

Controversy Over Religion in Schools Nearing Climax

Editor's note: The following dispatch, the first of two by Claire Cox dealing with the controversy over the separation of church and state, discusses Article I of the Bill of Rights, upon which a large new body of litigation focuses.

By CLAIRE COX
New York - (UPI) - The controversy over religion in the public schools is building toward a climax in the United States courts.

Winds of dissent have blown sharply across the land since the Supreme Court ruled last June to outlaw an official prayer that has been recited daily in some New York public schools.

This was the most heatedly discussed case in recent years. But it was neither the first nor the last in a series of litigations that have been instituted since 1947 under a constitutional clause written more than 150 years ago.

Still to be settled are a roster of cases involving such issues as the construction of creches on public school property during the Christmas season, the use of publicly owned buses to transport parochial school pupils, the reading of Bible passages in classrooms, released time for religious education and the provision of publicly purchased textbooks to parochial schools. Most of these pending cases involve religion in the schools, but also still at issue is a bitter controversy over "Sunday blue laws," namely, whether businesses may operate on Sundays.

Could Fire Controversy

Any one of these issues could touch off a controversy such as that ignited by the prayer decision. But church leaders generally feel that the "hottest" subject still left to go through the courts is whether it is legal to read the Bible in public schools.

All of the matters have been under litigation under a constitutional clause in force since 1791. At the heart of the matter is a phrase in Article I of the Bill of Rights, the first ten amendments to the Constitution. It says, "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof." The rest of the

article deals with freedom of speech and press, the right to assembly and the right to petition the government for a redress of grievances.

The second half of the opening clause, the part guaranteeing the free exercise of religion, was settled by the courts in the 1940s, largely as a result of a series of cases brought by the Jehovah's Witnesses to establish their right to proselytize door to door, to hand out literature on street corners and to refuse to salute the U.S. flag.

Books Being Rewritten

The first half, known as "The Establishment Clause," was defined by the Supreme Court in 1947 in a New Jersey school bus case in which the court ruled, 5 to 4, that it was not a violation of the separation

of church and state for the state to reimburse parents who had paid for public transit bus rides for parochial school pupils. One of the justices who voted with the majority was William O. Douglas, who said in the June prayer ruling that he had made a mistake in 1947 that in retrospect public payment for transportation for parochial school students should not be allowed.

He and the other justices who voted with him reached their latest decision under the definition of the establishment clause written in 1947 by Justice Hugo Black. It provided:

"The establishment of religion" clause of the First Amendment means at least this: Neither a state nor the federal government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. Neither can force nor influence a person to go to or remain away from church against his will or force him to profess a belief or disbelief in any religion. No person can be punished for entertaining or professing religious beliefs or disbeliefs, for church attendance or nonattendance. No tax in any amount, large or small, can be levied to support any

religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion. Neither a state nor the federal government can, openly or secretly, participate in the affairs of any religious organizations or groups, and vice versa. In the words of Jefferson, the clause against establishment of religion by law was intended to erect a "wall of separation between church and state."

This ruling has been quoted widely in court cases from Vermont to Oregon, some of which the Supreme Court has declined to consider and some of which are pending.

Goldberg Tells Limit on Gifts

Washington - (UPI) - Supreme Court Justice-designate Arthur J. Goldberg declared recently he would not accept any gifts more expensive than a 20-pound birthday cake.

Goldberg described his interpretation of ethical conduct for government officials in a speech to the convention of the American Bakery & Confectionery Workers (AFL-CIO).

The union had sent him an enormous cake to celebrate his 54th birthday last Aug. 8. Goldberg, who wrote organized labor's code of ethics, said Sen. Paul Douglas, (D-Ill.), had a rule barring any gifts that cost more than 10-pound ham.

That, he said with a smile, did not seem an appropriate rule for a member of the cabinet named Goldberg. So he

adopted the birthday cake yardstick.

Incidentally, he had the cake frozen and served it at a picnic for college students holding summer jobs at the Labor department.

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Wheat Farmers Casting Ballots On Market Quotas

Washington - (UPI) - Wheat farmers vote in 39 states today to decide whether marketing quotas will be in effect for the 1963 crop.

The Agriculture Department said about a million farmers are eligible to vote in the referendum. Not more than 25 per cent of them are expected to cast ballots.

Two-thirds of those voting must approve quotas if they are to be applied to the 1963 crop. If quotas are approved, producers who stay within their acreage allotments may market all the wheat they produce without penalty.

Growers in the commercial area who stay within their acreage allotments will be eligible for price support on their entire production. The price support rate has been set at a minimum national average of \$1.82 per bushel. Growers who exceed their acreage allotments will not be eligible for price support and will be subject to marketing quota penalties if they have more than 15 acres of wheat for harvest.

If quotas are not approved, marketing quotas and penalties will not be in effect for the 1963 crop. Acreage allotments will remain in effect and will be used to determine eligibility for price support. The price support rate will be at 50 per cent of parity - a national average of about \$1.21 per bushel.

The 1963 crop will be grown on a national acreage allotment of 55 million acres, the minimum permitted by law. All wheat grown on this national allotment makes up the marketing quota of the entire crop. Marketing quotas have been in effect for the last nine wheat crops.

PEACE FLEET URGED

Washington - (UPI) - Sen. Alexander Wiley (R-Wis.) has urged the government to set up a "peace fleet" to block Communist arms shipments to Cuba. Wiley said Wednesday the fleet could be controlled by the organization of American states to "patrol the waters of the Western Hemisphere."

Quotes From the News

BY UNITED PRESS INTERNATIONAL

Washington - President Kennedy, warning that 10 to 15 nations may have nuclear weapons soon if no test ban agreement is reached:

"When one goes off, it may mean they all go off."

Washington - Supreme Court Justice Felix Frankfurter, 79, in a letter to President Kennedy explaining why he is leaving the bench:

"To retain my seat on the basis of a diminished work schedule would not comport with my own philosophy or with the demands of the business of the court. I am thus left with no choice but to regard my period of active service on the court as having run its course."

Moscow - Acting United Nations Secretary General Thant, who said Soviet Premier Khrushchev does not now plan a visit to the General Assembly meeting in New York next month:

"It does not exclude the possibility of his attending a session at a later date if the circumstances warrant."

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