

William W. Brickman

The following essay on one of the most significant and emotionally charged issues before the American public represents a dissent from the majority American Jewish opinion by a noted teacher of education. A prolific author and editor, Dr. Brickman is professor in the Department of the History and Philosophy of Education at New York University. He contributed "Religion in the Israeli Public Schools" to the Spring 1960 issue of TRADITION. He is the co-author of *Religion, Government, and Education*, scheduled for publication in June, 1961. For previous discussion of the question of separationism, the reader may refer to Prof. Simeon Guterman's article, "Separation of Religion and State: The Historical Perspective," in our Spring 1960 issue. The columns of our next issue will be open to comment on the thesis here presented.

PUBLIC AID TO JEWISH DAY SCHOOLS

Whenever the question of the relationship of religion to education and to government is discussed, it is but natural for the rabbis to express their viewpoint. No one will deny the right to a rabbi to make a pronouncement upon a subject which is clearly within his domain, the relation of religion to society. Consequently, there need be no surprise when rabbis raise their voices against Christmas observances, Bible readings, and other religious practices in the public schools.

What is surprising is the tendency of individual rabbis and rabbinical organizations to give voice to their objections to Christianity in the classroom in secularist rather than in theological terms. This is evident in the statement of policy and position on the public school which three rabbinical organizations have been signing *en masse* for several years and which has been jointly adopted by the Synagogue Council of America and

TRADITION: *A Journal of Orthodox Thought*

the National Community Relations Advisory Council. Both the Rabbinical Council of America and the Union of Orthodox Jewish Congregations of America are constituent organizations of these two coordinating bodies. It is to be assumed that both Orthodox organizations, by the mere fact of listing, approve the positions and their underlying rationale in the matter of the relation of church, state, and education.

The joint statement affirms that "attempts at religious inculcation in the public schools, even of articles of faith drawn from all religions and endorsed by representatives of all, violate the traditional American principle of separation of church and state."¹ This "traditional American principle" is again invoked in opposition to various practices or observances such as Bible reading, prayers and hymns, and Christian or joint Christian-Jewish celebrations of religious festivals.² At most, the statement makes a passing reference to observances which "violate the conscience of many religious persons, Jews and Christians alike."³ We have every right to feel disappointed at the failure of at least the Orthodox to insist upon a halakhic support for any action against Jewish children's participation in the public school's religious teachings and practices. Certainly, the Orthodox can find reasons other than the "traditional American principle" of separationism.

It should be added that most Orthodox rabbis and laymen follow the majority Jewish opposition to Released Time and to bus transportation and secular textbooks for parochial schools, all of which have been ruled as constitutional by the United States Supreme Court; clearly, they disapprove of outright subsidies to parochial schools. Their departure from total separationism comes in their sanction of "the provision of lunches, medical and dental services to children" who attend parochial schools.⁴

The question arises logically: Why do Orthodox bodies and individuals, who are committed to Torah, its observance, and its perpetuation, show so much concern for the sacredness of separationism when they should be struggling for the recognition of religion and religious education as rightful components of our society? It may be that the rabbis are fearful of applying theo-

Public Aid to Jewish Day Schools

logical authority in church-state-school issues because they believe that an appeal to constitutional authority will be more pleasing, and consequently more convincing, to Christians than reference to Jewish sources. So strong has separationism become that even Orthodox rabbis become secularist in their approach to what is essentially a religious issue.

The time has arrived for a reassessment of this situation. For too long a time have Orthodox rabbis and laymen been content to follow the leadership of Jewish secularist "defense" organizations in relations with non-Jews on matters deeply affecting the Jewish religion. Secularist leaders have no commitment to the perpetuation and promotion of Torah Judaism. For them religion is a means to the end of harmonious relations with the Christian world which they do not fundamentally understand. Accommodation, back-bending, and compromise have been carried too far. The time is ripe for a change.

The situation can be remedied by a willingness to reexamine the realities of the relationship between religion and education in the United States. This can be done by a combination of several procedures: examination of the historical tradition and precedents, consideration of court decisions, and a glance at current practices, problems, and possibilities.

BEGINNINGS

In the first place, it must be realized that the beginnings of education in the American colonies early in the seventeenth century were due to private enterprises.⁵ As a matter of fact, a Harvard historian has recently maintained that "the modern conception of public education, the very conception of a clean line of separation between 'private' and 'public,' was unknown before the end of the eighteenth century."⁶ In other words, when the United States Government was organized, there was no public-private separation in education any more than there was an open-and-shut idea of the mutual relations of the church and state. The more-or-less secular public school was very far ahead in the future. As Prof. J. Paul Williams, a Protestant minister who is also professor of religion at Mt. Holyoke Col-

TRADITION: *A Journal of Orthodox Thought*

lege, stated, "All through colonial times, and for fifty years after our birth as a nation, the teaching of religion was considered to be a major function of all schools — public as well as private. Secular education was the creation of politicians in the middle of the nineteenth century in an effort to resolve the conflict among churches over what type of religion should be indoctrinated at public expense."⁷ This point of historical significance has not been sufficiently appreciated in discussions of the church-state-school issue.

The history of the early American Republic sheds much light on the question of the relation of religion to Government and to education. On July 13, 1787, the Congress of the Confederation adopted the famous Northwest Ordinance, stating in the third article 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."⁸ Ten days later, Congress granted powers to the Board of Treasury to draw up the contract for the sale of 1,500,000 acres of land on the Ohio River to the Ohio Company of Associates, stipulating that "the lot No. 29, in each township, or fractional part of a township, to be given perpetually for the purposes of religion."⁹ However, it must be added that no public land was reserved for the use of religion in accordance with the Northwest Ordinance of 1787 after the First Amendment finally became part of the Constitution in 1791.

Even while the fathers of the Constitution were laying the foundation of the First Amendment — "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof" — the legislature of the Commonwealth of Massachusetts passed an education act, in 1789, for the active participation on the part of the clergy in the certification of teachers and in the supervision of the schools. Furthermore, the law ordered all teachers, whether they instructed at Harvard, an academy, or elsewhere, "to impress on the minds of children and youth . . . the principle of piety, justice, and a sacred regard to truth . . ."¹⁰ Interestingly, the law decreed that "no settled minister shall be deemed, held, or accepted to be a School-Master, within the meaning of this Act."¹¹ This law

Public Aid to Jewish Day Schools

did not apply to "the President, Professors and Tutors of the University at Cambridge," most of whom were clergymen but were not *settled*, that is, established as ministers of the gospel in a church community.

That the term "piety" must have had some relation to religion is apparently clear from the context. To some extent, its meaning may be inferred from the contemporary writings of state officials. Thus, Gov. Samuel Adams, of Revolutionary fame, in his message to the Massachusetts legislature on January 16, 1794, urged the establishment of "such modes of education as tend to inculcate in the minds of youth the feelings and habits of piety, religion, and morality" ¹² A year later, on January 27, 1797, Gov. Adams re-emphasized the significance of "Piety, Religion, and Morality," as well as the "great importance of encouraging our University, Town Schools, and other Seminaries of Education; that our children and youth, while they are engaged in the pursuit of useful Science may have their Minds impressed with a strong sense of the Duties they owe to God" ¹³ There seems to be little doubt that at the time when the people of the United States were supposed to be erecting a high and impregnable "wall of separation between church and state," to cite the oft-quoted phrase of Pres. Thomas Jefferson in his letter of January 1, 1802, to a committee of the Danbury Baptist Association in Connecticut, ¹⁴ there also existed a feeling in many influential quarters that separationism did not extend to the public schools.

Financial support from public sources for religious schools can be traced back to the early nineteenth century at least. In New York State, Catholic, Jewish, and Protestant schools received funds from under the Common School Act of 1795 and annual grants from the State legislature beginning with 1814 and for some time afterward. ¹⁵ In 1832, the United States Congress granted land to Columbian College (now the George Washington University) in Washington, D.C., which had been founded in 1821 as a Baptist denominational school and as the "real parent institution of the Church." ¹⁶ The charter of this college, which was incorporated by Congress, provided that "persons of every religious denomination shall be capable of

TRADITION: *A Journal of Orthodox Thought*

being elected trustees, nor shall any person as president, professor, or pupil, be refused admission into said College or denied any of the privileges, immunities, or advantages thereof for or on account of his sentiments in matters of religion.”¹⁷

On March 2, 1833, Pres. Andrew Jackson signed a bill under which the United States Government made a “generous grant”¹⁸ of \$25,000 in city lots to Georgetown College, a Jesuit school, originally founded in 1789 in Washington, D.C., as the first Catholic institution of higher education in the United States. This bill had been introduced by Rep. Thomas McKennan of Pennsylvania at the suggestion of friends of Georgetown who felt that Congress should be as generous to the Catholic as to the Baptist College. The House of Representatives passed it, 97-84. In the Senate, in spite of opposition by Sen. William Rufus De Vane King of Alabama, who had two relatives studying at Georgetown, the bill was approved, 14-13, possibly because of the active support of Senators Daniel Webster (who was absent during the vote) and John Tyler. It was not until February, 1837, that the deed for the land was finally executed.¹⁹ Federal aid was thus made available to denominational colleges without any successful challenge on Constitutional grounds. On the other hand, a bill by Sen. Thomas Hart Benton of Missouri to grant a township of public land to the French University of St. Louis (now St. Louis University), also a Jesuit institution, died in committee in 1838 after some discussion on the floor.²⁰

On the state level, New York was among those which made direct money grants to colleges under religious auspices. Thus, in 1849, Geneva College, (now Hobart College), an Episcopalian institution, and St. John's College (Fordham University) received \$2,500 each from the state legislature.²¹ Geneva College, which had obtained in 1838 a five-year State grant of \$6,000 annually without condition and had also been given in 1841 a three-year grant for \$5,000 annually on the condition of offering four free scholarships.²² Even larger sums of \$25,000 were given on a matching basis to the University of Rochester (Baptist) and St. Lawrence University (Universalist) in 1857 and to Elmira College (Presbyterian) in 1867.²³ Prob-

Public Aid to Jewish Day Schools

ably the largest grant made by New York State to a denominational college was more than \$350,000 in land and money to Union College (Presbyterian) between 1795 and 1815.²⁴ A Catholic historian states that St. Bonaventure's College, a Franciscan school which had a complete college course by 1864 and which received a charter in 1875, may also have received grants from New York State.²⁵ Even though the New York law of 1842 barred support to schools teaching religion and the law of 1873 withheld funds from school under denominational control, the fact that the New York Constitution permitted such support made possible the granting of public funds to sectarian academies and other schools for more than a century. However, in 1894 a new section incorporated into the State Constitution (Article XI, Section 4) forbade "the use of public property or money in aid of denominational schools."²⁶

The history of the church-state question in American education, when fully explored, will no doubt yield many interesting and even surprising items which will puzzle extremists. One such event was the establishment of the "Catholepistemiad, or University of Michigana" in 1817 by the territorial government of Michigan. This unusual institution, which remained in existence until 1821 and never did function above the elementary and academy level, was administered by the Rev. John Monteith, a Presbyterian Minister, as President and professor of seven fields, and the Rev. Gabriel Richard, a French-born Catholic priest, as vice-president and professor of six subjects.²⁷ Interestingly, Father Richard became in 1824 "the first and only Catholic priest in American history to sit in the Congress of the United States,"²⁸ inasmuch as he had been elected a delegate of Michigan territory. In 1821, before the legislature amended the law of 1817 and created a new University of Michigan, Monteith left and "Richard, as vice-president, then took over."²⁹ This meant that, for all practical purposes, Richard became the president of the University of Michigania. Strict separationists may be hard put to explain such action by a governmental body in the light of the wall-of-separation theory.

For some time there existed a popular view that the great American educator of the nineteenth century, Horace Mann,

took religion out of the Massachusetts public education and put the stamp of secularism on the public schools. A study of the writings and activities will show that this is a misconception. Mann, who served as secretary or commissioner of the Board of Education in Massachusetts, took his point of departure from the law of 1827, reenacted in 1835, which required that moral and religious instruction be given in the public schools and which also prohibited the purchase of any textbooks "which are calculated to favor any particular religious sect or tenet."³⁰ In a lecture to a teachers' convention in 1839, two years after he took office, Mann defined education as "such a culture of our moral affections and religious susceptibilities, as, in the course of Nature and Providence, shall lead to a subjection or conformity of all our appetites, propensities and sentiments to the will of Heaven."³¹ His final report in 1848 contained his view on the Bible in the schools. "The Bible is the acknowledged expositor of Christianity. In strictness, Christianity has no other authoritative expounder. This Bible is in our Common Schools, by common consent. Twelve years ago, it was not in all the schools."³² What Horace Mann opposed in the public schools was sectarianism, that is, a single brand of denominational doctrine, but he was equally antagonistic to secular education. He favored the reading of the Bible without comment — itself a sectarian act, if one considers Catholics and Jews — and "repeatedly urged the teaching of the elements of religion common to all of the Christian sects,"³³ in line with the state law. It is clear, then, that church and state were not separated in educational matters in the pioneering Commonwealth of Massachusetts which set the tone for education in most parts of the country. In effect, the public schools of the state, by the mid-nineteenth century at least, were Christian (actually Protestant) institutions which received public funds. Even more, the compulsory attendance law of 1852, together with the compulsory Bible reading law, "made religion in the schools compulsory in a sense in which it had not been before, but this could be avoided by attending private schools."³⁴ Those parents who could not afford to pay for private instruction in Massachusetts were forced to see their children learn religious doctrines which

Public Aid to Jewish Day Schools

were alien to them. Such was the status of separationism a century ago. It is hardly reassuring to learn that "after 1855 the public schools including elementary, high, and normal schools soon dropped all religious content except the daily Bible reading and devotional exercises, for which there was strong local support, with the addition of moral instruction based on Christianity but not taught as religion." ³⁵

A most significant event in the Massachusetts history of the church-state question was the adoption of an amendment (Article XLVI) to the state constitution in 1917. Section One stated that "no law shall be passed prohibiting the free exercise of religion," while Section Two prohibited the appropriation of any public funds in any form "for the purpose of founding, maintaining or aiding any school or institution of learning, whether under public control or otherwise, wherein any denominational doctrine is inculcated" ³⁶ This amendment was regarded as providing the final settlement of the sectarian issue in the state, but in reality the constitutional ban upon sectarian teaching did not prohibit the teaching of non-sectarian Christianity. As Prof. Smith testified in 1923, "Bible reading is still compulsory and prayer and instruction in the fundamentals of Christianity may easily be justified under the statute requiring the teaching of piety. The exact amount of religion in the public schools is determined by the local committees" ³⁷ He went on to admit that "in the public schools the absolute separation of church and state is hardly complete so long as there is compulsory Bible reading" ³⁸ In the light of the fact that Christianity was taught in the public schools of Massachusetts well into the twentieth century, the concept of an "absolute" or "complete" church-state separation is questionable. No doubt Prof. Smith, along with innumerable others then and now, was sincere in maintaining that there was separation in public education in Massachusetts. Perhaps this might be the belief of a member of a majority group, but it is difficult to see how a minority member can accept such an idea.

Another interesting aspect of the situation in Massachusetts is the fact that his state, along with all the others, was committed by the Fourteenth Amendment to the United States Con-

TRADITION: *A Journal of Orthodox Thought*

stitution (1868) as interpreted by the Supreme Court, to the doctrine of church-state separationism implicit in the First Amendment. If church and state were to be distinct in the eyes of the law of the land, they were similarly separate according to the state constitutions. Separationism should have included the prohibition of religious teaching in the public schools, but it did not. Accordingly, public funds were available for public schools which taught religion, but were prohibited by law to private schools which taught religion.

The nineteenth century was marked by many curious and significant incidents in the field of church-state-school relations. The Native American Party was founded in 1841 "to prevent the union of Church and State" and "to keep the Bible in the schools," and a similar platform was adopted by the Know-Nothing Party in 1855.³⁹ The reaction of the New York City Catholics to anti-Catholicism and to the Protestant teaching in the schools resulted in the establishment of a system of parochial schools. The New York State legislature, through its law of 1842, discontinued the practice of granting money to religious schools, but it soon became evident that the "public" schools would remain Protestant in content and in spirit. A Select Committee of the newly-created Board of Education in New York City expressed the official opinion that the law of 1842 "did not intend to exclude the Holy Scripture from our common schools, nor to prohibit the inculcation of great and fundamental doctrines of the Christian religion — or, in other words, that those doctrines are not 'sectarian' within the meaning of that law."⁴⁰ For a long time afterward, this view prevailed in public education in New York City.

During the nineteenth century several states, such as New Jersey (1844), Massachusetts (1855), and Colorado (1876), passed constitutional amendments forbidding the appropriation of public funds to church schools. On the national scene, Pres. Ulysses S. Grant took the lead in attempting to achieve what seems to have been a consistent policy of separating public school and church. In his annual message to Congress, December 7, 1875, he urged the introduction of a constitutional amendment to require the states to maintain a public school system for all

Public Aid to Jewish Day Schools

children, "irrespective of sex, color, birthplace, or religions; forbidding the teaching in said schools of religious, atheistic, or pagan tenets; and prohibiting the granting of any school funds or school taxes, or any part thereof, either by legislative, municipal, or other authority, for the benefit or in aid, directly or indirectly, of any religious sect or denomination" ⁴¹ This recommendation was expressed in forthright language, but it did not make clear whether "religious" tenets meant the teaching of all religion or simply, as most people understood the term, the doctrines of a single denomination only.

President Grant's proposal followed upon the thought stated by him in his address, September 29, 1875, to the Army of the Tennessee, in Des Moines, Iowa: "Encourage free schools and resolve that not one dollar appropriated for their support shall be appropriated to the support of any sectarian schools. Resolve that neither the state nor the nation, nor both combined, shall support institutions of learning other than those sufficient to afford every child growing up in the land the opportunity of a good common school education, unmixed with sectarian, pagan, or atheistical dogmas. Leave the matter of religion to the family altar, the church, and the private school, supported entirely by private contributions. Keep the church and state forever separate." ⁴² The possible ambiguity, to which reference was made in the previous paragraph, is present in the use of the terms "sectarian schools" and "sectarian" dogmas, and then in the change to "religion" in "the private school." A Catholic magazine editor's comment on Grant's speech approved the exclusion of sectarianism from the public schools, but insisted that "not one dollar" should be given "to our present system of schools, because they are sectarian." ⁴³ This recognition of the reality of the situation made little or no impression. The catch-phrase of church-state separation in education had but a restricted meaning, that chosen by the Protestant majority to protect the teaching of their faith in the public schools at governmental expense, and at the same time denying a similar privilege to the Catholic minority.

It is likely that Grant's ideas may have been inspired by a Constitutional amendment which James G. Blaine, Republican

TRADITION: *A Journal of Orthodox Thought*

majority leader of the House of Representatives, introduced on August 14, 1875. This proposed amendment would have modified the First Amendment as follows: "No State shall make any law respecting an establishment of religion, or prohibiting the free exercise thereof . . . No public property, and no public revenue of, nor any loan of credit by or under the authority of, the United States, or any State, Territory, District, or municipal corporation, shall be appropriated to, or made or used for, the support of any school, educational or other institution, under the control of any religious or anti-religious sect, organization, or denomination, or wherein the particular creed or tenets shall be read or taught in any school or institution supported in whole or in part by such revenue or loan of credit; and no such appropriation or loan of credit shall be made to any religious or anti-religious sect, organization or denomination, or to promote its interests or tenets. This article shall not be construed to prohibit the reading of the Bible in any school or institution; and it shall not have the effect to impair rights of property already vested."⁴⁴ As unmistakable as is the principle of church-state separation in the first sentence, it becomes beclouded by the second sentence which favors Bible reading. The Blaine Amendment was passed by the House of Representatives with an overwhelming majority (180 yeas, 7 nays, and 98 not voting), but the Senate defeated it because it lacked a two-thirds vote.⁴⁵ The failure of the amendment, according to one authority, merely meant that a sufficient number of persons in Congress believed that the state constitutional provisions were adequate in prohibiting public appropriations for denominational schools.⁴⁶ It might also be added that five bills by Sen. Henry W. Blair of New Hampshire, considered by Congress during 1882-1890, provided for Federal aid for public schools and excluded religious schools, but none of these was passed. Blair charged the Catholics with conspiring to defeat his Federal aid bills, even if many Protestant leaders also opposed them.⁴² Perhaps the true colors of Sen. Blair were revealed when he introduced a "Religious Educational Amendment" on May 25, 1888, with section two requiring each state to "establish and maintain a system of free public schools" including instructions "in virtue,

Public Aid to Jewish Day Schools

morality, and the principles of the Christian religion.”⁴⁸ According to two Protestant churchmen-scholars, “It appears that the purpose here was to establish the ‘Christian religion’ throughout the public school system by teaching the principles of the Christian religion.”⁴⁹ Although the proposed Blair Amendment was never passed by Congress, the spirit underlying it is still asserting itself “in a movement fostered by those who would require some form of religious instruction in the public school”⁵⁰

The actual Federal policy on the question of aid to religious schools may be illustrated by the prohibition in the appropriation acts of 1896 and 1897 for the District of Columbia of funds to “any institution or society which is under sectarian or ecclesiastical control”⁵¹ Moreover, the Smith-Hughes Act of 1917, which furnished Federal funds for vocational education, included the provision that no money “shall be applied, *directly or indirectly* . . . for the support of any religious or privately owned or conducted school or college.”⁵²

EARLY JEWISH SCHOOLS

Before leaving the nineteenth century, let us sketch the role of the Jewish school in the church-state controversy, especially with reference to public funds. As previously noted, the New York State legislature provided funds to religious schools in the law of 1795. The free schools of the Roman Catholics and of the Jews, maintained by Congregation Shearith Israel in New York City, at first received no money, but grants were made to the Catholics beginning with 1806. The congregation applied without success to the legislature for equal treatment, as stated ironically some five years later, presumably “owing . . . , to the pressure of business” upon the legislature.⁵³ In 1811, in a memorial drafted by Mayor (and State Senator) De Witt Clinton of New York City, the officers again petitioned that the legislature “extend the same relief to their charity school which has been granted to all others in this city.”⁵⁴ The fact that Clinton wrote the text of the memorial and presented it in person to the state legislature may have been instrumental in the enactment of a law on April 9, 1811 granting the request. The

TRADITION: *A Journal of Orthodox Thought*

trustees of Shearith Israel joined, in 1813, in the protest by Protestant and Catholic churches against the sole grant to the New York Free School and, in 1840, in the petition by Protestant and Catholic churches for state funds. What Shearith Israel received from the state during the years 1814-1821, ranging from \$15.61 to \$51.52 per annum, could hardly be termed munificent.⁵⁵

Jews whose children attended the public schools of New York City protested in 1843, together with Catholics and Universalists, against the sectarian nature of some of the textbooks. Their voice was heard doubtless through the influence of Dr. Simon Abrahams with his colleagues among the Trustees of the Common Schools of the Fourth Ward.⁵⁶ The trustees presented the complaints to the city's Board of Education, but did not succeed in convincing that body that a wrong had been done. According to the Select Committee of the Board of Education, the New York State law of 1842 against the teaching of "any religious sectarian doctrine or tenet" merely opposes *sectarian* instruction, but "does not prohibit the teaching, inculcating or practices of religious doctrines or tenets in our Schools."⁵⁷ The city authorities pointed out that "the Christian religion is in fact the prevailing religion of this State";⁵⁸ consequently, the attempt to bring about the exclusion "from our Common Schools all books which inculcate the principles of the Christian religion, or else deprive such Schools of all participation in public money . . . [is] a most extraordinary and untenable position" ⁵⁹ Moreover, since "the Jews have not . . . and . . . cannot have the same privilege as those who embrace the Christian religion," ⁶⁰ the Board could not entertain their objections to Christian content in the textbooks used in the public schools. Nor was the Board impressed by the argument that Jews should not be taxed for the support of schools in which the Christian religion is taught, since "these institutions were established before they came," the majority of the people insists on having them, and "it would therefore be absurd and unreasonable" that they should be changed to suit "the peculiar views of a sect" which is in a minority.⁶¹ It was this attitude which resulted in "the rise of a host of Jewish all-day schools in the mid-century."⁶²

Public Aid to Jewish Day Schools

However, as the free public schools became secularized from about 1851 onward, parents sent their children to them, and "the all-day Jewish schools where a tuition fee was charged collapsed."⁶³ On the other hand, Jewish parents may not have found that the city schools became indeed secular. This may be inferred from the statements by Superintendent of Schools, Samuel S. Randall, who insisted in 1868 that there should be "no taint of sectarianism" in the public schools, and in 1869 that the public schools must teach the "broad and fundamental truths of Christian morality."⁶⁴

Jewish activities in the field of church-state-school relations during the nineteenth century deserve deeper study. It is interesting that in 1875 a Jewish commissioner of the Board of Education in Rochester, New York, introduced a resolution which was adopted, 14-2, to ban Bible reading, the singing of hymns, and prayers in the public schools.⁶⁵ In spite of an effort four years later to reverse this decision, "sectarian instruction unmistakably gave way to complete secularism in Rochester's common schools."⁶⁶

IN RECENT TIMES

Limited space will not permit a thorough, analytical, and documented treatment of the issue of public funds to parochial schools in the twentieth century. It will suffice to cite only several instances to indicate that complete church-state separation was mostly imaginary so far as public education was concerned, and that the practice of financial aid to religious schools had by no means been stamped out during the century. The state legislature of Maine voted down proposed constitutional amendments in 1923 and 1926 to ban public funds for private schools and continued to give grants until 1937 to Catholic, Methodist, Baptist, Quaker, and other denominational schools.⁶⁷ State courts have held that state constitutional provisions against compulsory church attendance and otherwise guaranteeing religious freedom, as well as those against public funds to church schools and sectarian instruction in the public schools, "are not violated by statutes or board regulations permitting the reading of the