduit for and to parochial schools, many religious denominations may well establish schools, withdrawing their children from the public schools, and absorbing their government subsidies. Some 12 percent of all schools in America now are nonpublic. How long would it take for the proliferation of sectarian schools to fragmentize, downgrade and vitiate our public school system?

When these lines are published, the law will have been in effect for some time. How damaging its implementation may be depends on many factors. State officials who are charged with responsibility for reviewing and approving plans submitted by applicant school districts have an obligation to see that such plans adhere scrupulously to state laws regarding public funds for religious purposes. Public school boards have an obligation to keep control over curriculum and administration of the public

schools under public authority, without interference by parochial school officials or other religious groups.

Citizens, social action groups, organizations concerned for the public welfare—all—have the shared obligation to be vigilantly alert, to make their views and concerns known to state and local educational officials. This law is a threat. Many of its dangerous potentialities can be mitigated if enough people are aroused, in time, to its dangers, and act vigorously.

RE: RABBI HERTZBERG'S ADDRESS 1

THE following letter is reproduced with the permission of the writer.

February 6, 1964

Dr. Arthur Hertzberg Temple Emanuel Englewood, New Jersey

Dear Arthur:

I feel impelled to write to you this morning because I want you to know some of my feelings about your speech yesterday before the National Conference of Jewish Communal Service. It is obvious that you don't like social workers, which is your right—and your feelings showed through, but being a social worker, I cannot help but wonder why you agreed to speak before a group of professionals whom you don't seem to respect and whose field you don't admire.

Your basic premise—the responsibility for sustaining Jewish identity—is one on which you spent the greater portion of your time. You will forgive me, I hope, if I say it seemed like beating a dead horse. The group before which you spoke is committed to this concept, and long ago dedicated itself to the concern with survival of the Jewish people.

And since you were willing to accept a broad and flexible interpretation of "identity," it seemed unnecessary to belabor the point.

Stemming from your basic premise, you developed several ideas, and with these I cannot agree. First, you said, that no Jewish community has survived four generations in freedom. You gave the French community as an example. Led to its logical conclusion then, this idea brings us to two possible alternatives: back to the ghetto, or oppression. I am afraid Jews who have tasted the fruits of liberty will buy neither. I see other alternatives. In our field, we have accepted the premise that Jews are most secure in a free and democratic society. I believe this is still a valid concept. Second, you said that if we (the Jewish communal workers) do our work well, the Jewish group will be around in 200 years, but the Negro group will disappear-by intermarriage, I suppose you mean. Who decided this fate for the Negro? Who has said this is what the Negro aspires to? To be sure, some Negroes may marry out of their race, but many may choose to remain in the group, with pride and dignity. This freedom of choice is possible only in a free society -iust as the freedom Jews have enjoyed permits us-you and me-to see Jewish identity differently-you, more religiously than I. It is precisely because we understand in a visceral way what the values of freedom are—that it is a moral imperative for Jewish agencies to act forthrightly, consciously and energetically in the present race crisis.

The question of Jewish identity should not have been coupled with the role of Jewish agencies in race relations. In my judgment, they are unrelated. How does it hurt Jewish identity for Jews to be actively engaged in the present race crisis? The Educational Alliance itself has demonstrated that a Jewish agency

¹ See p. 324 this issue.

can manage not to subvert its basic Jewish purpose, and yet be open to all, and active in the civil rights field. If we are dealing with the purposes of Jewish agencies, I am afraid there is enough evidence to show that the purposes of some agencies are motivated by where the money comes from, and that the Jewish purposes can be somehow laid aside when government money becomes available, and must be used on a non-sectarian and/or interracial basis.

I am upset by the fact that your position offered a rallying point to those who have retreated from life, and from the present struggle in America. Jewish identity is easy to talk about, and offers a way of avoiding the practical crises of life.

I cannot close without commenting about your observations on guilt. You made the point that the Jewish community does not bear the ultimate guilt for Negro oppression, and for the situation in which the Negro finds himself; that we were not around when this injustice started, and therefore, did not participate in it. I am afraid that with my psychoanalytic bent, I detect a Jungian flavor in this theory. Jews, as part of the majority group, bear an equal guilt for the oppression of the last 100 years,

and perhaps you can buy that length of time.

Cordially,

(Mrs.) Ann G. Wolfe Program Consultant National Affairs Department

OTHER CORRESPONDENCE

To the Editor of Fact and Opinion:

A S you no doubt know, the Conference on Jewish Social Studies sponsored a "Conference on Negro-Jewish Relations in the United States" last year, and the Proceedings have just been published in our January issue of Jewish Social Studies. It was especially interesting for me to attend your Conference on a similar question around the same time, at which Rabbi Hertzberg (who is one of our vice-presidents and most active in our affairs) was the main speaker.

Would it be possible for you to publicize this particular issue of Jewish Social Studies in your periodical Jewish Social Service Quarterly? We feel that your readership would be particularly interested in this theme, in view of the Conference mentioned above that you sponsored.

Muriel Shapiro Administrative Secty.