



An investigation of some aspects and implications of released-time for religious education
by James W Zottnick

A THESIS Presented to the Division of Education and the Graduate Division in Partial Fulfillment of
the Requirement for the Degree of Doctor of Education

Montana State University

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Abstract:

The thesis is entitled An Investigation of Some Aspects and Implications of Released-Time for Religious Education. By way or orientation, "released-time" is the designation assigned to a period of religious education that falls within the hours of a recognised public-school day. The pupils who desire to participate are excused for part of the school day to go to a nearby church for religious instruction. Released-time is designed to bridge the gap between the limitations of the public school in teaching religious belief, and the inadequacies of traditional church agencies in meeting the spiritual needs of children.

The author had several purposes in undertaking the study. First, to reveal the historical background and movements that created a favorable environment for the beginning of released-time. Second, to reveal the rational foundation that gave meaning and direction to the movement. Third, to analyse some of the legal decisions and ramifications of these decisions to determine the present legal status of released-time.

The procedure followed in the study consisted of a survey of the literature available in the areas of religion and public education. Direct mail inquiries were sent to each state that has taken legislative action regarding the released-time program. A sampling of letters to various city church councils with active released-time programs produced some pertinent information.

On the basis of the study the following conclusions were drawn regarding the released-time program. Religion expressed in sectarian, theological, doctrinal, or dogmatic terms cannot be introduced into the public school without endangering the principle of church-state separation. When properly established, the released-time plan can provide religious instruction and experiences on a sound educational basis without violating the principle of church-state separation.

In summary, there are several possible ways in which the released-time program could be emphasized in a community.

First, the desire for such a program must be established as far as the community is concerned. This means that active support must be forthcoming from church, school, and community. Second, the type of program to be offered must be agreed upon, whether denominational, interdenominational, or community type program. Last, solid financial backing must be assured to obtain qualified, trained personnel and good instructional equipment.

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J.W.Z.

ABSTRACT

The thesis is entitled An Investigation of Some Aspects and Implications of Released-Time for Religious Education. By way of orientation, "released-time" is the designation assigned to a period of religious education that falls within the hours of a recognized public-school day. The pupils who desire to participate are excused for part of the school day to go to a nearby church for religious instruction. Released-time is designed to bridge the gap between the limitations of the public school in teaching religious belief, and the inadequacies of traditional church agencies in meeting the spiritual needs of children.

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The procedure followed in the study consisted of a survey of the literature available in the areas of religion and public education. Direct mail inquiries were sent to each state that has taken legislative action regarding the released-time program. A sampling of letters to various city church councils with active released-time programs produced some pertinent information.

On the basis of the study the following conclusions were drawn regarding the released-time program. Religion expressed in sectarian, theological, doctrinal, or dogmatic terms cannot be introduced into the public school without endangering the principle of church-state separation. When properly established, the released-time plan can provide religious instruction and experiences on a sound educational basis without violating the principle of church-state separation.

In summary, there are several possible ways in which the released-time program could be emphasized in a community. First, the desire for such a program must be established as far as the community is concerned. This means that active support must be forthcoming from church, school, and community. Second, the type of program to be offered must be agreed upon, whether denominational, interdenominational, or community type program. Last, solid financial backing must be assured to obtain qualified, trained personnel and good instructional equipment.

CHAPTER I
INTRODUCTION

Education and religion have historically been closely associated in American life. Since the search for religious freedom was a driving force that brought many colonists to the shores of America, it was not surprising that early institutions bore out the religious character. It would be naive to infer that the settlers were all of one mind in the matter of religious beliefs. Each colony reflected its own separate background of religious history and belief and developed its institutions accordingly.

In view of the religious background of early American colonists, nothing was more natural than that the first schools should follow the pattern which their founders had known overseas. Cubberly pointed out that as the church was the central institution of the colonial community, the school was motivated by religious aims. So vital were these church schools considered to the welfare of the government and so closely were they associated with the government "town meeting" that they were financed wholly or in part out of public funds.¹ This practice caused no debate at the time, since the individual communities were substantially homogeneous in their religious make-up.

¹Cubberly, E. P., Public Education in the United States, p. 171

Later on, when populations became more heterogeneous, as sects multiplied, and especially after the appearance of the tax-supported public schools it became increasingly evident that public financial aid should no longer be continued to sectarian schools. It was out of this struggle and clash of sectarian belief and organization that the American public school system developed.

The disavowal of public support for sectarian education was buttressed by the constitutional doctrine of church-state separation. The principle of separation of church and state has become one of the fundamental concepts of government in the United States. Perhaps it could be considered one of the greatest contributions to culture made by the United States, and the most distinctive gift to the ideas of government. Whereas a close alliance of church and state had been regarded by other nations as a necessity, the United States government deliberately took action to divest itself of all legislative control over religion. The founding fathers believed that any interference with religion by the government would constitute an unwarranted encroachment. These men were concerned that every religion maintain itself by the excellence of its own doctrines, since any alliance between church and state might prove detrimental to the people and to the safety of the new government. Thus church-state separation has been interpreted as meaning that there shall be no ecclesiastical control of

the political functions of government and there shall be no political supervision or dictation in the ecclesiastical sphere. This is not to say that the church has no obligations to the state or that the state must remain aloof to the interests of religion. Nor does it imply that religion shall say nothing regarding the operations of government. The principle signifies that the church as an institution and the state as an institution must retain their respective autonomies in such a fashion that neither controls the other.

The question is posed: What are the implications of church-state separation within the field of education? Within the past three hundred years the American people have evolved the public school as a unique institution, expressive of the American way of life. It is a democratic institution, being responsive to the character of the community it serves and being largely controlled and managed by the local community. It is a free school in the recognition that a government which is based upon the assumption that human intelligence is capable of ordering human affairs must not neglect any measures which might increase the capacities of that intelligence. Thus, at public expense, it assists young people of varied abilities and diverse backgrounds to develop their talents and realize their highest potential. It is a secular school, searching for ways in which ideals common to the American way of life can be taught without affiliation with specific

religious organizations. As indicated by Lee, with the early multiplication of religious sects in America, it became apparent that the educational system could not be public and at the same time be the agency for the dissemination of sectarian doctrine.²

The storm center of the church-state controversy has been the debated question of religious teachings and observances in the public schools and also the vexing problem of state aid, directly or indirectly, to schools which are not tax-supported. Individuals have contended that any sort of teaching about religion or the reading of the Bible in the schools is a violation of the basic American principle of the separation of church and state. Yet, as noted by Johnson, how can public education, in accord with its function of putting each generation in possession of its full cultural heritage, do justice to the religious phase of that heritage without doing violence to religious liberty as constitutionally safeguarded in the First Amendment to the American Constitution?³ The educative process has a unitary quality which makes a dualism of the secular and the religious unrealistic. It is indeed difficult to exclude religious subject matter from an educational

²Lee, G. C., Education in Modern America, p. 135.

³Johnson, F. E., American Education and Religion, p. 187.

program without warping it.⁴

Of the problems confronting American education perhaps none is of graver consequence than the question regarding moral and spiritual values as they relate to the scientific and historic values which the public schools of today assign centrality. This problem is at least as important as those of discipline, increased birth rate, inadequate facilities, and other vital issues on the educational scene. Perhaps, as noted by Johnson, there are those who would contend that there is no real issue at all, that it is artificially created by religious leaders. However, it is seen that an objective problem does exist on this point because of conflicting concerns and demands in a community.⁵

Theories have been put forth arguing for the reintroduction of religious instruction into the public school on the basis that if religion fails, democracy is bound to fail as well. Some have contended that democracy needs the ballast of religion, as indicated in the following statement:

The public school is confessedly and deliberately secular. I am bound, therefore, to lay on the doorstep of our educational system the prime responsibility for the decline of religion and the steady advance of secularism, another name for atheism, in American society... Protestant children in public schools are under an influence with which the churches cannot compete and which

⁴Johnson, A. W., and Yost, F. H., Separation of Church and State in the United States, p. 49.

⁵Johnson, F. E., American Education and Religion, p. 3.

they cannot counteract. The public school presents the church with a generation of youth whose minds have been cast in a secular mold... You can educate every child in America in the subjects taught in our public schools and yet our democracy may go down... The last stand of democracy will be in the realm of the people's faith... Democracy is Christianity's gift to the world. And when Christianity fails, democracy fails. The only solution is to open public schools to include teachings of religion.⁶

While it is recognized that the ancient Greeks conceived of democracy before the Christian movement began, present-day democracy contains much of the Christian tradition. Some scholars even contend that present-day democracy is based on religion and to separate the two would be a mistake. While this position is not entirely defensible, it deserves consideration. In 1942 seven Princeton University professors issued a statement contending for a spiritual basis of democracy, in the following words:

Democratic institutions and cultural activities rest on the assumption that man, while a part of nature, is a spiritual being and that his highest good should be defined in terms of spiritual values. The major problem which confronts us at this time, therefore, is not merely the defense of democracy and its culture, but a deeper understanding of and commitment to the spiritual conception of man upon which democracy is based.⁷

In 1903 a substantial body of laymen, religious leaders, and educators became concerned about the insignificant position assigned to religious education within the public

⁶Hay, C. L., The Blind Spot in American Public Education, p. 28.

⁷Thayer, V. T., Religion in Public Education, p. 103.

schools.⁸ This group held fast to the conviction that public education free from sectarian control was fundamentally right in the realization that separation of church and state meant religious liberty. However, it was held that religious education was too valuable an influence to be entirely disregarded by the public school. The attempt to resolve this difficulty resulted in efforts to promote a cooperative arrangement whereby church and public school, each remaining independent in its own sphere, would provide to public-school children some sort of religious education experience. A plan was devised whereby the public school schedules of children were so arranged that the public school could "release" them to attend classes in religion. This germ idea proved the beginning of the significant movement of released-time for religious education.

In beginning the study, it was the author's belief that the released-time program enabled the church to make a distinct contribution to the cardinal principle of character development in the American public-school system. Further, it was held that released-time could provide religious instruction on a sound educational basis. Finally, the author believed that

⁸This group, known as the "Religious Education Association," was organized in 1903. It was an interdenominational group composed of Protestant, Roman Catholic, and Jewish leaders. The Association was designed to combine the talents of religious leaders and professional educators. See Cope, H. F., Week-Day Religious Education, pp. 6-8.

as the released-time program recognized that religion was a week-day experience of concern along with school work, play, and other week-day activities, it would continue to expand in its outreach.

Purposes of the Study

The purposes of the study were four-fold:

1. To reveal, in juxtaposition, the historical movements that created a favorable environment enabling the birth and impetus of the movement known as released-time.
2. To reveal and clarify the philosophy or rational foundation that gave meaning and direction to the released-time movement.
3. To find and analyse some of the legal pronouncements and ramifications of the program, at the state and federal level, and to determine the present legal status and charter of operation.
4. To provide a source of information for educators, clergy, and laymen in clarifying purposes, plan of operation, and goals of the program of released-time.

Procedure of the Study

The procedure followed in the study consisted of several steps the first of which involved extensive reading in the broad fields of education and religion. The next step specifically consisted of reading in the specialized area of released-time. A tentative bibliography was prepared by consulting all the available bibliographical aids. The Cumulative Book Index and the Reader's Guide proved invaluable in this endeavor.

After all available materials were noted a rough outline was prepared, incorporating what were considered salient features of the released-time program.

The next step then consisted of a perusal of books, magazines, pamphlets, and periodicals in an effort to locate pertinent information. This information was recorded on note cards which were organized according to topical entries. The material was then sifted for information by a process of comparison and analysis, and then the information deemed illuminating to the subject was selected for inclusion.

Direct mail inquiries were sent to the department of education of each state that has taken legislative action regarding the released-time program.⁹ These letters elicited a fruitful response and copies of legislation were received from each state involved. Again, a bibliography of week-day religious education on released-time, compiled by the Department of Week-Day Religious Education of the National Council of the Churches of Christ in the United States of America, proved invaluable. Finally, a sampling of letters to various city church councils with active released-time programs produced some pertinent information.¹⁰

The title of this work, Some Aspects and Implications of Released-Time for Religious Education, indicates a

⁹See Appendix A (pp. 169-177) for listing of states, Appendix B (p. 178) for letter sample.

¹⁰See Appendix C (p. 179) for letter sample.

concentration of endeavor. The emphasis of the study is focused on three areas of the released-time plan: (1) historical, (2) philosophical, and (3) legal. There are several reasons for this specific concentration:

1. It was recognized rather early that the subject of released-time was much too broad to lend itself to an attempted complete analysis. It was readily recognized that it would be necessary to focus on certain segments of the movement.
2. There were certain limitations in available materials that eliminated portions of the program as possible research areas.
3. Some investigation had already been conducted in certain areas of released-time work, as indicated in the list of recent studies, and there was no wish to duplicate the efforts of other investigators.
4. Last, the areas of history, philosophy, and legal ramifications of released-time have maintained the author's abiding interest. A genuine interest was sustained in locating the background, motivational factors, and present-day charter of operation for the released-time program. The subject was doubly interesting in that it enabled a denominational interest and an academic pursuit to be fulfilled in one and the same effort.

The scope of the study has had to be strictly limited with very little attention given to the quality of the released-time program, except as it might be discussed incidentally in connection with suggestions for improvement of the program. The reasons for this limitation include the lack of materials available in this particular area and the difficulty of achieving an objective evaluation. Since each community is an autonomous group in arranging a released-time program,

there are wide variations of practice and quality in these programs. Such matters as time schedules for releasing students, types of programs offered by various communities (denominational programs, interdenominational programs, or community programs), and the diversity of plans for financing these programs, vary with each community. It would be extremely difficult to make accurate statements regarding program quality in the light of fragmentary reports and inconclusive evidence that is presently available. As there is a wide divergence of practice in the mechanical aspects of the program, and as the pursuit of this point would not substantially contribute to the author's purpose, it was eliminated. The study was not intended to cover informal, church-sponsored, week-day religious activities such as Youth for Christ or Bible Clubs. These were outside the scope of the author's purpose and as such were not included.

Studies in the Field

Several general studies of the released-time movement have been published in past years. A discussion of activities and problems entitled Week-Day Religious Education was edited by Cope in 1922. This book, published under the direction of the Religious Education Association, contains a survey and a series of studies concerning various aspects of the week-day

church school. The studies include aims, types of programs, and problems faced by the movement. The material formed the basis for discussion in the 1922 annual meeting of The Religious Education Association.

Forsyth wrote a book entitled Week-Day Church Schools that was published in 1930. The publication contains materials regarding objectives, financing, organization, equipment, and curriculum for the new program. Forsyth made an effort to establish some high standards for the movement.

Weekday Classes in Religious Education by Davis, contains a survey made by the United States Office of Education in 1941. The study seeks to reveal the current practices for releasing children for week-day religious education during school hours. State provisions for week-day religious education are cited.

The Research Division of the National Education Association published a booklet in 1956 entitled The State and Sectarian Education. This publication reviews the constitutional, statutory, and judicial bases which define relationships between church and state with respect to education. The publication provides an excellent source for summary material of the church-state controversy. A section of the booklet concerns itself with the excusing of pupils for religious instruction during school hours.

Shaver wrote a book entitled The Weekday Church School that was published in 1956. The book describes the organization and administration of the week-day church school, its relationship with other educational agencies of the church and community, ways of securing support, and standards set for its success.

In addition to the studies reported in foregoing publications, a number of graduate studies have been made concerning released-time. These studies have, for the most part, concerned themselves with the program as it existed in certain specific areas of the United States, such as Virginia, Texas, New York, and New Jersey. Several additional studies have been made concerning certain selected phases of the released-time program. A graduate thesis by McClure entitled Weekday Religious Education at the High School Level was written in 1951. The purpose of the study was to discover the approximate extent of week-day religious education at the high school level and to analyse current practices of organization. A condensation of the thesis by McClure has been published by the National Council of Churches of Christ in the United States of America. A thesis by Reid entitled Historical and Analytical Survey of Weekday Religious Education was written in 1951. Reid surveyed early practices in the field of released-time and the stages of historical progress. Riggs wrote a thesis on the subject of released-time entitled

Standards of the Weekday Church School. This research paper arranged a series of checks for the evaluation of the program. The paper is concerned first with a brief history of the movement of released-time and then serves to emphasize the need for certain definite standards to insure a quality program. Suggested Procedures for an Evaluation of the Weekday Church School Series of the United Lutheran Church in America was written by Gilbert in 1955. This paper undertakes to arrange certain procedures for checking the validity of a denominational series of released-time materials.

As previously indicated chapters two, three, and four are concerned respectively with historical background, philosophy, and legal aspects of released-time. At this point consideration will be afforded the historical background of released-time as presented in chapter two.

CHAPTER II

HISTORICAL BACKGROUND OF RELEASED-TIME

The movement of released-time for religious education did not spring into full-flowered existence as an isolated phenomenon. A well-defined series of events and circumstances preceded the movement and provided fertile ground for its growth. The following material is organized to afford consideration of two areas of historical meaning: (1) The Seedbed of Released-Time, and (2) More Recent Aspects of Released-Time.

The Seedbed of Released-Time

With the advent of the secular public school a vacuum was evident in the religious training of American youth. Efforts were made to fill this vacuum with some type of religious training. The impetus of the released-time program can partially be traced to the early American move from sectarian to secular education.

From sectarianism to secularism. The change from sectarianism to secularism in the public schools of America is fraught with historical significance. To appreciate the background for this move it is necessary to consider the frame work of early colonial education in terms of the Christian tradition of education.

Of the various Western¹ approaches to education, the Christian tradition can point to the longest continuous history. This ancient tradition has been the sacrosanct of the Roman Catholic Church for 1500 years and promoted by the Protestant denominations for over 400 years.² The early colonial settlers who sailed to the shores of America brought with them some fairly well-defined and concrete ideas for the conduct of education in this Christian frame of reference. The Puritan settlers of New England represented the Calvinistic concepts of the Protestant Reformation. These people deeply believed in the priesthood of all believers and the capacity of each individual to know and understand the will of God. A necessary prerequisite, however, indicated that it was essential that each person be taught to read and understand the Bible. As early Catholicism had restricted the use of the Scriptures to the clergy, Protestantism now committed itself to the task of universal literacy for purposes of Bible reading.³ Thus Protestantism emerged during the early colonial period as supporting and championing increased educational opportunity.

¹By "Western" is meant European and American approaches to education as contrasted with the Oriental approaches to education.

²Lee, G. C., Education in Modern America, p. 72.

³Cubberley, E. P., Public Education in the United States, p. 13.

During the colonial period education had a pronounced religious fervor. In the school curriculum moral and spiritual truths were constantly emphasized, and many schools became in essence the servants of the church. The common elementary school curriculum consisted of reading, writing, arithmetic, prayers, singing of hymns, and catechism.⁴ The character of the early colonial school is attested to by the instructions given a New Amsterdam teacher, Pietersen, in the year 1661. "He shall teach the children and pupils the Christian prayers, commandments, baptism, Lord's Supper, and the questions with answers of the catechism...."⁵ Membership in the Established Church was required of the master of a school in Charleston, South Carolina in 1712, as brought out by Knight and Hall:

That the person to be master of the said school shall be of the religion of the Church of England, and conform to the same, and shall be capable to teach the learned languages, that is to say, Latin and Greek tongues, and to catechize and instruct the youth in the principles of the Christian religion, as professed in the Church of England.⁶

The sectarian nature of colonial education is further witnessed in an advertisement announcing the opening of King's

⁴De Young, C., Introduction to American Public Education, p. 165.

⁵Knight, Edgar, and Hall, Clifton, Readings in American Educational History, p. 16.

⁶Ibid, p. 29.

(now Columbia) College in 1754. The advertisement indicated the eminent position of religion in the curriculum as follows:

The chief Thing that is aimed at in this college, is, to teach and engage the children to know God in Jesus Christ, and to love and serve him in all Sobriety, Godliness and Righteousness of Life, with a perfect Heart and a willing Mind, and to train them in all virtuous Habits, and all such useful knowledge, as may render them creditable to their Families and Friends, Ornaments to their country, and useful to the publick Weal in their generations.⁷

As most of the early American colonists had sailed from lands where church and state were not separated, it is entirely natural that this would be reflected in the American educational scene. The various settlements of immigrants reflected the religion and education of the countries from which they migrated. One quirk in the colonial system was that many of these people in seeking freedom of religion for themselves were not willing to extend the same privilege to others of differing beliefs. The union of church and state that developed in the colonies was often fed by a critical, narrow, suspicious attitude toward others of different faiths.⁸ The germ idea regarding the eventual separation of church and state was finding fertile soil in the minds of thoughtful leaders even at this time.

⁷Ibid., p. 82.

⁸National Education Association Research Bulletin, Vol. XXXIV, No. 4, December 1956, p. 170.

The American tradition of public responsibility for education was initiated by "Puritan Massachusetts" which led the other colonies in this regard. Colonial education was at first a voluntary movement on the part of local communities. However, with the passing of time it became evident that the voluntary efforts would not be sufficient to insure the degree of literacy desired by Puritan precept. Thus the colony of Massachusetts⁹ enacted the first legislation regarding education in America known as the Massachusetts Law of 1642. This law directed the officials of each town to determine periodically if parents and masters were attending to their educational duties and if children were being taught as directed. This law, ordering that all children should be taught to read, is noted as a distinctive Calvinistic contribution to the Western World.¹⁰ The famous Massachusetts Law of 1647, commonly called the "Old Deluder Satan, Act," was enacted by the "Puritan colony" of Massachusetts to cover some gaps evidenced in the Law of 1642. This historic piece of colonial legislation stands as a milestone of educational progress in America.¹¹ It not only ordered establishment of a school system

⁹The colonial legislature of Massachusetts was at this time subordinate to the will of the church.

¹⁰Cubberly, E. P., Public Education in the United States, p. 17.

¹¹It being one cheife project of theould deluder, Satan, to keepe men from the knowledge of the Scriptures, as in

but asserted the right of the colony to require communities, under penalty of a fine to comply.

In colonial life it soon became evident that harmony could not be achieved without general recognition of certain basic human rights. Public education struggled to become non-sectarian and to release itself from denominational shackles. Cubberley (1919) traced the early separation of church and state in terms of the disintegration of the New England town. The early colonial legislature placed the schools under the civil government because the taxes for their operation were received by civil government statute. Originally the civil

former times by keeping them in an unknowne tongue, so in these latter times by perswading from the use of tongues, yet so at least the true sence and meaning of the originall might be clouded by false glosses of saint seeming deceivers, that learning may not be buried in the grave of our fathers in the church and commonwealth, the Lord assisting our endeavors...

It is therefore ordered, that every towneship in this jurisdiction, after the Lord hath increased the number to 50 householders, shall then forthwith appoint one within their towne to teach all such children as shall resort to him to write and reade, whose wages shall be paid either by the parents or masters of such children, or by the inhabitants in genrall, by way of supply, as the major part of those that order the prudentials of the towne shall appoint; provided, those that send their children be not oppressed by paying much more than they can have them taught for in other townes; and it is further ordered, that where any towne shall increase to the number of 100 families or householders, they shall set up a grammar schoole, the master thereof being able to instruct youth so farr as they shall be fitted for the university, provided, that if any towne neglect the performance hereof above one yeare, that every such towne shall pay 5 pounds to the next schoole till they shall performe this order. Cubberly, E. P., Readings in the History of Education, p. 299.

and religious government were one and the same, but with the erection of a town hall separate from the meeting-house, a small wedge was inserted. The discussion of school affairs then took place in the town hall instead of the church, and town taxes were voted for the maintenance of the building instead of church monies. The power to certificate school masters passed from the church to the town authorities early in the eighteenth century.¹² Gradually church control of the schools gave way, and the secular communities began to assume their responsibility for public education.

The movement for separation of church and state had crystalized somewhat with the adoption of the Federal Constitution in 1788. Freedom of worship was defined among the basic human rights in the following words: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." Following the adoption of the Federal Constitution most state constitutions provided for the separation of church and political government and most of them eliminated any diversion of public funds for sectarian purposes. New Hampshire, in 1792, was the first state to adopt a constitutional provision prohibiting sectarian instruction.¹³ The New Hampshire constitution still contains

¹² Cubberly, E. P., Public Education in the United States, p. 45.

¹³ De Young, op. cit., p. 165.

provisions which show a decided religious bias.¹⁴

The move from the sectarian school to the secular school was a gradual process that proceeded unevenly in many parts of the country. However, as necessity in a democratic society gradually compelled the society to provide education for its children, sectarian differences made it increasingly evident that the education must be non-sectarian in nature. Cubberly pointed out that in order to eliminate a heterogeneous society and to guarantee religious freedom, the move toward the secular school was important, as indicated in his statement:

Differences of religious belief and a sound regard on the part of the State for individual freedom in religious matters, coupled with the necessity for centralization and uniformity, rather than hostility to religion as such, lie at the bottom of the movement toward the secular school.¹⁵

A gradually decreasing emphasis on the Christian tenets was coupled with a general waning religious interest. The schools experienced an increased emphasis on secular material and the "New England Primer" with its Shorter Catechism was being laid aside.

¹⁴A New Hampshire provision adopted in 1784, and still a part of the current constitution, authorizes the public support of Protestant teachers of piety, religion, and morality. National Education Association Research Bulletin, Vol. XXXIV, No. 4, December 1956, p. 172.

¹⁵Cubberly, E. P., Public Education in the United States, p. 173.

The Massachusetts Act of 1827 marshalled something of the process that had long been underway in the move from sectarianism to secularism in the public schools. This Act declared that School Committees should "never direct to be used or purchased in any of the town schools any school books which were calculated to favor the tenets of any particular sect of Christians."¹⁶ Perhaps no one did more to establish in the minds of the American people the conception that education should be nonsectarian and free than did Horace Mann. A violent attack was launched from both press and pulpit against the Massachusetts Board of Education, and Mann as the Secretary to the effect that "the public schools are Godless schools." The charge was leveled that the Board was trying to abolish the Bible from the schools, to do away with correction and to counteract the religious instruction of home and church. Mann contended that the Bible was a valuable character guide but should be read in school without comment. Also, he urged that any attempt to decide what creed or doctrine should be taught would spell the doom of the common school.¹⁷ In response to a Reverend Smith who attacked the Board and Mann in a sermon entitled, "The Ark of God on a New Cart," Mann wrote a reply. He expressed his ideas concerning

¹⁶Cubberly, E. P., Public Education in the United States, p. 175.

¹⁷Ibid.

sectarianism in the following words:

It is easy to see that the experiment would not stop with having half a dozen conflicting creeds taught by authority of law in the different schools of the same town or vicinity. Majorities will change in the same place. One sect may have the ascendancy today; another tomorrow. This year there will be three Persons in the Godhead; next year but one; and the third year the Trinity will be restored to hold its precarious sovereignty until it shall be again dethroned by the worms of the dust it has made. This year, the everlasting fires of hell will burn to terrify the impenitent; next year, and without any repentance, its eternal flames will be extinguished, to be rekindled forever, or to be quenched forever as it may be decided at annual town meetings... This year the ordinance of baptism is inefficacious without immersion; next year one drop of water will be as good as forty fathoms. Children attending the district school will be taught one way; going from the district school to the high school they will be taught another way....¹⁸

Mann was strongly convinced that education should be adapted to democratic and national ends rather than religious. As he was a Unitarian, and the newly created State Board of Education was liberal in religion, a wordy battle raged for some time. Eventually, after a dismal attempt to abolish the Board of Education failed, a majority of the people of the state conceded. Mann was justified in his stand. Other states followed the example of Massachusetts and their state constitutions provided for the separation of church and state and most forbade any diversion of public funds for sectarian

¹⁸ Cubberly, E. P., Readings in the History of Education, p. 575.

purposes. By 1875, the schools of the nation were almost entirely secular in nature. In this year President Grant in addressing the Army of the Tennessee at Des Moines maintained that no public education funds should be diverted for sectarian education, as indicated in his statement:

The free school is the promoter of that intelligence which is to preserve us.... Encourage free schools and resolve that not one dollar appropriated for their support shall be appropriated to the support of any sectarian schools.... Leave the matter of religion to the family circle, the church, and the private school supported entirely by private contributions. Keep the church and state forever separated.¹⁹

The lines of separation were fairly well drawn at this time, and the principle of separation of church and state was looked upon as the natural outgrowth of the American system of government. However, religious leaders were actively formulating new plans for the inculcation of sectarian education which would not conflict with the established principle of secular public education. Various movements in the process of inception were to serve as forerunners of the released-time program.

Forerunners of the released-time program. The movement of released-time for religious education was preceded by a number of organizations designed to infuse American Society

¹⁹National Education Association Research Bulletin, Vol. XXXIV, No. 4, December, 1956, p. 175.

with new religious vitality. These organizations served as valuable forerunners of the released-time program. Their specific purpose was to bolster the decline in religious life that was apparent near the end of the nineteenth century.

The role of religion in the history of our nation has been marked by periods of spasmodic growth and increase followed often by periods of waning interest. This waning interest was attributed by some to the new interest in science that was awakening within the public school system. The ideas of men like Darwin, Spencer, Huxley, and others served to accent conflicts between religion and science during the nineteenth century. As a result of these and other factors, there was a decline in religious life toward the close of the century and the churches suffered numerous losses. Beardsley indicated the trend of the religious decline in the following words:

The churches for the most part were at a standstill; their growth for the time being seemed to be arrested, accessions to membership were less numerous, while revivals, became less frequent and less powerful. In 1889, the Methodist Episcopal Church, one of the most aggressive religious bodies in the country, actually suffered a net loss of 21,934 members and probationers. A recognition of these conditions on the part of the churches led to speedy and earnest efforts to overcome them....²⁰

²⁰Beardsley, F. G., A History of American Revivals, p. 79.

With the widespread reading of Darwin's Origin of Species published in 1859, the conflict between science and religion reached a new climax. White, in his History of the Warfare of Science with Theology in Christendom wrote:

"Darwin's Origin of Species had come into the theological world like a plow into an ant-hill. Everywhere those thus rudely awakened from their old comfort and repose had swarmed forth angry and confused. Reviews, sermons, and books light and heavy came flying at the new thinker from all sides."²¹ The writings of scientists and philosophers of this era had great effect upon the masses who were already the victims of a rushing tide of secularism.

The dawn of the twentieth century provided new hope in the field of religion and a germ of new life. The early years of the century witnessed a form of fundamentalistic "revivalism" which swept the country. Men like Moody and Finney stirred the masses with their eloquent, soul-searching sermons. The churches were stirred to new life and missionaries were again sent to the foreign fields with righteous zeal. The Student Volunteer Movement (1890-1915) called almost 10,000 young people into missionary training.

²¹White, A. D., History of the Warfare of Science With Theology in Christendom, Vol. 1, p. 70 quoted in Twenty Centuries of Education by Edgar Knight, p. 454.

In reaction to the "revivalism" which was sweeping the land, there arose a form of religion labeled "liberalism" which attempted to attack the problem in what was considered a more constructive manner. Ministers began speaking about a "Social Gospel" that took decisive steps in seeking to remedy some of the existing social evils of the era. All of these religious forces did much to produce the various movements of the time, and the unity of church work achieved during this era is a story in itself.

The advent of the Sunday school idea in this country coincided with the emergence of the public education system and church-state separation. The movement had its beginning with Raikes in England (1780) and appears to have been born out of the humanitarianism which characterized England at this time. After being transplanted in this country, instruction in the 3 R's was eliminated and the Sunday school inherited the job of religious education which formerly had been part of the public school curriculum. The rise of the Sunday school movement in this country provided a welcome haven for those who could no longer depend upon the support of religious teaching in the schools. The movement was hampered at first by a marked degree of disorganization of materials and methods of presentation as indicated in the following statement:

Prior to 1872, the situation regarding the curriculum among the Protestant churches was chaotic.

The curriculum consisted for the most part of random passages from the Bible and of the catechisms of the several denominations, and the method was almost wholly memoriter. Some semblance of system was introduced by James Gall's series of Bible stories with explanations and questions in 1825, by Albert Judson's series covering the Bible in five years in 1827... Order was brought out of this chaos when in 1869 the National Sunday School Convention appointed a committee prepared a series of lessons designed to cover the entire Bible in a seven-year cycle (later reduced to six), alternating between the Old and New Testaments, and designed for all ages in the Protestant Sunday schools...²²

The advent of the International Uniform Lesson and the Improved International Uniform Lessons did lend stature to the movement and raised the quality of instruction. The lessons learned in the organization of the Sunday school program have been a valuable asset in arranging the program of released-time education, and indeed, the Sunday school has proven a valuable big brother.

The arrival of the Vacation Church School (1894) on the religious education scene contributed additional time and opportunity for expanding the Sunday school experience.²³ This movement came into being during the twilight years of the nineteenth century but received its main impetus in the early twentieth century. The proponents of the program determined

²²Bower, W. C., and Hayward, P. R., Protestantism Faces Its Educational Task Together, p. 67.

²³The movement is variously referred to as a Vacation Bible School. See Forsyth, N. F., Week-Day Church Schools, p. 19.

to capitalize on the summer vacation time of children and enroll them in a daily school of religious education. The schools began spontaneously in different states and in different denominations. A vacation school was held in Hopedale, Illinois, in 1894 for a four-week period and five days a week. The school had an enrollment of forty pupils who were divided into four separate divisions for purposes of instruction.²⁴

Vaughn, a Congregational minister in Elk Mound, Wisconsin, started a Vacation Church School about 1900. A Mrs. Stafford, who taught in this school for a long period of time, wrote a book about the experiment. She stated that a great many of these schools were conducted successfully. The school that started the organized movement, however, was held in New York City in 1901 by Boville, the executive secretary of the Baptist Mission Society of the city.²⁵ From this juncture the movement spread quite rapidly and gained new acceptance in many denominations. The Vacation Church School is recognized as a distinct forerunner of the released-time program in that it demonstrated that time, in addition to the Sunday period could be used effectively for

²⁴Bower and Hayward, op. cit., p. 167.

²⁵Ibid., p. 168.

religious education.²⁶

A number of other types of religious organizations had their origin in the early twentieth century era, seeking a practical approach to social problems uncurbed by secular education. Not only were the seeds of the weekday church school planted in this era, but the beginning of the century witnessed also the expansion of the "Young Men's Christian Association;" (1844) "The Bible-Study-for-Credit Movement;"²⁷ (1910) "The Pastor's Communicant's Classes;" (1913) "Pre-School Chapel Services;" (1917) and "The Community Training School;" (1918). However, even at this time there was evidently a growing dissatisfaction on the part of many Christian leaders with the quality and scope of religious education. In comparison with the professional and scientific approach that was evident in public education, the religious education then promoted by the churches was deemed inadequate. From technological and industrial change a new type of culture was emerging with which religious education was not keeping pace. The new developments in the psychology of teaching and learning were recognized as potentially effective tools for the religious education field as well as the secular. The contrast in approach and methodology was pronounced at this

²⁶National Educational Association Research Bulletin, Vol. XXXIV, p. 199, December, 1956.

²⁷McClure, L. V., Weekday Religious Education at the High School Level, p. 6.

time with experimentalism and scientific method observed in the public school as compared to the uncritical approach to religion evident in religious education. As a result, a number of religious leaders with vision formed the Religious Education Association in 1903, in order to promote an up-to-date religious education program in keeping with the time. The Association numbered among its membership educators from the Protestant, Roman Catholic and Jewish churches. The express purpose of the organization as declared in the constitution was stated in the following words:²⁸

To inspire the educational forces of our country with the religious ideal, to inspire the religious forces of our country with the educational ideal, and to keep before the public mind the ideal of religious education, and the sense of its need and value.²⁹

The movement was graced with the leadership of men like Harper, President of the University of Chicago, and Coe of Teachers College, Columbia University. The Association was designed to combine the talents of religious leaders and professional educators. The organization stated its objectives as follows:

The continuing objectives of this association seem clearly to have been three in particular. From its

²⁸Lee, op. cit., p. 486.

²⁹Brubacher, J. S., A History of the Problems of Education, pp. 347-348, quoted in Education in Modern America, by Gordon Lee, p. 486.

inception this organization has labored to define and formulate a more relevant, more functional religious education curriculum. At the same time it has been engaged in the search for more effective methods and techniques by which the religious instruction might be carried on. Finally, and encompassing the other two, the Religious Education Association considers its primary over-all responsibility to be that of ensuring religious education a real, functioning, central place in the total educational experience---and at all levels.

The results of these labors, abetted by like-minded but unaffiliated interests of diverse sorts, are to be seen in two of the most significant, and at the same time most controversial, features of contemporary American education: the released-time religious education program and the insistent demand that religious education be made an integral part of the public school experience.³⁰

It has been evident that through the years religious groups have sustained a vital, growing interest in the conduct of education. This vital interest, in the early twentieth century, gave birth to the experiment of released-time for religious education. The time was opportune for the inception and formative years of the released-time program.

The formative years of released-time (1905-1930). In the formative years the road leading to the establishment of released-time for religious education was paved by certain early pioneers who deserve a word of credit. The original initiation of the movement may be attributed to Wenner of New York, who rendered notable service both by conducting week-day

³⁰Lee, op. cit., p. 487.

classes and by constantly advocating their general acceptance. Through a series of public addresses and printed publications, especially his book entitled Religious Education and the Public School, he aroused mild interest in the plan.³¹

Wenner made public his plan at the Interfaith Conference on Federation held in New York City in 1905. He contended that public schools unduly monopolized the child's time and that the churches were entitled to their share of it. The public schools should "release" a portion of time for educational work on the part of the church. The Federation, in response to Wenner's proposal, urged that upon the request of parents, children be excused from public school on Wednesday afternoon so that the churches could provide a "Sunday school on Wednesday." Also, it was stipulated that the plan was to be carried out on church premises and under church authority. If children did not desire to attend this church school, they were to continue in their normal class schedule in the public school. To eliminate competition school authorities were requested not to schedule alluring activities during these periods.³² Although the proposal aroused considerable interest, it was another decade before the plan became a part of the

³¹Cope, H. F., Week-Day Religious Education, p. 6.

³²Frankfurter, Justice, "McCollum v. Board of Education," Supreme Court of the United States 90:11-12, October, 1947.

public school system.

Another early pioneer of the movement was Miller, Secretary of the Reformed Church in the United States. He issued a pamphlet in 1908 on the subject of week-day church schools and the publication attracted wide attention, stimulating many experiments.³³

While a few schools of week-day religious education were established as early as 1909,³⁴ the first major operation of this type for elementary schools was begun in Gary, Indiana, in 1913. The Church of Jesus Christ of Latter-Day Saints, with headquarters in Salt Lake City, Utah, reported that pupils were released from public high school classes to attend "seminaries" as early as 1912.³⁵

The experiment pattern that was begun in Gary, Indiana, in 1913, represents the establishment of a plan for elementary week-day religious education which has been followed extensively throughout this country.³⁶ The plan as developed in Gary, Indiana, was the result of cooperative efforts of an alert school superintendent and a group of ministers within

³³Cope, op. cit., p. 6.

³⁴Ibid., p. 7.

³⁵McClure, op. cit., as quoted from Announcement of Program, p. 13, by the Latter-Day Saints Dept. of Education.

³⁶Shaver, E. L., The Weekday Church School, p. 19.

the city. A dedicated group of church leaders within the city met to consider ways of improving religious education opportunities. In a comparison between the effectiveness of the public schools and the Sunday schools, they noted the relative inefficiency in dispensing moral and spiritual truth through the existing religious agencies. In their discussions, the importance and value of religion in its relation to life and experience was expressed, along with the fear that the children were not obtaining a sufficient amount of religious instruction. These people wished to do something to solve this problem, and thus they started to explore various possibilities.³⁷

The city superintendent of schools, Wirt, was convinced too, that religious education was an important factor in the child's normal development. Hayward wrote concerning superintendent Wirt: "The Weekday Church School was nurtured in the heart of a superintendent of schools who sensed the kinship of religion and education."³⁸ Wirt suggested to the leading ministers of the city that children might be released to attend religious classes if the churches of the city cooperated and provided them. With the help of their denominational boards, several of the churches accepted his offer and in 1914 these classes were actually underway. The religious

³⁷Miller, M. C., Teaching the Multitudes, p. 28.

³⁸Shaver, E. L., The Weekday Church School, p. 1.

teaching was conducted on church premises and the public schools had no hand in their conduct.³⁹ Superintendent Wirt sought to rotate the schedules of the children during the school day so that some were in class, others in the library, and still others on the playground. The schedules were arranged so that they could be "released" for religious classes. The public schools were not obligated to supervise the choice of teachers nor the subject matter which they taught. They did not assume responsibility for attendance, conduct or achievement of the child in the released-time program. The arrangement did not interfere with public school class schedules, for the time would otherwise have been a play period for the child, nor did it truly affect the activities or feelings of the children who did not wish to attend. Under the Gary program in 1914-1915, 619 pupils left the public schools for the church schools one period per week.⁴⁰

The schools were at first conducted by separate denominations but in 1918 five of the Protestant denominations united and a Community Board of Education was organized. The objective of the Board was to coordinate the system of week-day schools. Later, Abernethy took over the leadership of the schools and by 1922 the Gary system had grown from three

³⁹Blau, Joseph, Cornerstones of Religious Freedom in America, pp. 235-236.

⁴⁰Frankfurter, op. cit., pp. 12-13.

schools and an enrollment of 800 to eight schools and an enrollment of 3,100.⁴¹ The movement did not lose much time in spreading to other areas where it was adapted to local conditions. The Religious Education Association was substantially in favor of this new organization. The 1922 convention of the Association was devoted to a critical appraisal of the movement and noted the following developments:

To provide a factual basis for the discussions, a survey of the movement, financed by the Committee on Social and Religious Surveys, was undertaken by the Survey Committee of the association, under the direction of Erwin L. Shaver then of Hendrix College....

At the conclusion of eight sessions devoted to discussions of the survey and specific problems presented by special papers, a Committee on Findings embodied the consensus of the convention. The committee found in the weekday movement a challenge to an achievement that traditional religious education through the Sunday School had failed to attain as well as a profound faith that the challenge would be met. It affirmed as the aim of the weekday church school not mere instruction in dogmatic or ecclesiastical content but more adequate living of children in society. It concluded that the curriculum should be built around the experiences of children in daily social life.⁴²

Shaver, in his search for information regarding the released-time schools for the Religious Education Association noted that there was a serious lack of definiteness or aim regarding reasons for the formation of these new classes. As

⁴¹Bower and Hayward, op. cit., p. 175.

⁴²Ibid., pp. 176-177.

a result, in 1922, there was a great diversity of courses being offered in the week-day church schools. The most common arguments offered for more religious education and the new schools included spiritual illiteracy, post-war immorality, and new adjustments in religious ideals. An actual look at some of the objectives and aims of the schools reveals that they were Bible-centered and that the curriculum usually revolved around this concept. In response to a request from the Committee on Program of the Religious Education Association, Betts, a prominent religious educator, prepared the following list of aims of week-day religious education:

1. To meet the universal need and increasing demand for dynamic religion to act against the widespread immorality and deterioration of ethical standards characteristic of the present.

2. To give religion its rightful place in the whole scheme of the child's development and education and so insure its presence as a working principle in later life and character.

3. To secure the time and frequency necessary for lodging the religious information, for training the religious attitudes, and for establishing the religious habits and skills required to vivify and spiritualize the ethical virtues by religious motives.

4. To secure for the teaching of religion such educational standards as will command the respect of the pupil and place the religious aspect of his education on a par with other phases.

5. To bring under the influence of religious instruction many who are at present untouched by the agencies of the church.

6. To build into our national life and ideals the basic biblical and ethical concepts, underlying

Christianity and commonly accepted by all denominations as the foundation of Christian character and good citizenship.

7. To unite the churches in a great common task, thereby helping to break down the barriers of extreme denominationalism and disunity which now interfere with religious work and progress.

8. To help the church to see that if it is to fulfill its destiny it must change its emphasis and become a teaching instead of a preaching church.

9. To join hands with all other educational agencies of the church, seeking to correlate aims and activities at every point possible to the end that, though the agencies may be many, the program of religious instruction offered the child by the church shall in the end be one.⁴³

As early as 1925 various authors were writing about "Life-centered Objectives" for the new church school program.⁴⁴ It was revealed that the objectives that stem from life's personal needs and the needs of democracy and the church would not encompass all of the proposed purposes. The objectives of such a religious education would need to include the development of Christian attitudes toward race relationships, Christian understandings of the importance of use of money and property and other related fields.⁴⁵

In Collecting data for the 1922 Convention of the Religious Education Association, Shaver sent out questionnaires

⁴³Cope, op. cit., pp. 70-74.

⁴⁴Forsyth, N. F., Week-Day Church Schools, pp. 27-36.

⁴⁵Ibid., pp. 52-53.

to various school systems in the Atlantic seaboard states.⁴⁶ Out of 324 schools reporting, 290 gave the date of establishment, and while it is known that many other schools existed at this time who did not report, the return is worthy of tabulation.⁴⁷ Table 1 indicates the yearly increase of released-time programs to and including the year 1922.

TABLE 1. THE GROWTH OF RELEASED-TIME PROGRAMS BY 1922*

Year	No. of Programs	Year	No. of Programs
1909	1	1916	30
1910	0	1917	11
1911	0	1918	6
1912	1	1919	7
1913	1	1920	77
1914	0	1921	131
1915	0	1922	25
		Total	290

* This table has been taken from the book by H. E. Goss, entitled *Week-Day Religious Education*, p. 12.

the Department of Vacation Church Schools with Evans as director. The new department was confronted with a task of leadership for released-time programs existing in twenty-eight different states, as indicated in Table 2.

TABLE 2. THE LOCATION OF RELEASED-TIME PROGRAMS BY STATES (1922)*

State	No. of Programs	State	No. of Programs
Arkansas	2	Nebraska	2
California	1	New Hampshire	1
Canada	1	New Jersey	10
Connecticut	4	New York	54
Illinois	44	North Dakota	1
Indiana	26	Ohio	61
Iowa	5	Oklahoma	1
Kansas	2	Pennsylvania	9
Maine	1	South Dakota	6
Maryland	4	Texas	6
Massachusetts	2	Utah	27
Michigan	20	Vermont	1
Minnesota	24	Virginia	1
Missouri	5	Wisconsin	3
		Total	324

*This table has been taken from the book by H. F. Cope entitled Week-Day Religious Education, p. 14.

Some of the denominations established special departments to supervise and promote the week-day work. The legal aspects of religious education came into view in 1927. The legal problems centered in the release of pupils on public school time, the use of public school buildings, and the granting of credit for religious instruction. The legal decision handed down in 1927 affirmed that the program was not a violation of the principle of separation of church and state, and that the classes could continue recognizing the

parent's right to guide the destiny of his child.⁴⁹ This court decision, in White Plains, New York, brought to light that the practice of released-time existed in twenty-three other states even in 1927.⁵⁰ At this point consideration will be given to the more recent aspects of the released-time program.

More Recent Aspects of Released-Time

The early momentum gained by the released-time program was projected into the 1930's. The program reflected trying economic conditions, however, the later legal barriers were to prove even more formidable. Released-time was destined to emerge from both tests successfully.

The progressive years (1930-1947). The years 1930 to 1947 can properly be termed progressive years although the mushroom growth that the released-time program enjoyed in the 1920's was somewhat abated in the early 1930's. In 1933 the United States Office of Education reported that the program was in operation in thirty-five states.⁵¹ While the number

⁴⁹People v Graves, 219 N.Y.S. 189, aff'd 156 N.E. 663 (1927).

⁵⁰Dr. E. L. Shaver's survey of 1922 indicated that there were twenty-eight states at that time that had programs of week-day classes for religion.

⁵¹National Education Association Research Bulletin, Vol. XXXIV, No. 4, December 1956, p. 172.

of schools continued to increase, the pace was slowed and a number of existing systems closed their doors on the program. The depression that had struck the nation caused a shift from paid to volunteer personnel in other systems. This proved to be only a temporary setback, however, for soon the plan was again taking new ground. Shaver reported that four hundred communities in thirty states were enrolling some two hundred and fifty thousand pupils in week-day schools during the early part of the depression. In 1942, the Department of Week-Day Religious Education of the International Council of Religious Education issued statistics showing that the program was operating in eighteen hundred communities in forty-six states and that a million and a half pupils were attending week-day church schools. Thus the program that had started so unheralded some thirty years before, had by this time become almost nationwide in scope.⁵²

The Department of Week-Day Religious Education was set up independently of the Department of Vacation Church Schools in the year 1942, and Shaver was appointed as the director. Considerable progress was made in interdenominational cooperative courses of studies which were in the process of production. These "cooperative" courses were the result of dedicated work on the part of a number of denominational workers

⁵²Shaver, E. L., The Weekday Church School, pp. 20-21.

in closely coordinated labor.⁵³ The new Department of Week-day Religious Education developed definite standards, reconstructed some of the local programs, and prepared a new curriculum guide. The problem was no longer primarily that of promoting the movement but of giving it guidance and direction. However, the movement was about to pass from popular acclaim to a careful scrutiny by the United States Supreme Court.

From limelight to x-ray (1948-1952). Although the legal aspects of the released-time program are to be considered separately, two Federal Supreme Court rulings are worthy of mention at this juncture. Obviously a situation as controversial as this was destined ultimately to be tested in the courts. In 1948 the Supreme Court of the United States ruled invalid the released-time program as operated in Champaign, Illinois. The court case is commonly referred to as the "McCormack Case." The released-time program in Champaign consisted of one period each week set aside for religious instruction during which teachers came to the public school and utilized school facilities in instructing the pupils. The program was ruled unconstitutional on three counts. First, public school buildings were utilized for sectarian instruction

⁵³Weekday Church School Texts Cooperative Series, 1958-1959, edited by the Cooperative Publication Association, St. Louis, p. 2.

which was contrary to federal and state constitutional provisions. Second, the school board's cooperation in the project was ruled illegal. Third, the public school machinery that was constructed to insure compulsory attendance was being used to aid sectarian instruction.

The foregoing decision cast a legal haze over the movement that was not clarified until 1952. In the wake of the 1948 decision a number of programs ceased to exist. The Champaign Case decision reduced the number of communities in which programs were operating by twenty percent and the number of pupils enrolled by ten percent. There was a considerable rebound in enrollment however, when it became clear that the banning of the Champaign program did not mean the banning of all types of programs.⁵⁴ A second major hurdle for the movement was encountered in the city of New York.

The released-time plan of New York City was reviewed by the Supreme Court in 1952. The court case is commonly referred to as the "Zorach Case." In the New York plan pupils were excused from school at certain periods of the week to attend religious education classes in their churches. All costs of the venture were assumed by the churches involved and no expenditure of public school funds was involved. The

⁵⁴Shaver, E. L., "Weekday Religious Education Secures Its Charter and Faces a Challenge," Religious Education, p. 4, January-February, 1953.

Supreme Court ruled this plan legal and thus provided the present base of operation. Now that the movement has received the legal green light the door has been opened to increased expansion and opportunity.

The program forges ahead. Before the Champaign court case regarding released-time was pronounced in 1948, the International Council of Religious Education claimed that 2,000,000 public school children in 2200 communities were enrolled in released-time classes. In 1948 the Research Division of the National Education Association made a wide canvass of the program by sending 5100 questionnaires to local superintendents of schools in all parts of the nation. On the basis of 2639 replies the Association estimated that about 700,000 elementary and secondary school pupils were enrolled. Inasmuch as almost half of the questionnaires were not returned, it is possible that the total number of released-time programs would be many more than indicated.⁵⁵

The tremendous growth of the movement in the 1950's is attested in the following quotation, "Programs of one kind or another are in operation in over 3,000 communities in 45 states and are enrolling approximately three million children

⁵⁵Butts, F. R., The American Tradition in Religion, p. 199.

of all faiths."⁵⁶ This 1956 report of progress by the National Council of Churches was followed in 1958 by a statement from Goddard, director of Week-day religious education for the National Council of Churches. Mrs. Goddard estimated that four million children of all faiths were released from public schools once per week to attend religious education classes during the year 1958.⁵⁷

As an indication of the growth experienced in the released-time movement at the start of this decade, the program of Indianapolis, Indiana, serves as a good example. In the program there, the enrollment in the week-day classes of religion for pupils in the fourth and fifth grades had increased from 2,618 in 1946 to 11,511 in 1951. During the same period the budget for this project increased from \$30,000 to \$82,875. In this city cooperative week-day church school system, children representing 112 different religious bodies were enrolled.⁵⁸

An important facet in the total program is the attitude of public school personnel toward the plan. The adjusting of

⁵⁶Kellogg, Wendell, "Released-Time Plans Strong Program," National Council Outlook, p. 6, September, 1956. See also Shaver, E. L., Remember the Weekday to Teach Religion Thereon, p. 6.

⁵⁷Goddard, A. L., "Four Million Children Attend Released-Time Classes," Telescope Messenger, p. 5, April, 1958.

⁵⁸Shaver, E. L., Weekday Church School, p. 30.

school schedules and participation in the plan could not help but evoke some crystalized feelings. In a survey conducted by the Research Division of the National Education Association it was revealed that the attitude of public school personnel was very much in favor of the program. In returns from 708 school systems, 82 percent of the teaching staff registered approval whereas only 18 percent registered disapproval.⁵⁹ This report indicated something of the mutual respect and cooperation that has graced the movement's relationship with public schools even since its inception.

The First National Conference of Weekday Religious Education was held at Oberlin College, Oberlin, Ohio, in 1956. The conference afforded an opportunity to appraise six advance studies, conducted to gather pertinent information on released-time. The conference also afforded an opportunity to focus attention on common problems. It was revealed that a wide variety of practices exist in the conduct of the total program of week-day religious education. The prevailing pattern of organization is interdenominational or community-wide; however, many schools are operated by individual denominations or churches. Although splendid progress was indicated in the development of good curricula a great deal remains to be done

⁵⁹The Status of Religious Education in the Public Schools, National Education Association, Washington, D.C., 1949, p. 12.

in the field. The conference indicated that while it is generally assumed that practically all week-day teachers are professionally trained and serving full time such is not actually the case. Over twenty-five percent of the systems studied in the conference use volunteer teachers, and a higher quality of teaching was felt to be a pressing need.⁶⁰ The financial picture revealed a similar divergence of practice, ranging from systems using teachers and facilities comparable to that of the public schools to other systems operating on meager budgets and using volunteer teachers. The conference indicated that while no uniform organized effort is particularly promoting the establishment of new schools, they are springing up in many parts of the country.⁶¹ With good leadership, denominational and community support, the future of the week-day church school looks bright indeed.

A brief look at two separate systems will, perhaps, clarify some questions regarding the organizational patterns that exist in different parts of the country. The program of week-day church schools has been a common occurrence in

⁶⁰Findlay College in Findley, Ohio, has initiated a program for training teachers for teaching release-time classes. See: Holland, D. T., "Shared Time and Juvenile Delinquency," Vital Speeches, pp. 405-408, April 15, 1957.

⁶¹McKown, E. M., Coordinator, "A Look at Week-Day Church Schools," Religious Education, pp. 4-21, January-February, 1956.

Cincinnati, Ohio, for nearly thirty years. The program was initiated in 1924 by the Hamilton County Council of Religious Education, now the Department of Religious Education of the Council of Churches of Greater Cincinnati. There are sixty-three week-day church schools included in the program and their operation involves contacts with seven different boards of education. Community interest has been maintained by the organization of neighborhood committees responsible for their promotion and financing. This is accomplished through churches, church organizations and voluntary gifts from parents. General supervision of the program is delegated to the Director of Religious Education. The salaries of the supervisor and the secretary are provided through the central budget of the Council. The complete system is composed of twelve full-time and seven part-time teachers. In order to qualify, a teacher must have training equivalent to that required of public school teachers and a religious background that will equip her for guiding children in Christian living. The salary range for these teachers is from \$2,400 to \$3,000.⁶²

Most of the children involved in the Cincinnati released-time program are from grades three to six, although a few first and second grade classes are included. About 80

⁶²Hanna, E. M., "Patterns of Weekday Religious Education," International Journal of Religious Education, p. 1., n.d.

percent of the children who have opportunity avail themselves of these classes and the enrollment figures for 1954 stood at 11,516. About thirty-five percent of the 11,516 have no other church contact. All of these classes meet in churches near the public schools and the courses of study deal with materials selected from the Cooperative Series of week-day church school texts.⁶³

The program of released-time in Rochester, New York, started in 1920 and has continued operation without interruption. Since 1941, the program has been the charge of the Federation of Churches of Rochester and Vicinity. The classes are offered to both elementary and high school pupils and in 1954 instruction was given to some of the grades in twenty-nine schools in the city. Elementary classes are held on a partially staggered program of release as New York law stipulates that the children may be released either at the beginning or end of a school session. The teachers for these classes are regarded as semi-professional. Some are employed by the Federation of Churches to teach only one or two hours per week. Most of the elementary classes are taught by a corps of "contract teachers" who teach from five to eleven classes each week. Their salary begins at \$2.50 per class session and advances to \$3.75 per class session with salary

⁶³Ibid., p. 1.

increases based on number of years service and professional training. Qualifications for these teachers include Christian conviction, training in education and religion, and ability to understand and work with children.⁶⁴

Classes are held in church facilities near the school and pupils are escorted by the religious education teacher. Lack of adequate space is named as the greatest factor limiting expansion of the program. Approximately thirty percent of the pupils who attend are from unchurched homes. High school students are released the last period on Monday for their instruction. The program is directed, financed, and supervised by the Federation of Churches of Rochester and Vicinity. New classes are added each year and the program has grown consistently since its beginning.⁶⁵

The vitality of the released-time program for religious education has proven adequate to legal testing and financial problems. The ten-point standard propounded in 1943 by the Department of Week-Day Religious Education is still a guiding light for the movement:

1. A year of planning before launching the program.

⁶⁴Comey, Lillian, "Patterns of Weekday Religious Education," International Journal of Religious Education, p. 1, n.d.

⁶⁵Ibid.

2. All religious groups working closely together.

3. Parents accepting their responsibility for the school and supporting it in every way.

4. Cooperation with the public school system without using its building or machinery.

5. A representative and reliable week-day church school board continuously on the job.

6. A course of education in religion as well planned and implemented to its purposes as the courses in the public schools are to theirs.

7. Teachers as well trained for teaching religion as the public school teachers are for their work.

8. A supervisor--trained, experienced, and religious--working with every school.

9. An expenditure per pupil (in proportion to the teaching time) equal to that for his public school education.

10. The spirit as well as the letter of the law preserved in all relationships.⁶⁶

The foregoing ten-point standard contains an item regarding the qualifications expected of a teacher employed in released-time work. The teacher is to be as well-trained for the task of teaching religion as the public school teacher is prepared to teach secular materials. The teacher of a religion class is expected to possess the same qualifications as good public school teachers, with additional emphasis upon religious experience and acceptable personality traits. This

⁶⁶Shaver, E. L., Remember the Weekday to Teach Religion Thereon, p. 16.

goal has not been achieved but strong measures have been taken in this direction. It is recognized that these qualifications can only be maintained as these teachers are paid a salary equal to the public school teacher. Shaver reported that many released-time programs have set this mark for their standard salary.⁶⁷ However, in some released-time systems like Chicago, Illinois, the teachers are volunteer and are paid only a token amount by the local church council or the local church.

The adequate scheduling of released-time classes has proven to be a problem in certain areas. Once the program has been accepted, then the public school authorities must decide whether to use a staggered or simultaneous schedule of excusal. If the simultaneous schedule is employed, all children whose parents so request it are excused at the same time. If the staggered schedule is used the children of several grades are excused at different times of the day, so that all through the day and week classes in religion are meeting. The use of a staggered schedule makes possible the employment of full-time professionally trained teachers of religion. If the simultaneous schedule is used it is difficult to conduct classes on a widespread basis because of the large number of teachers required for a short span of time.⁶⁸

⁶⁷Shaver, E. L., The Weekday Church School, p. 67.

⁶⁸Ibid., p. 42.

It would appear that a movement like released-time, which fosters an interdenominational type of cooperative effort, would encounter severe difficulties in planning an acceptable curriculum. However, one of the unique features of released-time programs has been the ready acceptance of curriculum materials developed cooperatively by participating denominations. Experience has demonstrated that the selection and use of curriculum materials has not proven to be a great obstacle to the program.⁶⁹

As the Sunday school program met a specific need in eighteenth century England, the proponents of released-time believe this program meets a need today. At present the emphasis of the movement appears to be focused upon a definite quality of instruction rather than a quantity of enrollment.

Summary

The Puritan settlers of New England were proponents of the Calvinistic conceptions of education. They spearheaded the move for literacy in America with the belief that each individual had the ability to know and understand the will of God, as contained in the Bible. To understand and accept spiritual responsibilities as contained in the Bible, each child was to be taught how to read. Many of the early schools

⁶⁹Ibid., p. 47.

established in America reflected this religious moralistic type of education and were sectarian schools.

The move from sectarian education to secular education was a gradual process that proceeded unevenly in many parts of America. As the society sought to provide education for its children, sectarian differences made it evident that the education must be non-sectarian in nature. However, with the elimination of sectarian instruction and the emergence of the public school religious leaders noted a need for additional religious training.

A number of religious organizations came into existence near the beginning of the present century to supplement agencies engaged in the work of religious education. These movements provided valuable lessons of organization and philosophy which were later included in the released-time program. Religious leaders were awakened with the conviction that time other than Sunday could be effectively utilized for religious education.

Wenner, a religious educator of New York City, has been credited with the idea that sparked the released-time movement. The first program on the secondary school level was initiated by the Church of Jesus Christ of Latter-Day Saints, Salt Lake City, Utah, in 1912. The first full-scale released-time program on the elementary school level was founded in Gary, Indiana, in 1913. The experimental pattern that was used in

Gary, Indiana, represents the establishment of a plan for elementary released-time classes copied extensively throughout the nation.

The Federal Supreme Court of the United States has rendered two notable decisions regarding released-time programs. In the McCollum Case, the Supreme Court ruled the released-time program of Champaign, Illinois, unconstitutional. The 1948 decision ruled the program invalid because: (1) school property was utilized, (2) compulsory education laws aided the program, and (3) the school board cooperated and encouraged the plan. This decision closed the doors of many released-time programs and caused the modification of many others.

In the Zorach Case, the Supreme Court ruled the released-time program of New York City constitutional. The 1952 decision revealed that the pupils involved were released from school to attend classes in the church of their choice.

The released-time program has grown from the 619 pupils enrolled in Gary, Indiana, in 1913 to approximately 4,000,000 pupils enrolled in 1958. In recent years the emphasis of the released-time movement has been upon the development of a quality program.

At this point consideration will be afforded the philosophy of released-time as presented in the following chapter.

CHAPTER III

THE PHILOSOPHY OF RELEASED-TIME

At this juncture the question is posed: What is the philosophy behind released-time? Since all rational processes and disciplines in every department of intellectual activity depend upon the possession of the philosophic spirit, so the program of released-time is dependent upon a logical philosophical foundation. The purpose of this chapter is to present findings regarding the philosophy which governs the organization and expansion of the movement. As noted in the preceding chapter, the frame of reference is predominately that of the Christian religion since the concept of released-time arose from this background. The following material is organized to afford consideration of: (1) A Dilemma of Thwarted Spiritual Need, and (2) The Church and Released-Time.

A Dilemma of Thwarted Spiritual Need

Although the United States is a nation founded on religious principles whose departments of civil government traditionally follow religious practices, a widespread religious illiteracy is noted throughout the nation.¹ In assessing the responsibility of the various agencies dedicated to molding

¹Hay, C. L., The Blind Spot in American Public Education, p. vii.

the lives of children the public school can scarcely escape implication. However, the natural limitation caused by church-state separation poses a dilemma on this point.

The moral and spiritual needs of children. Perhaps only the rationalist, humanist, or atheist would deny that children have moral and spiritual needs. As "we are a religious people whose institutions presuppose a Supreme Being"² there is recognition of the need of children for a moral and spiritual interpretation of life that would equip them for a place in our complex society. This need is attested to by: (1) the official pronouncements of various government and education conferences, (2) the voice of educators, parents, and religious leaders, and (3) the tremendous surge of criminal behavior among the young.

In 1930 the White House Conference appointed by President Hoover published its report on Child Health and Protection. The 19 points enumerated in the "Children's Charter" were the findings of intensive committee study under the astute leadership of Wilbur, Secretary of the Interior. In recognizing the rights of the child as the first rights of citizenship, the White House Conference pledged itself to the 19 aims for the "Children of America." The very first aim listed by the Conference was, "For every child spiritual and moral

²Zorach v. Clauson et al., 343 U.S. 314 (1952).

training to help him stand firm under the pressure of life."³

In 1932 the United States Office of Education issued a statement to the effect that the need of moral and spiritual instruction for children was very evident. The statement also indicated that the need was not being met, as shown in the following:

The need for more religious instruction as a guide for the control of human conduct has been expressed in surveys and studies. They show that a negligible amount of a child's time comes under the influence of the churches and that only a small proportion of the children throughout the country have even brief contact with church influence. They also show changes in family life wherein parents tend to disregard religious education or to throw upon the churches or the community the chief responsibility for youth's religious training.⁴

The 1940 White House Conference on "Children in a Democracy" emphasized again the spiritual need of children. The section on "Religion in the Lives of Children" indicated that these spiritual needs were not being met, as shown in the statement:

Despite the various efforts made by church groups to educate children in religion, the religious needs of many children are imperfectly met at the present time.

³Moehlman, A. B., School Administration, pp. 46-49.

⁴"Week-Day Classes in Religious Education," United States Office of Education Bulletin 3:1, 1941.

It has been estimated that approximately one-half of the children and youth in the United States receive no religious instruction outside the home.⁵

The Midcentury White House Conference on Children and Youth stated in a "Pledge to Children" the following, "We will provide you with all opportunities possible to develop your own faith in God."⁶

A number of individuals could be summoned from the ranks of educators, religious leaders, and parents who would testify to the apparent need of children for moral and spiritual guidance. The following statement indicates a trend of thinking in terms of this need:

In view of the unquestioned intelligence and the unusual sensitivity of the leaders of the effort to achieve a new education, it is surprising that they ignore religion. Religion has no place in their philosophy, their plans, or their strategy. They design to introduce the child to the complete culture, but they leave out of their reckoning one of the most basic aspects of all the historic cultures; they wish to educate the whole child, but they refuse to consider one of his most fundamental needs.⁷

The historian Wells, in his Outline of History, made a statement regarding spiritual need: "Education is the preparation of the individual for society; and his religious training

⁵Ibid., p. 1.

⁶"Pledge to Children," National Council of Churches of Christ in the United States of America Bulletin, p. 1.

⁷Hay, op. cit., p. 66.

is the core of that preparation."⁸ This contention is substantially agreed with by those who maintain that to give children an intellectual subject-matter diet without a firm moral and spiritual foundation is to build on a foundation of sand. The ultimate result of the process indicates that the higher the monument the more complete will be its collapse. Children have a definite need of moral and spiritual inculcation to face the vicissitudes of life.⁹

Another area of thought which indicates need for moral and spiritual guidance is noted indirectly in the wave of crime and juvenile delinquency which has swept the country. While no valid statistical analysis is available to indicate positively that the influence of religion serves as a deterrent to anti-social behavior, it is the author's belief that this is actually the case.

The topic of juvenile delinquency has been bantered about by everyone from the neighborhood grocer to the heads of state. The charge is frequently made that juvenile delinquency results from the omission of religious influences in the lives of children and can only be checked if steps are taken to remedy the situation. One individual indicated the need of children for religious orientation in the following terms:

⁸Ibid., p. 65.

⁹Ibid., p. 66.

A good Catholic can never be a bad citizen. Likewise, neither can a good Protestant or a good Jew fail in his civic or moral obligation. If as one authority has said, there are hundreds of thousands of 'spiritually hungry and spiritually naked' children in New York City alone, then a challenge exists that must be met promptly and fully. These children, to be good citizens, are in desperate need of religious orientation.¹⁰

The crime statistics compiled in various surveys in this country are appalling. Hoover, Director of the Federal Bureau of Investigation, has indicated that the United States is in the midst of an ever-increasing crime wave. Statistics reveal an almost continuous succession of yearly crime increases since the conclusion of World War II. Homicides, rapes, assaults, robberies, burglaries, car thefts, and all manner of crime categories have increased in number from 1946 to 1956. Bureau statistics reveal that increases in seven categories brought a record 2,563,150 major crimes in 1956. This denotes an increase of 13.3% above 1955. One comparison is noted in the increase from 1,685,203 major crimes in 1946 to 2,563,150 in 1956. This is an increase of major crime in one decade of some 40%. It is noted that young people, particularly young males in the 15 to 35 age range, commit most of the crimes in the United States.¹¹

To pinpoint the extensiveness of crime, it has been pointed out that in 1953 crime cost every family in the United

¹⁰Thayer, V. T., Religion in Public Education, p. 102.

¹¹"Crime in the United States," Life, September 9, 1957.

States about \$500. This was \$500,000,000 more than Americans spent on education, religious activities, and charity in 1953.¹²

In the belief that adequate moral and spiritual training constitutes a bulwark against juvenile delinquency, many individuals are inclined to interpret the crime statistics as reflecting a basic failure in filling the religious vacuum in the lives of young people, as indicated in the following statement: "The courts are filled with youngsters and grown-ups who are not really to blame because they lack proper moral training."¹³ The outbreak of crime among the young is considered a natural conclusion in the absence of positive moral and spiritual guidance. The threat is voiced that unless children receive adequate moral and spiritual training they will grow up "with no knowledge of God and His rules of conduct, practically pagans, potentially dangerous citizens, candidates for the prison cell."¹⁴ The Division of Christian Education of the Protestant Council of New York City informed the people of New York a few years ago that 500,000 children of that city who were receiving no religious education, "are a menace to society, to themselves, to our country, and our country's future."¹⁵

¹²Holland, D. T., "Shared Time and Juvenile Delinquency," Vital Speeches 23:405, April 15, 1957.

¹³Hay, op. cit., p. 10.

¹⁴Johnson, E. F., American Education and Religion, p. 21.

¹⁵Ibid.

Although the home and church are considered primarily responsible for the inculcation of moral and spiritual truth, it becomes increasingly difficult for the public school to completely disavow any obligation in the area. However, the public schools are secular and thus limited in the teaching of religion.

Limitation of the public school. In the face of the apparent need of children for moral and spiritual guidance the public schools are limited by the fact that they are secular. The public schools are maintained as secular schools because: (1) limitation serves as a safeguard against discrimination of religious minorities, (2) encourages religious liberty, and (3) allows the church and state to operate independently under the assumption that the best end of each is served in this manner.

A great deal of criticism has been heaped upon the public schools because they are secular. One report indicated that according to most bishops and many Protestant ministers the public schools are "secular," "materialistic," and "Godless."¹⁶ No debate is needed on the issue of whether or not the public schools are secular for they are admittedly secular and this position was achieved only through many years of dedicated labor. To some the word "secular" carries a connotation

¹⁶Noll, J. F., Our National Enemy Number One: Education Without Religion, p. 3.

of something sinister or unclean whereas it simply implies an institution engaged in dedicated work of neutral character, as the courts or the presidency.¹⁷

The accusation that the public schools are "Godless" is not new. Since as early as 1836, when Mann was Secretary of the Massachusetts State Board of Education, the same cry was raised. However, the charge that the public schools are "Godless" is rather vague. Public schools are composed of buildings, administration, faculty, and students. Certainly the inanimate school buildings could not be termed "Godless." The students could scarcely be labelled "Godless" for they represent homes in America that boast an all-time high of over 100 million church members. Certainly school administrators and faculty would resent the title "Godless" for as employees of the state they are guided by the established principle of separation of church and state. Further, many of these capable people are Sunday school teachers, church youth leaders, choir members, and serve on a multitude of church committees.

Perhaps the title "Godless" was meant to be directed toward the public school curriculum. However, much of the school curriculum has its roots in the historic religious backgrounds of the many people in the United States. The moral and spiritual values taught indirectly and directly in our

¹⁷Rogers, V. M., "Are the Public Schools' Godless?" Christian Century, pp. 1065-1066, September 11, 1957.

public schools stem from those religious backgrounds and include such commendable traits as charity, respect for others, honesty, integrity, and a wholesome worth of the individual person. It is true, however, that the moral and ethical values are often what religious leaders would deem superficial in comparison with the spiritual needs that the public school either disregards or glosses over.

It seems apparent that those who criticize the public schools as Godless and irreligious are pursuing an educational program which includes the teaching of religious belief. Van Dusen, president of Manhattan's Union Theological Seminary, desires a return to religion in the public schools not merely as a course in itself but as the guiding principle of the whole educational process. He contends that religion is the keystone of the educational arch in the following words:

Every aspect of the philosophy and structure and spirit of education cries for radical remaking.... No longer is religion the keystone of the educational arch, but rather one stone among many.... Our educational system has lost what had been its principle of coherence and its instrument of cohesion.... It was not the intention of the Founding Fathers to rear up "a nation without religious faith, or (build) a system of education for that nation's youth without implicit, and probably explicit, recognition of God as the ground of Truth.... It has been aptly said: They were seeking to provide freedom of religion, not freedom from religion.¹⁸

¹⁸Van Dusen, H. P., "Replace the Keystone," Time, pp. 78-80, May 14, 1951.

Bailey, the Florida State Superintendent of Public Instruction, proposed a state-wide plan in 1955 to the effect that religious training be given in the public schools. Bailey argued that it is "impossible to teach democracy in a Godless atmosphere."¹⁹ He echoed the words of Jarman, a former school superintendent, who had expressed a similar conclusion about the need for religious training. Jarman, too, contended that democracy without religion was an impossibility, as expressed in his statement:

American people are becoming more and more secularized. Unless this is stopped by including religious education in public schools, secularization will destroy American democracy, since democracy itself is an application of the basic truths of Christianity. Youth, therefore, must be reintroduced to their great social heritage, religion.²⁰

The New York Board of Regents arrived at a similar conclusion in its report of 1954. In its statement the need of instruction in certain religious tenets was stressed as not inconsistent with the spiritual heritage of America. The statement included the following plea for religious instruction in the public schools:

¹⁹Miller, W. L., "The Fight Over America's Fourth 'R'," The Reporter, p. 21, March 22, 1956.

²⁰Jarman, B. H., "Religious Education and the Public School," School and Society 67:44-46, January 17, 1948.

These troubled times call for the teaching of 'Piety and Virtue' in the schools, and that dependence upon Almighty God so clearly recognized in the Declaration of Independence, the Constitution of the United States...and the pronouncements of the great leaders of our country.²¹

Former Mayor Kenny of Jersey City proposed that lessons about Protestantism, Roman Catholicism, and Judaism be given to children in the public schools of the city. This and the preceeding proposals are manifestly impossible, for the public schools cannot teach religious beliefs. Public schools can teach moral and ethical values without fear of provocation, but religious belief is a different matter. The first move in this direction would violate the basic principle of freedom of religion and embroil the schools in sectarian differences. In this type of situation it is questionable whether the public schools could serve their basic function or even long survive.

As sectarian religious education is prohibited in the public schools by law, the concept of teaching a general course in religion has been proposed. It is readily apparent that a course of this type would not fulfill the results desired by the various denominations. It has been argued that the courses would have to be so general that the specific spiritual needs of the various children could not be adequately met. This appears to be the consensus of Catholic and Jewish bodies in New

²¹Miller, W. L., "The Fight Over America's Fourth 'R'," The Reporter, p. 21, March 22, 1956.

York City where the plan was proposed. A diluted course in religion was rejected by various New York groups on the grounds that the ultimate purpose of inculcating desired religious belief could not be achieved, as indicated in the following statement:

Religions would have to be watered-down in order not to be objectionable to some. The liberal Catholic magazine Commonweal said it doubted whether a "religion of the least common denominator" could fill the religious vacuum in the schools; the New York Civil Liberties Union predicted that the result would be a "vague theism;" the New York Board of Rabbis said, "some teachers are bound to become missionaries for their own religious convictions.... Other teachers will, no doubt, become advocates of a watered, meaningless 'public school religion,' glossing over differences among religious groups which stem from vitally important convictions...(making) little more than a collection of platitudes and truisms."²²

An evident point in the total controversy is that the public schools are not Godless in that administration and faculty are concerned about teaching the religious heritage of moral and spiritual values. A review of the flood of literature on the question indicates evidence of great concern. School officials and faculty are, for the most part, well aware of the spiritual needs of children. However, the area of religious faith and belief is so circumscribed by controversy and government decree that the public school is inclined to maintain an "off-limits" policy. As a result the religious

²²Ibid., p. 21.

needs and beliefs of school children are relegated to an insignificant background position. This tendency is viewed with alarm by religious leaders and others who are aware of the mounting secularism of the age. The American policy of church-state separation has been interpreted by some teachers to exclude even the mention of religion in the public classroom. It is only a step from avoidance to irrelevance. Johnson, professor of Education at Columbia University, has stated that "what the public school ignores will in the end be ignored by those it educates."²³

Thus a rather unique dilemma is revealed. The moral and spiritual needs of children are recognized in various government and education publications, in statements by educators and religious leaders, and, indirectly in the wave of anti-social behavior among the young. In enlisting the aid of various agencies to help meet the need the public school comes under close scrutiny. However, the spiritual and moral needs of children are met by the public school with rather cool reserve. Various statements indicate that the philosophy of the secular public school prevents the education of the "whole child."²⁴ There is a basic inability of the public school to

²³Johnson, E. F., "Religion and Public Education, A Major Force in History and Contemporary Life," Vital Speeches, p. 314, March 1, 1950.

²⁴Fallaw, Wesner, "On Educating the Whole Person," School and Society, p. 101, April 3, 1954.

take an active role in religious instruction because the doctrine of church-state separation and various state laws prohibit sectarian instruction in the public school. In searching for a practical solution to the problem, the Christian Church has evolved several religious agencies, among which are the Sunday school movement and the released-time plan.

The Church and Released-Time

As the public school is neither equipped nor designed to teach religious matters, there is a resultant gap in the educational program, for which outside provision needs to be made. Long before the released-time plan was proposed, the Sunday school assumed major responsibility for religious education. This agency was readily adopted by American churches as a possible answer to the secular public school. However, it was later recognized that because of inherent limitations the Sunday school could, at best, provide a limited answer to the religious needs of children.

The inadequacy of the Sunday school. The inadequacy of the Sunday school is attested to by the Christian church itself. It is clearly recognized by the Christian church that the pittance of time devoted to this religious school is not sufficient to instill the desired measure of spiritual knowledge. Mulford, an authority on public school board

administration, mentioned that it has been established that a child attending Sunday school spends an average of only 12 hours a year in religious training.²⁵ The Sunday school, as the Protestant church's only educational agency, has proven inadequate to the herculean task of providing necessary spiritual guidance to the children of the nation. This is not to say that the Sunday school has not done an excellent job as far as it was able. Countless individuals owe most of their basic Christian knowledge to dedicated ministers and teachers who were Sunday school teachers. However, it is readily recognized that there are gaps in this religious educational enterprise that demand constructive thinking.

Some of the basic inadequacies pointed out in the Sunday school include antiquated teaching techniques, untrained leadership, poor lesson continuity, and a limited outreach.²⁶

In reviewing the contemporary character of the Sunday school, Bower commented to the effect that the movement was more charismatic than educational in nature. As a result of its sectarian, denominational affiliation, vast numbers of the nation's children have remained untouched, as shown in the statement:

²⁵Mulford, H. B., "As Public Schools Default on Religion," School and Society 64:443, December 21, 1946.

²⁶Fallaw, Wesner, "Is the Sunday School Doing the Job?" Protestant Church Building and Equipment, p. 9, November, 1959.

The temper of the movement was pietistic rather than educational in any fundamental and scientific sense. It has throughout remained a lay movement, the teaching of religion having been committed to consecrated but untrained persons who were otherwise professionally or vocationally engaged. Its educational objectives have for the most part been concerned with the teaching of the Bible as an authoritative revelation of divine truth. While the public school addressed itself to the total child population of the nation, and to increasingly larger numbers of its youth, the Sunday school followed the sectarian organization of American Protestantism. As a result, it has ministered for the most part to the child and youth constituencies of the several denominations leaving more than half of the total childhood and youth of the nation untouched.²⁷

Disturbed by a decided lack of religious knowledge on the part of college students, Jarrell, a Yale professor, made a study of Sunday school literature. His findings indicated that there was little continuity in lesson planning and little defense or explanation of religious faith.²⁸

Shrader, an Episcopalian minister, leveled serious charges against the Sunday school in words indicating a need for a major overhaul in method of operation. He contended that the program that existed in many areas was faltering in the task of religious education, as shown in the statement:

Although there have been great changes in the past 10 years, the U. S. Protestant Sunday school is often nothing more than a glorified baby-sitting

²⁷ Bower, W. C., The Church at Work in the Modern World, pp. 111-112.

²⁸ Jarrell, H. H., "Sunday Schools Don't Teach," Atlantic Monthly, pp. 57-59, December, 1950.

service, or a place where children listen to grotesque stories and memorize verses, or a Sunday morning social hour characterized by a considerable amount of horse-play.... Some parents, I know, ask nothing more of Sunday school than that it keep their children occupied and out of the way for one hour a week. For such parents the American Sunday school is unquestionably fulfilling its function. But for parents who ask something more of Sunday school---an introduction to Christianity, an education in the life and principles of the church, a preparation for Christian living---there is much cause for dissatisfaction.²⁹

Shrader cited Morton, a leading New England figure in religious education, to substantiate his contention of Sunday school inadequacies. Morton had written that the Sunday school was doing a questionable job of character building. She expressed her concern for low Sunday school morale in the following terms:

The chances are the director of religious education faces a job that commands little respect on the part of either church or community, for the reputation of church schools across the country is pretty low. The director knows and the people know that the 'good old Sunday school' broke about as many young Christians as it built.³⁰

Shrader caused a storm of controversy with his article that produced outspoken protest to its implications. The editors of Christian Century replied that in spite of inherent

²⁹Shrader, Wesley, "Our Troubled Sunday Schools," Life, p. 100, February 11, 1957.

³⁰Ibid., p. 101.

weaknesses in the Sunday school the people of America were the recipients of great spiritual advantage because of its program. Thousands of ministers and laymen have freely contributed of their time and effort to provide the only spiritual training many individuals have received.³¹ The implication that only a few American churches were interested in revising their educational programs was unfounded because there has been a move in this direction by nearly all denominations.

Religious leaders have been encouraged in the fact that Sunday school data of 1954 indicated the enrollment was decidedly increasing. The National Council of Churches of Christ in America reported that nearly 38 million pupils were enrolled in Sunday and Sabbath schools. This represents an increase of almost 13 million over 1947 and constitutes a rate of increase more than double that for the population.³²

A further source of encouragement to religious leaders has been the public support rendered the movement by certain persons in official capacity. Hoover, the Director of the Federal Bureau of Investigation, has written a pamphlet in which he stated that the Sunday school was one of the best answers to juvenile delinquency. Some judges have thought so highly of the Sunday school that they have sentenced juvenile

³¹"The Trouble With the Troubled," The Christian Century, p. 318, March 13, 1957.

³²Shrader, op. cit., p. 101.

delinquents to "attend Sunday school every week for a year."³³

It is apparent, however, that the Sunday school by itself cannot fully supply the needs of children for spiritual guidance. Its outreach is limited and it is beset with internal difficulties. In searching for some educational agency to supplement the work of the Sunday school the plan of released-time was discovered.

Released-time bridges the gap. Released-time bridged the gap between the limitations of the public school in teaching religious belief, and the inadequacies of the Sunday school in meeting the spiritual needs of children.³⁴ In accepting the fact that the Sunday school was an inadequate means of meeting the need, religious leaders agreed that some means of reaching the child during what he considered his "business hours" had to be devised. It was believed that if religion were more closely associated with the public school it would tend to receive more serious consideration as being relevant, important, and not just a Sunday affair. Such a program would not infringe on anyone's religious liberty, as the individual was free to participate or abstain. The plan would not involve public support of religious activities and, since all denominations would be welcomed as participants, no

³³Ibid.

³⁴Hay, op. cit., p. 21.

preferential status for particular churches would result.

Through released-time a unique opportunity is presented to bring the work of the church and school together in the life of the child. The teacher of a released-time class can add a religious interpretation to the work of the public school beyond what is possible for the most dedicated public school teacher. In released-time classes in religion the contributions of the church in the history and work of the world are seen alongside the rest of the story of mankind, not only as an historical fact but as a reflection of the mission and purpose of the church. Released-time for religious education helps to satisfy the need for identifying religion in the child's mind with week-day as well as Sunday life.³⁵

Usually the released-time program is educationally far more efficient than the Sunday school because the quality of teaching in released-time classes is comparable to that found in the public schools. As teachers of released-time classes are usually paid, the churches can demand proper training and thorough preparation for each session. Thus the program can provide religious instruction and experiences on as sound an educational base as the public school teacher can provide.

The problems of irregular attendance faced by the Sunday school, caused by bad weather, indifference, conflicting

³⁵ Goddard, A. L., "Week-Day Church School--A Bridge," International Journal of Religious Education, p. 12, May, 1958.

interests, or poor clothing are almost eliminated in the released-time program. There is much more punctuality and regularity of attendance in the released-time plan. The program is regarded almost as an "extra-curricular" activity of the school life.

It is also true that the released-time program reaches many children who never enter the door of a Sunday-school class. Miller, Executive Secretary of the Virginia Council of Churches, reported that less than half the children aged six to sixteen are enrolled in Sunday schools of this country, after three centuries of separate denominational effort. This is in contrast to released-time classes in which 95 per cent of the pupils who have opportunity to participate have enrolled.³⁶ The released-time program is a religious agency of effective outreach as indicated in the following statement:

Neither the Sunday school, the vacation church school, nor the young people's societies, nor all these combined, reach as high a percentage of the total youth group in a great many communities as does the weekday church school.³⁷

The use of religious instruction as a possible deterrent to juvenile delinquency has been mentioned earlier in the

³⁶Miller, M. C., "'Released-Time' Seen More Effective Than Sunday Schools," Telescope-Messenger, p. 6, March, 1958.

³⁷Thayer, V. T., Religion in Public Education, p. 88.

chapter. The observations of various individuals would tend to substantiate this contention. Judge Fawcett testified that in the thirty years in which he presided in the Supreme Court in Brooklyn, there were only two boys who came before him for sentencing who at the time were attending organized religion classes.³⁸

A publication issued by the Division of Christian Education of the Protestant Council of New York City cited the need for released-time classes as a **curb** for juvenile delinquency, as follows:

What is the situation in religious literacy in New York City? There are 1,200,000 children receiving education in public, parochial, and private schools. Only 700,000 of these children are receiving any organized spiritual nurture. The remaining 500,000 children are a menace to society, to themselves, to our country and our country's future. Spiritual illiteracy must be abolished for the sake of the children and for the sake of the nation. Released-time for Religious Education is the next best step we know in stamping out the spiritual illiteracy in our children.³⁹

Shaver notes that scientifically-accurate measurements of the behavior of children enrolled in released-time classes are as difficult to secure as they are in the case of other character-building agencies---the public and private schools, the youth agencies and even the churches. But there are

³⁸"The Case for Released-Time," Education, p. 372, February, 1951.

³⁹Thayer, V. T., Religion in Public Education, p. 88.

strong convictions that each of these makes for a better community and for a higher type of personal and social conduct.⁴⁰ Judge Glasser of Garfield County, Enid, Oklahoma, is convinced that released-time is an aid in curbing juvenile delinquency, as noted in his statement:

Juvenile delinquency in the County...was becoming progressively worse each year until a noticeable correction in the pattern was observed among a group level of youngsters who were members of the first class to participate in the Associated Church program for released-time teaching. Therefore, the only reasonable conclusion to be derived from such an analysis was that Christian education...had caused the noticeable decline in unlawful behavior characteristics of those youngsters who participated in the program when compared with the activities of the older children who did not so participate.

I am firmly convinced that releasing children from academic instruction in the public schools for one hour each week to enable the students to receive Christian education, which the majority of the students would not otherwise receive, is the greatest step the community has taken in answer to the problem of juvenile delinquency.⁴¹

In the plan of released-time an effort is made to integrate religion in the total learning experience of the child in a manner not detrimental to the principle of church-state separation. The proponents of the program believe that this particular experience will make a unique contribution to the education and experience of children and enable them to interpret their everyday experiences in a moral and spiritual

⁴⁰ Shaver, Erwin, Week-Day Church School, p. 140.

⁴¹ Ibid.

atmosphere. In the recognition that religion is a week-day experience of concern along with school work, play, and other week-day activities, the program is conceived as a bridge between the school and the church, helping to integrate into the life of the child the sometimes divergent teachings of the two institutions.

There are genuine problems in attempting to evaluate the released-time program as to real results. While a judgment on the over-all success or effectiveness of the program is almost impossible (by reason, among other things, of the varying objectives sought by different communities) some trends are observable. It is the general conviction of religious leaders and educators⁴² that the released-time program is making good. In those communities where the recommended standards have been followed, it is a most effective school of religion. Shaver noted that the program has proven to be an effective agency in reaching a great number of children with no church affiliation.⁴³ Then, too, the plan has brought about a close relationship between the three agencies most responsible for the child's education---the home, the public school, and the church.⁴⁴ Although one of the most common criticisms of the

⁴²Larson, J. L., "A Superintendent Looks at the Weekday School of Religion," Religious Education, p. 1, January, 1956.

⁴³Shaver, Erwin, Week-Day Church School, p. 138.

⁴⁴Ibid.

released-time program is that it is devisive, investigation indicates excellent interdenominational cooperation, respect, and appreciation both for differences and common goals.⁴⁵

Aside from these direct contributions to the religious education of American children, the released-time movement has made significant concomitant contributions. It has served to keep alive the importance of religion in all education. It has spurred and encouraged educational leaders to place a larger emphasis upon religion in the public schools. Unintentionally, it has caused America to face the need for a more accurate interpretation of the First Amendment, defining the points at which church and state shall be separate and those at which they may cooperate for the common good.⁴⁶ This last point will be further elaborated upon in the following chapter.

The ultimate objectives of Christian education and thus of released-time are worthy of consideration at this point.

The objectives of Christian education. The National Council of Churches, Division of Christian Education, has officially adopted two statements regarding the objectives of Christian education. These statements, "The Goals of Christian Education of Children," and "Objectives of Christian Education" embody the vital principles sought in the released-time program.

⁴⁵Harris, Elizabeth, "Protestant Weekday Religious Education in Boston," Education, p. 383, February, 1951.

⁴⁶Shaver, Erwin, Week-Day Church School, p. 141.

The "Objectives of Christian Education" are listed as follows:

1. Christian education seeks to foster in growing persons a consciousness of God as a reality in human experience, and a sense of personal relationship to him.

2. Christian education seeks to develop in growing persons such an understanding and appreciation of the personality, life and teachings of Jesus as will lead to experience of him as Savior and Lord, loyalty to him and his cause, and will manifest itself in daily life and conduct.

3. Christian education seeks to foster in growing persons a progressive and continuous development of Christlike character.

4. Christian education seeks to develop in growing persons the ability and disposition to participate in and contribute constructively to the building of a social order throughout the world, embodying the ideal of the fatherhood of God and the brotherhood of man.

5. Christian education seeks to develop in growing persons an appreciation of the meaning and importance of the Christian family, and the ability and disposition to participate in and contribute constructively to the life of this primary social group.

6. Christian education seeks to develop in growing persons the ability and disposition to participate in the organized society of Christians---the Church.

7. Christian education seeks to lead growing persons into a Christian interpretation of life and the universe; the ability to see in it God's purpose and plan; a life philosophy built upon this interpretation.

8. Christian education seeks to effect in growing persons the assimilation of the best religious experience of the race, pre-eminently that recorded in the Bible, as effective guidance to present experience.⁴⁷

⁴⁷Shrader, op. cit., p. 104.

These objectives, were formally adopted in 1930 by the International Council on Religious Education, and were later adopted by the Division of Education of the National Council of Churches. The objectives form the core of the philosophy of Christian education.

In considering the specific contributions of the released-time movement to the foregoing Christian education goals Shaver notes the following:

1. The weekday church school, in furnishing more time for Christian education, allows for a stronger teaching impact and a greater likelihood of progress toward these goals. Among others a "consciousness of God" and an "appreciation of Jesus," by this additional time provision, are deepened and lead to a clearer understanding and a closer personal relationship.

2. The opportunity for repetition which weekday church school sessions give fulfills an important educational principle. Christian character growth requires repeated practice under guidance.

3. The holding of the classes on the weekday not only reinforces the Sunday teaching, but because of the time factor strengthens the importance of religion in "daily life and conduct."

4. The relationship of the weekday church school to the public school allows for significant correlation of the study of religion with public school studies. The closer this correlation, the greater the development of a consistent and integrated "Christian interpretation of life and the universe."

5. The school atmosphere characteristic of most weekday religious education is a helpful complement to the equally valuable church atmosphere provided by other agencies of Christian education. This tends to strengthen the pupils' respect for the study of religion.

6. The nature of the weekday church school in its organization and pattern makes it possible to reach a high proportion of children unrelated to the church and lead them to "participate in the organized society of Christians---the Church."⁴⁸

In a comparison of the goals of Christian education with those of general education Shaver noted the limitations of each as shown in the following list:

1. The weekday church school allows for the inclusion of the positive teaching of religion and the Bible in the child's everyday education, which cannot be done in the public school.

2. Similarly Christian teaching which emphasizes personal commitment and church membership, not possible in public education, can be carried on with freedom.

3. The weekday church school, to fulfill its objectives completely, can and should supplement the social studies taught in the public school by giving them a Christian interpretation and motivation.

4. Likewise, the weekday church school can and should complement the physical science studies of the public school by insisting that underlying scientific laws and facts are the purposes of a wise and beneficent God.

5. The literature of the Bible and other religious literature taught in the weekday church school are a needed supplement to and natural enrichment of the literature studies program of the public school.

6. The weekday church school teaching program---affirming faith in the fatherhood of God as well as in the brotherhood of man---gives both motivation and content for the teaching of spiritual values in the public school, without which these values may not be distinguished from community ethics.⁴⁹

⁴⁸ Shaver, Erwin, Weekday Church School, pp. 6-7.

⁴⁹ Ibid., p. 8.

In the foregoing lists of goals it is evident that there are certain well-defined aims of released-time. How effectively these aims are being realized is difficult to ascertain. It remains to be seen whether released-time can fully accomplish all the purposes of its organization.

Summary

The need of children for moral and spiritual guidance is attested to by: (1) various education and government conference statements, (2) the voice of educators and religious leaders, and (3) the increase in criminal activity among the young people of America.

In assessing the position of various agencies responsible for teaching moral and spiritual truth the public school comes under close scrutiny. However, the limitation caused by church-state separation poses a dilemma on this point and prohibits the secular public school from teaching sectarian belief. The public schools are maintained as secular schools because; (1) limitation serves as a safeguard against discrimination of religious minorities, (2) encourages religious liberty, and (3) allows the church and state to operate independently under the assumption that each can best function in this manner. Thus the secular public school is unable to fully meet the need for religious orientation.

The Sunday school as the only fully established Protestant educational agency is not sufficient in itself for the task of imparting spiritual guidance for the nation's children. Only about half of the nation's children are enrolled in Sunday school and these receive an average of only about 12 hours of religious instruction a year. Thus as the principle means of spiritual education the traditional Sunday school is sadly inadequate.

The program of released-time for religious education is proposed by religious and education leaders as a possible solution to the dilemma. The proponents of the plan believe that the public schools should not monopolize the full five days of the school week, but a reasonable portion of this week-time should be made available to the churches for religious education. It is proposed that by this means the work of the Sunday school could be bolstered and effectively supplemented. Within the framework of acceptable standards the church contends that it can complement the work of the public school and not violate the church-state separation principle. By means of released-time the church proposes to bridge the gap between school and church, integrating secular and sectarian knowledge in the life of the child.

In concluding the chapter the aims of Christian education are noted as the aims of the released-time program. The leaders of the released-time plan maintain that the program

will effectively aid in the achievement of the goals of Christian education.

At this juncture attention will be focused on some legal aspects and implications of released-time as contained in the following chapter.

CHAPTER IV

SOME LEGAL RAMIFICATIONS OF RELEASED-TIME

A picture of the released-time program would be incomplete without a description of the legal gantlet the plan has encountered. This chapter will seek to provide insight concerning state and federal court decisions and the resultant action precipitated by these decisions. The following material is organized to afford consideration of, (1) Early Entanglements in Litigation, and (2) United States Supreme Court Decisions.

Early Entanglements in Litigation

The released-time movement has had to meet severe tests to establish and maintain its standing in the religious education world. The early entanglements in litigation produced some notable findings and provided thoughtful attention to problem areas in the released-time plan.

A hazy court focus. Early legal cases were hampered by a hazy court focus regarding the line of separation that marked the boundary between church and state.¹ Countries with established state churches preclude any difficulty in the separation of secular and religious education. One main

¹Cope, H. F., Week-Day Religious Education, p. 155.

source of authority is responsible for both types of education and they can utilize the same buildings, facilities, and instructors if they wish. When, however, the church is separate from the state, the difficulties of establishing boundaries for each is involved. This is clearly reflected in the problems of separation between religious and secular education. While the state can benefit from the character development involved in the influence of religion, the churches are fully aware of the advantages of secular knowledge gained by their members. Zollman reports that there is no clear line of demarkation that clarifies fully the boundaries of church and state, but rather a broad zone or area.² For example, while some states forbid the reading of the Bible in the public schools, others require that it be read daily.³ Then too, the sectarian atmosphere of the public school is permeated during the observance of certain religious holidays with carol music, religious dramatization and ceremonies which involve

²Carl Zollman was an attorney at Milwaukee, Wisconsin, and author of American Civil Church Law and Church and School in the American Law. Cope, op. cit., p. 155.

³Louisiana, Illinois, and South Dakota courts hold that Bible reading in the public school violates the religious freedom of non-Christians. On the other hand Alabama, Arkansas, Delaware, Florida, Georgia, and Idaho require that a portion of the Bible be read daily, and a number of other states authorize its reading. See: National Education Association Research Bulletin, Number 4, pp. 195-196, December, 1956.

a definite religious climate.⁴ A careful study of these and other related practices of co-mingling of religion and education reveals that the courts are not consistent in views regarding these practices. Of course many practices exist simply because they have never been challenged in the courts. However, it is evident that a sharp legal focus on these and other related issues is clearly missing in many areas of this country. Separation of church and state is proclaimed on one hand as an absolute and complete deletion of any religious connections,⁵ while on the other it is said to give allowances for some permissible governmental sanction.⁶

It is apparent that separation of church and state mean different things in different areas and that the principle is constantly being challenged. Thus it can be readily understood that an idea as novel and controversial as released-time for religious education would encounter some difficulty in becoming a legal entity and in becoming established in various parts of the country. Several of the state court decisions on released-time are worthy of consideration at this point.

⁴American Council on Education, The Function of the Public Schools in Dealing With Religion, p. 1.

⁵Bryson, J. R., "Mending the Breach in the Wall of Separation," Christian Century 65:651, June 30, 1948.

⁶Lardner, L. A., "How Far Does the Constitution Separate Church and State?" American Political Science Review 45:130, March, 1951.

State court decisions. Perhaps the earliest state court decision bearing implicitly on the released-time program was handed down some 34 years ago in Mount Vernon, New York.⁷ The program was ruled illegal on the basis that it violated the compulsory attendance law of the state. In order to eliminate any abuse of the privilege of leaving the school while it was in session, the Mount Vernon schoolboard adopted a plan for controlling attendance records. In order that parents might indicate their choice of church they wished their children to attend, the school printed preference cards. Other cards were supplied to the instructor at the church in order that the child's attendance might be reported. These cards were all printed in a public-school shop during school hours, however, the Mount Vernon Committee on Week-Day Religious Education paid all costs involved. The schoolboard attempted to walk the line of separation between church and state without violating the compulsory attendance law or the constitutional provision against aid to sectarian education. That they failed in this attempt is evident in the 1925 court decision which declared that the plan ran counter to the compulsory attendance law; and too, having the cards printed in the public school was an illegal aid to sectarian education.⁸

⁷Stein v. Brown, 211 N.Y.S. 822 (1925).

⁸National Education Association Research Bulletin, Vol. XXXIV, No. 4, p. 199, December, 1956.

The judge summarized the Mount Vernon case in the following words:

The fact that no particular denomination was favored or intended so to be by this action of the board of education does not affect the question.... I find nothing whatsoever in the Education Law authorizing either the board of education, the state commissioner of education, or the education department to change, limit, or shorten the time of attendance.... Education Law...prescribes the instruction required in public schools. Religious instruction is not one of them. Consequently it would be unlawful and unauthorized for a board of education to substitute religious instruction in the school in place of the instruction required. To permit the pupils to leave the school during school hours for religious instruction would accomplish the same purpose, and would in effect substitute religious instruction for the instruction required by law.⁹

In 1927 another case involving released-time was put before the New York courts. This case, involving the program of White Plains, New York, revolved around the fact that the cards that were used in reporting preference and attendance were not furnished by the school. Thus the only clear connection with public funds or property involved was the scant time of the teacher in issuing and receiving cards, excusing pupils, and determining if the parents' wishes were being carried out.¹⁰ The suit was brought challenging the released-time program by Lewis, president of the American Free Thinkers Society, on the charge that the principle of church-state

⁹Stein v. Brown, 211 N.Y.S. 822 (1925).

¹⁰National Education Association Research Bulletin, Vol. XXXIV, No. 4., p. 199, December, 1956.

separation was being violated. However, the legal validity of the program was established by a unanimous court decision to the effect that the general compulsory attendance laws did not require every child to be in school every hour of each day the schools were in session, and the church-state relationship was not being violated. Since the children were dismissed for religious instruction when no recitations were scheduled, it was deemed completely legal. The court record contained these words:

It is natural that parents should wish their children to have religious instruction at any favorable opportunity. It is not thought wise that it should be given directly in the school. But, when the children are assembled, they may be sent elsewhere. We are told that in 23 other states there are in force methods similar to those employed here. The commissioner and local authorities have adopted a benevolent policy, in which the interests of both parents and children are considered. They recognize that all education is not acquired in the schools; that, except for subjects legally prescribed, the parents may select the studies their children shall pursue; that it is the right of parents to direct the destiny of their children and guide them along paths of filial duty, as well as in those of obligation to the state,...and that a belief in religion is not foreign to our system of government.¹¹

The foregoing court decision mentioned "23 other states" where a similar plan of religion classes operated in 1927. In 1958 state laws permitting absence for religious

¹¹People v. Graves, 219 N.Y.S. 189, Aff'd 156 N.E. 663 (1927).

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instruction were found to exist in only 13 states.¹² Interestingly enough, local-school authorities have approved and allowed the operation of released-time programs regardless of the existence or nonexistence of state laws and in most states the plan has proceeded unchallenged.

The released-time plan of Los Angeles, California, was challenged in court by a taxpayer who asserted the state constitution was being violated in that it prohibits aid to a religious sect. Church preference cards and publications describing the program were printed with school monies. Public school teachers kept attendance records; however, it was asserted that the pupils were not under the control of the public school during their absence for sectarian instruction. Pupil transportation to the religious schools was underwritten by the Los Angeles Interfaith Committee. In the decision handed down in 1947 the court asserted that the plan was valid as there was no appropriation of public money in support of any particular sect and there was no religious instruction within the public school system.¹³ This decision is clearly at variance with the Mount Vernon, New York, decision of 1925 which stated quite a different opinion.

¹²These states are: California, Indiana, Iowa, Kentucky, Massachusetts, Maine, Minnesota, New York, Oregon, S. Dakota, Pennsylvania, W. Virginia, New Mexico. See appendix of this thesis for copy of state laws.

¹³Gordon v. Board of Education, 178P. (2nd) 488 Calif., (1947).

One of the most important legal cases regarding released-time had its beginning in Champaign, Illinois, in 1945 when McCollum (Mrs. John P. McCollum) filed suit against the program. McCollum, who termed herself a "rationalist," claimed that the action of the Champaign Board of Education in permitting released-time was in clear violation of the First and Fourteenth Amendments of the Federal Constitution. As the plan operated in Champaign, children from grades four to nine inclusive received thirty minutes of religious instruction each week. This plan had been in operation since 1940 when the Champaign Council on Religious Education was formed by cooperating Protestant, Catholic, and Jewish Bodies. This collective group was given permission by the Champaign Board of Education to offer classes in religion to the grades indicated. Although the teachers for the program were employed by the Council on Religious Education, their status as qualified teachers was sanctioned by the school superintendent, and the content of their curricula was controlled by him.¹⁴

Church preference cards were distributed to parents that they might indicate if they wished their child to attend these courses, and if so, in which group they would prefer he be enrolled. These cards, and a twenty-five cent charge for materials (crayons, paper) were returned to the school by the

¹⁴Ill. ex rel. McCollum v. Board of Education, 333 U.S. 207 (1948).

child.¹⁵ Actually, only three class sections were conducted, taught by Protestant teachers, Catholic priests, and a Jewish rabbi. The Jewish rabbi shortly discontinued his class as it did not function as well as the others. No academic credit was given for these courses.

At first it was assumed that all children would participate in the program and thus no provision was made for any alternative. But Mrs. McCollum, wife of an associate professor in the Department of Horticulture, University of Illinois, did not enroll her son, James Terry, when he entered the fourth grade. During the last half of his fourth-grade year he was enrolled in the Protestant class. James Terry was transferred to another school when he entered the fifth grade and was not enrolled in any religion class. Due to overcrowded conditions James was sent to sit in a music room and once in the hall during the religion classes. When Mrs. McCollum complained to the school authorities about this procedure, James was thereafter sent to another fifth grade classroom to study during the allotted periods. As a culmination of this situation, McCollum started proceedings for the court case. She stated in expressing her stand that she was not fighting against religion but against a constitutional violation as indicated in the statement:

¹⁵McCollum, V. C., One Woman's Fight, pp. 17-18.

One of the most common misapprehensions about the entire McCollum case is that I was waging an all-out fight against religion. Nothing could have been farther from the truth. I had no desire to attack formal religion nor any wish to convert anyone to my particular theological bias. My objection was on constitutional grounds, and my action was one I could have brought with equally firm convictions had I been a member of any of the 250-odd sects flourishing in this country.¹⁶

In the actual court proceedings the plaintiff was aided by a Unitarian minister, Schug, and was represented by a Chicago lawyer, Chapman. Chapman, who was recommended by the Chicago Civil Liberties Committee (independent), was retained by the Chicago Action Council, an organization which had been set up to oppose released-time. These sponsors announced that they were raising \$10,000 to present this case to a higher court if necessary.¹⁷ Associated with the defense in this case was the Chicago Federation of Churches and the Illinois Church Federation.

During the course of the trial Mrs. McCollum charged that her son James (his teacher referred to him as a problem child) had been ridiculed by classmates for not attending the week-day classes. Mrs. McCollum's father, Cromwell, a professed atheist of Rochester, New York, and president of a Free Thinkers Society testified for the plaintiff. He defined

¹⁶Ibid., pp. 10-11.

¹⁷Fey, H. E., "Test Legality of Release-Time," Christian Century 62:1099, September 26, 1945.

religious worship as "a chronic disease of the imagination contracted in childhood."¹⁸ Shaver reported that one of the high-lights of the trial occurred when James Terry McCollum was asked why he wished to enroll in the religion classes. He frankly replied that he enjoyed the class and wished to learn more about religion. His reply as recorded indicated an interest in the program as shown in his statement:

I was interested in this class in religious education. I wanted to take it.... I do not like arithmetic and spelling very well. I like religious education a lot better. I recall that Miss Chapin brought to school a lot of different papers and things, and sometimes the kids passed one on my desk. I was also interested in the little ornaments she brought from China and different places.... I wanted to hear Miss Chapin's opinion.... One of the reasons I liked to take the religious education course was because I was anxious to know the way they taught them.... I kind of want to know a little more about religion. I do not know much about it.... After I took the course when I was in the fourth grade I wanted to learn still more. I enjoyed the work over there.¹⁹

The McCollum counsel in a rather wordy wind-up of the case labeled the released-time plan one of "religious fascism" that was designed as a pressure-type program to get more children into religion.²⁰ The Chicago attorney, Chapman, based

¹⁸"To Highest Court," Newsweek 26:85, September, 1945.

¹⁹Abstract of Record in the case of McCollum v. Board of Education of School District 71, in Circuit Court of Campaign County, pp. 228-230. See: Shaver, E. L., The Week-Day Church School, pp. 16-17.

²⁰"To The Highest Court," op. cit., p. 85.

his client's case on the following summary of the Champaign program:

An establishment of religion is grafted on to public school education, church and state become united in the classroom, worship is established in the lives of indiscriminating infants, religion is regimented, public education is controlled and censored privately by sectarians and pupils are taught what to believe; proselyting is practiced among little children of rationalists and humanists and of parents desirous of avoiding churches and religions and of parents belonging to denominations too small to employ their own private teachers for said public schools; and public schools become fields for private missionaries and for rivalry of religious sects.²¹

The defense for the case argued that the board of education had the right to retain the program because:

1. The board of education had only acted within its legal discretion in granting permission for voluntary religious education within the schools.
2. No infringement of state and federal provisions had been made by the program because the prohibition of an establishment of religions in the first amendment is not hostile to religion as such.
3. The law forbidding the use of public funds for a sectarian purpose was not violated by the program since it was not sectarian and no public funds were used.

Also, the defense maintained that no coercion or pressure was placed on any child who did not wish to attend the classes, unless the very existence of voluntary courses could be

²¹Fey, op. cit., p. 1099.

construed as constituting pressure.²² On January 26, 1946, the Sixth Illinois Circuit Court denied the petition for a writ of mandamus and declared the existing program legal. In this decision the three judges involved stated that no constitutional or statutory rights of McCollum were violated by the Champaign system of released-time as shown in their summary statement:

What it all amounts to is that the pupils who take religious education use a thirty-minute study period which otherwise would have been devoted to study for recitation in their regular classes; that on this released-time they study religious education; while those who do not take religious education simply have a thirty-minute study period while waiting for the pupils in religious education classes to rejoin them for the regular secular study.²³

The decision was next appealed to the Illinois State Supreme Court which affirmed it on January 22, 1947.²⁴ Thus by Illinois Law school boards were empowered to permit the use of public-school buildings for religious purposes. The proceedings at Champaign were centered in one main question concerning the relation of voluntary classes in religion to current interpretations of the state constitution. The summary

²²Ibid., p. 1099.

²³"Court Upholds Religious Teaching in Schools," Christian Century 63:163, February 6, 1946.

²⁴People v. Board of Education of School District No. 71 N.E. (2d) 161 (Ill. 1947).

of this deliberation is contained in the following court record:

Does either the Federal or the state constitution, or both, in their guarantee of religious freedom prohibit voluntary religious classes in the public schools under the plan as described in this record? ...Such classes do not violate the conscience of any individual or group so long as the classes are conducted on a purely voluntary basis. Freedom of religion as intended by those who wrote state and Federal constitutions means the right of an individual to entertain any desired religious belief without interference from the state.

Our government very wisely refuses to recognize a specific religion, but this cannot mean that the government does not recognize or subscribe to religious ideals. To deny the existence of religious motivation is to deny the inspiration and authority of the constitution itself.²⁵

Perhaps the recognition of religion as a force in law and national life was as significant as the decision itself on the Champaign program. However, the issue at stake in the Champaign case did not rest here. The next logical step for the unplaced plaintiff was an appeal to the Supreme Court of the United States.

United States Supreme Court Decisions

In recent years the Federal Supreme Court has heard two separate cases of released-time programs. The Champaign,

²⁵Mulford, H. B., "The Illinois Atheist Case," School and Society 65:67, June 21, 1947.

Illinois, or McCollum Case was decided by the court in 1948. The New York City, or Zorach Case was decided by the court in 1952. The decision in each case reflected a substantial majority in the court.

A legal "red light" (Vashti McCollum case). On March 8, 1948, the Supreme Court of the United States ruled the Champaign, Illinois, plan of religious education unconstitutional. The court thus granted McCollum's petition that the schoolboard be ordered to adopt and enforce regulations prohibiting all religious education in the Champaign school district.

The announcement of the decision was tendered in four separate opinions: (1) the official opinion of the court, (2) a concurring opinion by Frankfurter and signed by Jackson, Rutledge, and Barton, (3) a concurring opinion with certain reservations by Jackson, and (4) a dissenting opinion by Reed. The Supreme Court decision was a majority vote of eight to one against the Champaign schoolboard. The opinion was referred to the Illinois Supreme Court which directed the Circuit Court to take the final legal action.

Justice Black, in presenting the official court opinion stated McCollum's petition as follows:

Appellant's position for mandamus alleged that religion teachers, employed by private religious groups, were permitted to come weekly into the school buildings during the regular hours set apart for secular teaching,

and then and there for a period of thirty minutes substituted their religious teaching for the secular education provided under the compulsory education law. The petitioner charged that this public-school religious group program violated the First and Fourteenth Amendments to the United States Constitution.²⁶

The essence of the Supreme Court's official opinion revolved around three main points:

1. Public tax-supported buildings were utilized for purposes of teaching sectarian education.
2. Compulsory attendance laws aided the program.
3. The schoolboard cooperated in arranging and perpetuating the plan.

Declaring this program unconstitutional the court maintained:

The foregoing facts show the use of tax-supported property for religious instruction and the close cooperation between the school authorities and the religious council in promoting religious education. The operation of the state's compulsory education system thus assists and is integrated with the program of religious instruction carried on by separate religious sects. Pupils compelled by law to go to school for secular education are released in part from their legal duty upon the condition that they attend the religious classes. This is beyond all question a utilization of the tax-established and tax-supported public school system to aid religious groups to spread their faith. And it falls squarely under the ban of the First Amendment.²⁷

Here not only are the state's tax-supported public school buildings used for the dissemination of religious doctrines. The State also affords sectarian groups

²⁶Ill. ex rel. McCollum v. Board of Education, 333 U.S. 212 (1948)

²⁷Ill. ex rel. McCollum v. Board of Education, 333 U.S. 209 (1948)

an invaluable aid in that it helps to provide pupils for their religious classes through use of the state's compulsory public school machinery. This is not separation of church and state. The cause is reversed and remanded to the State Supreme Court for proceedings not inconsistent with this opinion.²⁸

Anticipating something of the stormy controversy that would unquestionably accompany the decision, Justice Black emphatically denied that the McCollum decision was hostile to religion. It was his opinion that the end of both church and state would best be served by the decision as shown in his statement:

The First Amendment rests upon the premise that both religion and government can best work to achieve their lofty aims if each is left free from the other within its respective sphere.²⁹

As the official opinion of the Court was stated in very general and complex terms, Justice Jackson was moved to write a separate concurring opinion in which he expressed some reservations. While he agreed that the issue was clearly unconstitutional, he also believed that the Court was granting more of McCollum's petition than deserved to be granted. Justice Jackson expressed concern in the fact that the McCollum complaint was also leveled against any influence whatsoever that

²⁸111. ex rel. McCollum v. Board of Education 333 U.S. 212, (1948).

²⁹"Supreme Court Bans Released Time," Christian Century 65: 294, March 17, 1948.

could be labeled anything but secular in the instruction of the public schools. He mentioned that without the influence of religion the study of fine arts would be in essence "...eccentric and incomplete, even from a secular point of view."³⁰ McCollum was not only petitioning for an end to the released-time program, but also for an end to every form of teaching which suggests there is a God. She wished the elimination of all Bible teaching; the elimination of scripture recitations as "The Lord is my shepherd, I shall not want...." Justice Jackson was not willing to concede that the Court should agree to all of this, as indicated in his statement:

This court is directing the Illinois courts generally to sustain plaintiff's complaint without exception of any of these grounds of complaint, without discriminating between them, and without laying down any standards to define the limits of the effect of our decision.

Nearly everything in our culture worth transmitting, everything which gives meaning to life is saturated with religious influences derived from paganism, Judaism, Christianity---both Catholic and Protestant---and other faiths accepted by a large part of the world's peoples. One can hardly respect a system of education that would leave the student wholly ignorant of the currents of religious thought that move the world society for a part in which he is being prepared.³¹

³⁰Ill. ex rel. McCollum v. Board of Education, 333 U.S. 236 (1948).

³¹"The Concurring Opinions," Christian Century, pp. 734-737, June 15, 1949.

Justice Jackson also expressed concern that the Supreme Court was in danger of becoming "a super-board of education for every school district in the nation,"³² as emphasized in his statement:

So far as I can see this Court does not tell the State court where it may stop, nor does it set up any standards by which the State court may determine that question for itself.... If we are to eliminate everything that is objectionable to any of these warring sects or inconsistent with any of their doctrines, we will leave public education in shreds.

It must be expected that, no matter what practice prevails, there will be many discontented and possibly belligerent minorities. We must leave some flexibility to meet local conditions, some chance to progress by trial and error....³³

Near the conclusion of his concurring opinion Justice Jackson gives judicial insight regarding the difficulty of judging a case of this nature. He concedes that the Constitution does not define in precise terms the boundary between the secular and the religious in education, as shown in his statement:

It is idle to pretend that this last (case) is one for which we can find in the Constitution one word to help us as judges to decide where the secular ends and the sectarian begins in education. Nor can we find guidance in any other legal source. It is a matter on

³²Lee, G. C., Education in Modern America, p. 573.

³³Ibid.

which we can find no law but our own prepossessions.³⁴

A second, separate, concurring opinion was written by Justice Frankfurter and signed by Justices Jackson, Rutledge, and Barton. In this opinion the question arose regarding the great variety of released-time programs that were currently in operation in the United States. The four Justices made no pretense of casting judgment on programs other than the McCollum case, although it is clear that programs that were similar would be affected in the same way, as indicated in the following statement:

We do not consider, as indeed we could not, school programs not before us which, though colloquially characterized as "released-time," present situations differing in aspects that may well be constitutionally crucial. Different forms which "released-time" has taken during more than thirty years of growth include programs which, like that before us, could not withstand the test of the Constitution; others may be found unexceptionable. We do not now attempt to weigh in the Constitutional scale every separate detail or various combination of factors which may establish a valid "released-time" program.³⁵

It was evident that programs duplicating the Champaign released-time plan would probably suffer a similar fate at the hands of the Court. Frankfurter pinpointed the problems of religious differences among children and the indirect

³⁴Ill. ex rel. McCollum v. Board of Education, 333 U.S. 238 (1948).

³⁵Ill. ex rel. McCollum v. Board of Education, 333 U.S. 231 (1948).

pressure exerted by the school system to induce children to attend in the following words:

Religious education so conducted on school time and property is patently woven into the working scheme of the school. The Champaign arrangement thus presents powerful elements of inherent pressure by the school system in the interest of religious sects.... As a result, the public school system of Champaign actively furthers inculcation in the religious tenets of some faiths, and the process sharpens the consciousness of religious differences at least among some of the children committed to its care. These are consequences not amenable to statistics. But they are precisely the consequences against which the Constitution was directed when it prohibited the Government common to all from becoming embroiled, however innocently, in the destructive religious conflicts of which the history of even this country records some dark pages.³⁶

Justice Frankfurter attempted to clarify the Court's position on separation of church and state with the statement "Separation is a requirement to abstain from fusing functions of Government and of religious sects, not merely to treat them all equally."³⁷ Again, Frankfurter stated, "Separation means separation, not something else."³⁸

Justice Reed stood alone on the McCollum case with the only dissenting vote. He found it difficult to extract from

³⁶Ill. ex rel. McCollum v. Board of Education 333 U.S. 227 (1948). See also: "The Released-Time Decision," National Education Association Journal 37:209-210, April, 1948.

³⁷Ill. ex rel. McCollum v. Board of Education 333 U.S. 227 (1948).

³⁸Ill. ex rel. McCollum v. Board of Education 333 U.S. 231 (1948).

the official court opinion a conclusion that could justify the charge of "unconstitutional." The Court had referred a number of times to a remark by Thomas Jefferson in the effect that the First Amendment "erected a wall of separation between church and state." Justice Reed's reply to the repeated use of this reference was that "a rule of law should not be drawn from a figure of speech."³⁹ It was Justice Reed's contention that this was exactly what was happening.

Justice Reed also contended that the government was not being consistent in ruling the Champaign plan illegal while other questionable practices flourished under governmental blessing. The Champaign released-time plan was only a "by-product of organized society" and no more to be condemned than the following practices:⁴⁰

1. Chaplains in House and Senate.
2. Chaplains in the armed forces.
3. Veterans receiving training for the ministry at government expense in denominational schools.
4. Opening exercises in public schools which include Bible reading and the Lord's prayer.
5. Chaplains at naval and military academies where a "number of religious activities are carried on."
6. Exemption of churches from property tax.

³⁹"The Dissent of Mr. Justice Reed," Christian Century pp. 760-763, June 22, 1949.

⁴⁰National Education Association Bulletin, Vol. XXXIV, No. 4, p. 201, December, 1956.

7. New York practice of dismissing pupils from public school for instruction by churches.⁴¹

Justice Reed expressed what he considered governmental inconsistency in the statement: "While casting out the mote at Champaign the government has left several beams in its own eye."⁴² As actual worship services have always been permitted on government property (Church attendance on Sunday is compulsory at both Naval and Military Academies), Reed contended that the use of school buildings for non-sectarian religious education should not be condemned as "an establishment of religion."

In considering the aftermath of the Federal Supreme Court's decision on the McCollum case, two areas of thought deserve exploration. First, an interpretation of the decision is relevant to the material at hand with a reflection of the opinions registered by various groups regarding the decision. Second, the subsequent course taken by the released-time program will be briefly traced with a few words indicating how the decision affected the total program.

First then is the consideration of an interpretation regarding the Federal Supreme Court's decision in the McCollum case. The central core of the decision was the Court's

⁴¹"Dissent of Mr. Justice Reed," op. cit., pp. 760-763.

⁴²"The Champaign Case," Christian Century 65:308-309.

ringing reaffirmation that church and state are separate institutions in this country. The "wall" separating these two institutions must be kept "high and impregnable." This decision made explicit two specific doctrines in the constitutional separation of church and state:

1. Neither federal or state government can give aid to one or all churches, or give preferential treatment to one church over another.
2. State or federal aid for religion is unconstitutional even if all groups are aided equally.

In the minds of the eight concurring judges the program of released-time as it existed in Champaign disclosed an actual union of the civil law with the operation of the churches. The Court described specifically an actual interlocking of functions between church and state, a union that was clearly illegal. The pupils involved in the program were clearly under the authority and discipline of the public school system while being instructed by teachers in religion. Thus the churches actually utilized the authority, facilities, and tax money that maintained the system to give religious instruction.

The Federal Supreme Court decision did little to quiet debate on the issue and it was followed by a storm of controversy. Perhaps the greatest criticism was based upon the justices' interpretation of the First and Fourteenth Amendments. Violent disagreement erupted from the Court's use and

interpretation of the phrase "an establishment of religion." Many historians and experts on constitutional law asserted that the authors of the Constitution were referring to the establishment of a national church by law.⁴³ If this were true, of course, the Champaign plan of religious education was certainly not violating an "establishment of religion."

A group of Roman Catholic bishops meeting in Washington, D. C., stated emphatically their views on what the First Amendment limited. In their opinion the Amendment forbade an official church established by law and also any discrimination between religious groups, as shown in the following statement:

The founding fathers, said the bishops, were God-fearing men who knew that "national morality cannot long prevail in the absence of religious principle." They never intended to prevent "free cooperation" between government and organized religion. Any contrary interpretation is "an utter distortion of American history and law."⁴⁴

Among the flurry of articles that were published on the Champaign released-time issue was a thought-provoking work by O'Neill on the subject of the First Amendment:

The First Amendment was designed to (and did) leave the total responsibility for legislation in respect to "an establishment of religion," however defined, exclusively in the hands of the states. It contained no doctrine

⁴³Morrison, C. C., "Church, State, and Constitution," Christian Century 65:876, September 1, 1948.

⁴⁴"Corrosive Influence," Time 52:82, November 29, 1948.

whatsoever as to how the states should discharge their responsibility....

The McCollum decision is a revolutionary decision ...denying to the people of Illinois the precise freedom which the First clause of the First Amendment was deliberately designed to preserve to them. That clause was written in answer to a number of petitions from various states asking that the Constitution make explicit that Congress could not give one religion legal preference over all other religions. Neither Madison nor Jefferson ever, anywhere, wrote a sentence which taken in its context gave any other meaning to the "establishment of religion" clause in the First Amendment.⁴⁵

Whether "released-time" for religious education continues in Illinois or elsewhere, is of trifling importance compared to the question of whether the Justices of the Supreme Court shall pass on constitutional questions in the light of the language and meaning of the Constitution or in the light of their private philosophies of religion and education.⁴⁶

Another interesting reaction to the McCollum decision came from the lawyers and experts on constitutional law. Interestingly enough many of this group disapproved the decision on the basis that it was an imprudent interpretation in the light of the Constitution. It was believed that the Court was setting a precedent in new areas of jurisdiction without due consideration for the over-all effect on the nation, as shown in the following editorial:

⁴⁵O'Neill, J. M., "The Supreme Court on Separation of Church and State," The Commonwealth 69:466-468, February 18, 1949.

⁴⁶O'Neill, J. M., Religion and Education Under the Constitution, p. xl.

Altogether the Court demonstrated in the McCollum case most of the errors which beset those who would lay down general rules without a critical experimental period of hesitation and doubt, the drawing of tentative lines, and taking stock of the salutary experience of our communities and people.⁴⁷

The International Council of Religious Education adopted a "Statement of Policy" following the McCollum case in which their official position was clearly stated. In advising its Protestant constituency, the stand was taken that released-time programs should not make use of public school facilities or aid. At the same time however, the statement affirmed the right of parents to have their children excused for religious education during the regular school day. Although the particular device as practised in Champaign was abandoned, the premise of released-time was still as sound as ever.

Givens, Executive Secretary of the National Education Association in 1948, indicated that the decision did not eliminate the responsibility of public schools in the area of character development, as indicated in his statement:

In our opinion, this decision of the Supreme Court in no way voids the responsibility of the public schools to inculcate those moral and ethical principles which are the essence of the good life. One of the important objectives of public education has been, and always will be, to inspire in youth a deep

⁴⁷"Undefined and Shifting Lines of Decision," editorial, American Bar Association Journal 34:1029, November, 1948.

appreciation for the basic spiritual and religious values which give meaning to existence.⁴⁸

A great deal of confusion disrupted the thinking of educators, churchmen, and parents in the months following the Federal Court decision. The immediate practical application of the decision caused much concern. The National Education Association pointed out that "released-time as an abstraction cannot be considered by any court." The Federal Court was trying the program as it existed in Champaign and "clearly invalidated only those (plans) essentially similar."⁴⁹ The program of released-time suffered a distinct set-back by the McCollum decision. Shaver estimated that 20 percent of the communities offering released-time prior to the McCollum case had eliminated their programs, and there was a nation-wide loss of ten percent in pupil enrollment.⁵⁰ However, by 1951 released-time for religious education, held off school grounds but during school hours, had completely recovered. The stage was set for the second Federal Court test on the issue of released-time known as the "Zorach case."

⁴⁸"The Released-Time Decision," op. cit., pp. 209-210.

⁴⁹National Education Association Journal, Vol XXXIV, No. 4., p. 201, December, 1956.

⁵⁰Shaver, E. L., "Three Years After the Champaign Case," Religious Education 66:34, January, 1951.

A legal "green light" (Zorach case). The Federal Supreme Court placed its stamp of approval on the New York system of released-time April 28, 1952, thus providing the legal basis for present-day programs. This decision served as the culmination of a rather lengthy series of court cases in which the courts favored the right of parents to send their children to released-time classes. The New York program had been under attack by the American Civil Liberties Union and other groups who declared the plan "undemocratic because it is divisive, stigmatizing, coercive, and hostile to the atmosphere of democracy which should pervade the public school."⁵¹ However, the Supreme Court in a six to three decision declared the plan constitutional and sufficiently different from the McCollum case so that the First Amendment was not violated.

The appellants, Zorach and Gluck, were taxpayers and residents of New York City. They were parents of public school children who "regularly attended Protestant Episcopal or Jewish schools for religious instruction at times other than the hours in which public schools are in session."⁵² These parents challenged the state law permitting released-time contending that in essence the program was not different from that involved in the McCollum case. However, a Supreme

⁵¹"Constitutionality of Released-Time," School and Society 72:446, December 30, 1950.

⁵² Shaver, E. L., Three Years After the Champaign Case, p. 27.

Court majority maintained that the New York plan differed in decisive points from the McCollum case in that:

1. New York school buildings were not utilized by the religion classes.
2. Upon parental application the students left the school buildings to attend their own church program.
3. The public school assumed none of the expense involved in the program.

Justice Douglas delivered the Court opinion in the Zorach case and in doing so reiterated the position of the appellants. Zorach and Gluck maintained that the state compulsory attendance law was operating as a coercive influence in forcing children to attend the released-time program, as summarized by Douglas:

Their argument, stated elaborately in various ways, reduces itself to this: The weight and influence of the school is put behind a program for religious instruction; public school teachers police it, keeping tab on students who are released; the classroom activities come to a halt while the students who are released for religious instruction are on leave; the school is a crutch on which the churches are leaning for support in their religious training; without the cooperation of the schools this "released-time" program, like the one in the McCollum case, would be futile and ineffective. The New York Court of Appeals sustained the law against the claim of unconstitutionality.⁵³

In rendering a decision in the Zorach case the Supreme Court considered again the meaning and limitations implied in

⁵³Zorach v. Clauston et al., 343 U.S. 312 (1952).

the First Amendment. The interpretation given in connection with this case lacked the definiteness regarding the church-state controversy which had characterized the McCollum case. In the Court opinion of the Zorach case little was said regarding the "high and impregnable wall" that supposedly separates church and state. The Court reaffirmed the fact that separation must be complete regarding interference with the "free exercise" of religion and an "establishment of religion." However, the Court also mentioned that the First Amendment does not completely separate church and state but defines the specific instances where an interlocking of functions could be considered unconstitutional. Thus the Court opened the door to a new concept of thinking regarding the church-state controversy. This new element involved the notion that the state may accommodate its public institutions to the religious needs of the people. Justice Douglas refers to this concept in his comments concerning the First Amendment:

There cannot be the slightest doubt that the First Amendment reflects the philosophy that Church and State should be separated. ...The First Amendment within the scope of its coverage permits no exception; the prohibition is absolute. The First Amendment, however, does not say that in every and all respects there shall be a separation of Church and State. Rather it studiously defines the manner, the specific ways, in which there shall be no concert or union or dependency one on the other. That is the common sense of the matter. Otherwise the state and religion would be aliens to each other--- hostile, suspicious, and even unfriendly. Churches could not be required to pay even property taxes.

Municipalities would not be permitted to render police or fire protection to religious groups. Policemen who helped parishioners into their places of worship would violate the Constitution. Prayers in our legislative halls; the appeals to the Almighty in the messages of the Chief Executive; the proclamations making Thanksgiving Day a holiday; "so help me God" in our courtroom oaths---these and all other references to the Almighty that run through our laws, our public rituals, our ceremonies would be flouting the First Amendment. A fastidious atheist or agnostic could even object to the supplication with which the Court opens each session: "God save the United States and this Honorable Court."

We would have to press the concept of separation of Church and State to these extremes to condemn the present law on constitutional grounds. The nullification of this law would have wide and profound effects. A Catholic student applies to his teacher for permission to leave the school during hours on a Holy Day of Obligation to attend a mass. A Jewish student asks his teacher for permission to be excused from school for Yom Kippur. A Protestant wants the afternoon off for a family baptismal ceremony. In each case the teacher, in order to make sure the student is not a truant, goes further and requires a report from the priest, the rabbi, or the minister. The teacher, in other words cooperates in a religious program to the extent of making it possible for her students to participate in it. Whether she does it occasionally for a few students, regularly for one, or pursuant to a systematized program designed to further the religious needs of all the students does not alter the character of the act.⁵⁴

In the *Zorach* case the Federal Court assumed a theistic position in regard to our institutions and national way of life. This stand by the Court gave meaning to the interpretation rendered in this case. To many who felt that great

⁵⁴*Zorach v. Clauson et al.*, 343 U.S. 312-314 (1952).

injustices had been wrought in the name of separation of church and state this Court position was comforting. Justice Douglas noted this theistic position in the following statement:

We are a religious people whose institutions presuppose a Supreme Being. We guarantee the freedom to worship as one chooses. We make room for as wide a variety of beliefs and creeds as the spiritual needs of man deem necessary. We sponsor an attitude on the part of government that shows no partiality to any one group and that lets each flourish according to the zeal of its adherents and the appeal of its dogma. When the state encourages religious instruction or cooperates with religious authorities by adjusting the schedule of public events to sectarian needs, it follows the best of our traditions. For it then respects the religious nature of our people and accommodates the public service to their spiritual needs. To hold that it may not would be to find in the Constitution a requirement that the government show a callous indifference to religious groups. That would be preferring those who believe in no religions over those who do believe. Government may not finance religious groups nor undertake religious instruction nor blend secular and sectarian education nor use secular institutions to force one or some religion on any person. But we find no constitutional requirement which makes it necessary for government to be hostile to religion and to throw its weight against efforts to widen the effective scope of religious influence. The government must be neutral when it comes to competition between sects. It may not thrust any sect on any person. It may not make a religious observance compulsory. It may not coerce anyone to attend church, to observe a religious holiday, or to take religious instruction. But it can close its doors or suspend its operations as to those who want to repair to their religious sanctuary for worship or instruction. No more than that is undertaken here.⁵⁵

⁵⁵Zorach v. Clauson et al., 343 U.S. 314 (1952).

The Court minority flatly disagreed with the decision rendered in this case and each of the three dissenting Justices wrote an opinion. These Justices maintained that any release of children during the hours they are compelled by law to attend school constitutes coercion. Thus, according to this line of reasoning religious sects are made the beneficiaries of the state's power to compel children to attend the secular schools. Justices Jackson, Frankfurter, and Black were the dissenting judges in the *Zorach* case.

In writing his dissenting opinion Justice Frankfurter maintained that released-time in the New York system was supported by compulsory attendance laws enforced by the state. He argued that there would be no constitutional question involved if all children were dismissed from school at a certain time. The fact that those who did not participate in religion classes were retained in school was to Justice Frankfurter the very thing which raised the constitutional issue, as indicated in his statement:

There is all the difference in the world between letting the children out of school and letting some of them out of school into religious classes. The school system did not close its doors and did not suspend its operations.... If its doors are closed, they are closed upon those students who do not attend the religious instruction in order to keep them within the school. That is the very thing which raises the constitutional issue.⁵⁶

⁵⁶*Zorach v. Clauson et al.*, 343 U.S. 321 (1952).

Justice Frankfurter also raised the issue concerning the possible divisiveness of released-time. In Frankfurter's opinion the fact that Protestants, Catholics, and Jews attended different classes only served to accentuate religious differences. Thus the public school was in the position of being an active ally to this questionable end result, as indicated in Frankfurter's statement:

The deeply divisive controversy aroused by the attempts to secure public school pupils for sectarian instruction would promptly end if the advocates of such instruction were content to have the school "close its doors or suspend operations"---that is, dismiss classes in their entirety without discrimination instead of seeking to use the public schools as the instrument for security of attendance at denominational classes.

The unwillingness of the promoters of this movement to dispense with such use of the public schools betrays a surprising want of confidence in the inherent power of the various faiths to draw children to outside sectarian classes---an attitude that hardly reflects the faith of the greatest religious spirits.⁵⁷

In registering his dissenting opinion Justice Jackson criticised the majority judgment in that the factor of "coercion" was overlooked. Actually the issue was not overlooked as the Court majority maintained that the record of the case as it came from the New York courts precluded consideration of the coercion factor. In comparing the McCollum case with the Zorach case, Jackson noted that the differences were "trivial,

⁵⁷Zorach v. Clauston et al., 343 U.S. 321 (1952).

almost to the point of cynicism, magnifying its nonessential details and disparaging compulsion which was the underlying reason for invalidity."⁵⁸ He argued that when the state compelled a child to attend public school and then released part of this time to him if he would attend religious classes it was a clear case of coercion, as indicated in his statement:

The greater effectiveness of this system over voluntary attendance after school hours is due to the truant officer who, if the youngster fails to go to church school, dogs him back into the public school-room. Here schooling is more or less suspended during the "released-time" so the nonreligious attendants will not forge ahead of the church-going absentees. But it serves as a temporary jail for a pupil who will not go to church. It takes more subtlety of mind than I possess to deny that this is governmental constraint in support of religion. It is as unconstitutional, in my view, when exerted by indirection as when exerted forthrightly.⁵⁹

Jackson expressed added concern that the supposed "wall" separating church and state was in danger of genuine distortion by the majority Court decision. He concluded that the clarity expressed in this regard in the McCollum decision was becoming muddled in the sweeping generalities formulated by his "evangelistic brethren." This in turn opened the door to many differing views regarding the exact position of the "wall" between church and state.

⁵⁸ National Education Association Research Bulletin, No. 4, Vol. XXXIV, p. 203, December, 1956.

⁵⁹ Zorach v. Clauson et al., 343 U.S. 324 (1952).

Justice Black, the third member of the dissenting minority, was the individual who wrote the Court opinion in the McCollum case. His dissenting opinion in the Zorach case revolved around the concept that he could see "no significant difference between the invalid Illinois system and that of New York here sustained...."⁶⁰ In reviewing the New York plan of released-time, Justice Black discerned the element of coercion as had his fellow dissenting Justices.

Black also expressed his disapproval of the majority opinion as regards the latitude of interpretation given the First Amendment. Separation of church and state meant religious liberty and Black feared that if the state became involved in even so much as cooperation with religious agencies this freedom was endangered. He read into the interpretation that if the state "cooperates" with religious agencies it was in essence "exalting the orthodox" to the detriment and "derogation of unbelievers."⁶¹ Thus he conceived of the state as abandoning its neutral position for a course of open favoritism to religion and thereby forfeiting the freedom of unbelievers. In his dissenting opinion Black wrote that the state could best serve society by not serving religious movements with gestures of cooperation, as indicated in his statement:

⁶⁰Zorach v. Clauston et al., 343 U.S. 318 (1952).

⁶¹Zorach v. Clauston et al., 343 U.S. 319 (1952).

Under our system of religious freedom, people have gone to their religious sanctuaries not because they feared the law but because they loved their God. The choice of all has been as free as the choice of those who answered the call to worship moved only by the music of the old Sunday morning church bells. The spiritual mind of man has thus been free to believe, disbelieve, or doubt, without repression, great or small, by the heavy hand of government. Statutes authorizing such repression have been stricken. Before today, our judicial opinions have refrained from drawing invidious distinctions between those who believe in no religion and those who do believe. The First Amendment has lost much if the religious follower and the atheist are no longer to be judicially regarded as entitled to equal justice under law.

State help to religion injects political and party prejudices into a holy field. It too often substitutes force for prayer, hate for love, and persecution for persuasion. Government should not be allowed, under cover of the soft euphemism of "co-operation," to steal into the sacred area of religious choice.⁶²

The issues raised in the foregoing dissenting opinions cannot easily be dismissed, for a rather ominous note is sounded by each of the three Justices. It is indeed a matter of general concern if the established principles of church-state separation are violated. The charge of "coercion" by the state, whether direct or indirect, if true is not in the best interest of all Americans. Then, too, the accusation that the released-time program creates divisiveness is worthy of additional investigation.

If the New York program of released-time was actually aided by state "coercion," then the principle of separation

⁶²Zorach v. Clauson et al., 343 U.S. 319 (1952).

of church and state was violated; for coercion involves an interlocking of the functions of state with that of religious bodies. However, the fact that six of the nine Supreme Court Justices agreed that the New York program did not violate the First Amendment is worthy of note. These Justices interpreted the First Amendment as specifically forbidding: (1) interference with the free exercise of religion and (2) an establishment of religion. Other than these two specific points, the majority opinion pointed out that the First Amendment did not say that in every respect church and state should be separate. Justice Jackson, one of the dissenting Justices in the Zorach case, stated in his opinion on the McCollum case that "it is a matter on which we can find no law but our own prepossessions."⁶³ This being the case the minority charge of "unconstitutional" rests not upon precedent in the annals of law but simply upon the convictions of the Justices involved in their private interpretations of the First Amendment.

A second accusation against released-time was leveled by Justice Frankfurter when he charged that attempts to secure public school pupils for these classes aroused a "deeply divisive" controversy.⁶⁴ Unfortunately Frankfurter did not elaborate on the "divisive controversy" which supposedly stems

⁶³Ill. ex rel. McCollum v. Board of Education 333 U.S. 238 (1948).

⁶⁴Zorach v. Clauson et al. 343 U.S. 321 (1952).

from the released-time program. Undoubtedly the element of divisiveness is present in schools where tact and good judgment are lacking in dealing with this program. It is supposed by some that when the pupils of a certain school march off in different directions for religious instruction, then for the first time pupils sense a difference regarding various religious faiths. This difference flings open the door to prejudice, mistrust, and suspicion. However, it is indeed naive to imagine that children are not well aware of religious differences at an early age. Perhaps if there is a predisposition toward prejudice the feeling can become accentuated unless proper orientation has been a part of the child's training. Harris has worked with the Boston, Massachusetts, system of week-day church schools and contends that the released-time program has served to increase understanding and sympathy as indicated in her statement:

As a matter of fact the pupils in any school usually know where their schoolmates go on Sunday, or on Saturday or if they go to any religious meeting. They knew long before there was released-time. If one's religious affiliations must be kept secret in order "to insure domestic tranquility" surely there is a need for education in the field.

Those of us who have been closely associated with the program have been impressed by the better understanding and sympathy it has engendered. Instead of the pupils of one religious group absenting themselves for religious observances, pupils of all faiths have

gone at the same time, to their own place.⁶⁵

The general public consensus encountered in reading has acclaimed the released-time movement as an instrument of goodwill and understanding.

Summary

It is evident that there is no distinct line of demarkation that fully clarifies the boundaries of church and state. Rather a zone or no-man's land exists between these two institutions as a safeguard of religious liberty.

Most state court decisions dealing with the practice of released-time have condemned the expenditure of public funds for purposes of aiding sectarian education. Where the element of state coercion was evident by means of compulsory attendance laws, usually the plan was ordered discontinued.

On the Federal Supreme Court level two cases form the legal picture. The McCollum case was decided by the Supreme Court in 1948 against the program as it existed in Champaign, Illinois. The Zorach case was decided by the Supreme Court in 1952 in favor of the program as it existed in New York City.

In the McCollum case, religion teachers entered the public school and taught the children in their classrooms.

⁶⁵Harris, Elizabeth, "Protestant Weekday Religious Education in Boston," Education 71:382-384, February, 1951.

The Supreme Court declared this plan illegal on three points:

1. Public tax-supported buildings were utilized for sectarian purposes.
2. Compulsory attendance laws aided the program.
3. The schoolboard cooperated in arranging and perpetuating the plan.

Also, the public school superintendent passed upon the fitness of the teachers of religion; and the public school teachers checked the attendance records to make certain those who had enrolled attended the classes. In declaring the Champaign, Illinois, program unconstitutional the Court declared that religion could not be taught within the schools or aided by any form of school machinery even though all faiths were given equal opportunity. The Court reaffirmed that the "wall" of separation between church and state should be maintained "high and impregnable."

In the *Zorach* case, issue was taken with the released-time program of New York City. Students were excused from the public school upon request of the parents to attend religion classes in the church of their choice. All costs of the venture were borne by the churches involved in the program. In a six to three decision the Federal Supreme Court declared the plan constitutional and thus provided the present legal basis for the movement. In the ruling the Court announced that the First Amendment does not maintain that church and state should be separate in all respects. The Court defined the First

Amendment as demanding separation in two specific instances:

(1) no interference with the free exercise of religion, and
(2) no establishment of religion. Other than these two specific instances of separation the state may accommodate its public institutions to the religious needs of the people. This decision in essence negates the absoluteness of separation of church and state declared in the McCollum decision. The "high and impregnable" wall was hammered down a few inches by this momentous decision.

In the following, concluding chapter, attention will be afforded the summary and conclusions of the thesis.

CHAPTER V

SUMMARY, CONCLUSIONS, AND RECOMMENDATIONS

Summary

Early in the twentieth century the religious training of the American child became an acute problem for Protestantism. The early colonial sectarian type of school had disappeared from the scene and religion was, for the most part, relegated to the confines of the church and the home. Early colonial education had been carried on as a function of the church. Not only were these schools controlled by the church and dominated by the religious motive, but the right of the church to dictate the teaching in the schools was recognized by the state. However, the prolonged battle against sectarianism was won by the proponents of the public school, and the lines of struggle were drawn against the reintroduction of formal religious instruction into the public school.

Despite the battle against sectarianism, The Religious Education Association (a substantial body of laymen, religious leaders, and educators) became concerned about the insignificant position assigned to religious education within the public schools. There was concern lest the knowledge and skills of modern culture might outrun the moral and spiritual resources for their direction and control. It was considered that the remnants of religious education which remained in the public schools were inadequate to insure the desired degree of moral

character development. The Religious Education Association vigorously held fast to the conviction that public education free from sectarian control was fundamentally right, for it was realized that separation of church and state meant religious liberty. At the same time it was recognized that religious education was too valuable an influence to be entirely disregarded by the public school. The attempt to resolve this difficulty resulted in efforts to promote a cooperative arrangement whereby church and public school, each remaining independent in its own sphere, would provide to public-school children some sort of religious-education experience not inconsistent with church-state separation.

A number of early twentieth-century attempts were made to supplement the religious education training of children. The original initiation of the movement called "released-time" may be attributed to Wenner of New York City in the year 1905. This man rendered notable service both by conducting week-day classes in religion and by constantly advocating their general acceptance. It was his contention that the public schools unduly monopolized the child's time and that the churches were entitled to their share of it. From this beginning the idea found root in Gary, Indiana in 1913 when a school superintendent proposed that children might be released from public school to attend classes in religion if the churches of the city provided them. The churches responded, and in 1914 these classes

were actually underway, conducted on church premises by church personnel. The schedules of the children were so arranged that the public school could "release" them for attending classes in religion. This practice has grown from an original one-city experiment with an enrollment of over 600 pupils to a nation-wide movement with a reported enrollment of four million students in 1958.

A number of various patterns of released-time are in operation in the United States. In general, however, the most common pattern involves the excusing of public school children from regular class schedules one period each week. During this period the children attend religious-education classes sponsored, supervised, and conducted by various denominational or interdenominational groups. These classes are usually conducted in a church building away from the school premises, and enrollment is voluntary. Course content ranges from strictly sectarian to interdenominational presentations. No public school credit is obtained for attending these classes.

In investigating the motives that prompted the released-time movement, the writer found that there were certain concepts that stood out in bold relief. First, there was a fundamental conviction that children had moral and spiritual needs that were not being met. The need was attested to by: (1) the official pronouncements of various government and education conferences, (2) the voice of educators and religious leaders,

and (3) the tremendous surge of criminal behavior among the young. In making plans to fill the need, the proponents of the released-time program were convinced that since the public school was neither designed nor equipped to teach religious matters there was a large gap in the educational program that needed to be mended. To meet this challenge and yet not conflict with the position of the public school, some outside provision needed to be made. The Sunday school and religious education classes outside of school hours were deemed inadequate means of meeting the need for additional religious education. Only about half of the nation's children were enrolled in Sunday school, and these received an average of only about 12 hours of religious instruction a year. Further, it was believed that some means had to be devised to reach the child during what he considered were his week-day "business hours." Then, too, relating this program to the week-day activities was considered a strong point in that the association with the public school would lend importance to religion and make it an everyday reality, not just a Sunday experience.

The advocates of released-time believed that such a program would not infringe on anyone's liberty, as the individual was free to accept or reject the proposed benefits of the plan. No public school funds were to be diverted for the support of the released-time program. This responsibility was to be assumed by the churches involved. As all denominations were

welcomed as participants in the plan, it was believed that no preferential status for particular churches would result.

In attempting to evaluate the released-time program as to real results, religious leaders and educators are generally convinced that the program is making good. In those communities where the recommended standards have been followed, it is noted as a most effective school of religion. In many communities it reaches more children for religious teaching than all other church agencies combined. Though there are no scientifically accurate measurements to prove that the program promotes good behavior in children, there are strong calculated convictions to that effect. The proponents of released-time believe the plan has served to bring about a closer relationship among the three agencies most responsible for the child's education---the home, the public school, and the church. Instead of a feared divisiveness in church affiliation, the movement has been graced with interdenominational cooperation, understanding, and respect.

Most state court decisions dealing with the practice of released-time have condemned the expenditure of public funds for purposes of aiding sectarian education. Two separate Federal Supreme Court decisions have been handed down regarding the released-time plan. The court declared the program as it existed in Champaign, Illinois, in 1948 unconstitutional. In this program the pupils were instructed by religion teachers within the public school building. Mrs. Vashti McCollum

started proceedings to have the program invalidated, and the court case is commonly referred to as the "McCullum case." The program was ruled unconstitutional in that use was made of school property and facilities supplied from public tax funds. The use of public school machinery, tax-supported property, attendance checks, and time made compulsory by law, was decided to be a violation of the First and Fourteenth Amendments. Further, the court was actively concerned about the question of whose jurisdiction the classes were under during the period they were assigned to religious instruction. The facts submitted to the court indicated that they were under the jurisdiction of the public school authorities, or, the state. Such an interlocking of state and church functions was ruled an establishment of religion that was unconstitutional.

The McCollum case legally defined what was sectarian teaching in the public school. In brief, it established the precedent that sectarian beliefs, as doctrinal beliefs of one denomination, could not be taught within the school property or aided by any form of school machinery, even though all other faiths were given equal opportunity to teach their beliefs. Equality of opportunity did not justify the practice as far as the court was concerned. In the Federal Supreme Court decision the central point was the reaffirmation that church and state are separate institutions in this country and the wall between

them must be kept high and impregnable. Justice Reed, the individual with the only dissenting vote, did not believe that a rule of law should be drawn from a figure of speech.

The Supreme Court decided the Zorach case in New York in favor of the released-time program. This 1952 decision stated that because the children left the public school buildings to be instructed in their churches, there was no illegal use of tax-supported buildings or equipment. In a six-to-three decision the same court which had almost unanimously condemned the system in Champaign, Illinois, held that the New York plan did not infringe on the First Amendment. The majority of the court found that the New York program differed in essentials from that rejected in the McCollum case because:

1. New York's released-time classes were not held in school buildings.
2. The pupils who attended were released from school.
3. All costs, including those of various forms, were assumed by the religious organizations involved.

The Zorach case not only decided the issue at hand, but it introduced a new element into the church-state controversy. The new element was the concept that the state may accomodate its public institutions to the religious needs of the American people. The decision given in the Zorach case negated the absoluteness of the separation of church and state doctrine. Justice Douglas insisted that the First Amendment did not say that in every and all respects the church and state should be

separate. A mutual spirit of cooperation, within prescribed boundaries, could be deemed beneficial to each. The Zorach ruling affirms that on some cases the state may adapt its public institutions to the religious aspirations of the people.

The decision handed down in the Zorach case gave the released-time movement its charter and its present base of organization. The judgment reaffirmed the right of parents to determine the content and method of their children's education.

Conclusions

From this study of the released-time program for religious education the following conclusions have been drawn:

1. As most released-time programs are supported by voluntary contributions, they are sensitive to periods of financial depression. The local churches in each community must take their responsibility for released-time teaching so seriously that financing will come largely from churches without relying to any major degree upon non-church or general community support.

It was evident in the depression of the 1930's that many released-time programs were forced to close their doors because of inadequate financial support. To develop a quality program free from financial misgivings, a sound financial basis must be a foundation for each community that undertakes the

venture. This must be a prerequisite for a program intended to be comparable to the quality of instruction offered in the public schools of the nation.

2. Released-time appears best adapted to larger communities having a number of churches to share expenses and to insure continuity of administration and of financial support. As the leadership of released-time plans is often in the hands of a pastor, the time of his stay at a church is an important factor in the released-time program. If he is reassigned, or accepts another field of service, the released-time program can be discontinued and even discredited. Larger cities that have, on a ministerial basis, organized a board of Christian education, and who have banded together for financial support offer a more advantageous arrangement for the continuation and enlargement of the program. In each situation, however, a board of education must be organized to insure program continuity and quality instruction.

3. Generally, the released-time program has not brought about a spirit of divisiveness in the public schools. A frank realization of sectarian differences, with emphasis on basic agreements rather than differences, has served to develop respect and understanding. The argument has been frequently projected that when pupils see their classmates going to different churches for instruction this tends to create prejudice and dislike. In actual practice however, this has not proven

true. Further, if one's religious affiliation must be kept secret in order to insure domestic tranquillity there must be a need for additional education in this field.

4. The released-time program seeks, and is remarkably successful in its endeavor, to reach large numbers of religiously-illiterate boys and girls. On the average, one-fourth of the children enrolled in the released-time programs have had no church or Sunday school connection. In the large industrial type communities the percentage is much higher, often fifty or sixty per cent of the released-time enrollment being classified as having no church connections.

It has been pointed out that less than half the children aged six to sixteen are enrolled in Sunday schools in this country, after three centuries of separate denominational effort. This is in contrast to released-time classes in which 95 per cent of the pupils who have opportunity to participate have enrolled.

5. Religion expressed in sectarian, theological, doctrinal, or dogmatic terms cannot be introduced into the public school without endangering the principle of church-state separation. Religion expressed in these terms must be the responsibility of the church and the home, not of the public school.

6. The decisions of the United States Supreme Court in both the McCollum and Zorach cases have made the use of public

school buildings for released-time classes unconstitutional. Further, a school board may not help promote the cause of released-time classes or take an active part through teachers or superintendents in the supervision of or provision for classes in religious education. However, the McCollum case decision does not prohibit the teaching of factual information regarding the history of religious groups in the regular curriculum.

7. The decision rendered in the Zorach case furnishes a new basis for consideration of the legal aspects of the problem of released-time. Separation of church and state does not preclude cooperation between the churches as free institutions and the state. Cooperation between church and state can properly be encouraged as is cooperation between government and many voluntary community, state, and national agencies which have concern for children and youth.

The Zorach decision reaffirms the right of parents to determine the content and method of their children's education.

8. When properly established, the released-time plan can provide religious instruction and experiences on a sound educational basis without violating the principle of church-state separation.

Recommendations

In the light of this investigation it is recommended that further study be made of the problem of released-time in the following specific areas:

1. Does the released-time program have a tendency to place the public schools in a position of supporting only the dominant, the most aggressive, or the most affluent churches in a community?

2. Is the teaching in released-time classes actually comparable to the standards which should be met by any activity which utilizes a part of the regular school day?

3. Are the housing facilities for released-time classes comparable to public school facilities in the same community? (Perhaps attention should be given to the relative value of housing released-time classes in church property and non-church property.)

4. Is the released-time program, still tending to separate religion from the rest of the school, destined to defeat its purpose of organization namely, integrating religion into the total learning experience of the child?

5. What steps need to be taken to insure that enough competent teachers are enlisted and trained for the task of released-time work? How can the challenge of this type of occupation be adequately presented to the prospective teacher?

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APPENDIX

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APPENDIX

Appendix A

State Laws Regarding Weekday Religious Education
On Released Time

Following are the laws permitting the release of children from their public school classes in the states where specific legislation has been enacted.

California. Pupils, with the written consent of their parents or guardians, may be excused from school in order to participate in religious exercises or to receive moral and religious instruction at their respective places of worship or at other suitable place or places designated by the religious group, church, or denomination, which shall be in addition and supplementary to the instruction in manners and morals required elsewhere in this code. Such absence shall not be deemed absence in computing average daily attendance, if all of the following conditions are complied with:

1. The governing board of the district of attendance, in its discretion, shall first adopt a resolution permitting pupils to be absent from school for such exercises or instruction.
2. The governing board shall adopt regulations governing the attendance of pupils at such exercises or instruction and the reporting thereof.
3. Each pupil so excused shall attend school at least the minimum school day for his grade for elementary schools, and as provided by the relevant provisions of the rules and regulations of the State Board of Education for secondary schools.
4. No pupil shall be excused from school for such purpose on more than four days per school month.

It is hereby declared to be the intent of the legislature that this section shall be permissive only.

-Section 8286 of the Educational Code Effective August, 1943.

Indiana. That if it is the wish of the parent, guardian, or other person having control or legal custody of any

child, that such child attend for a period or periods to be determined by the local principal or superintendent of schools and not exceeding in the aggregate one hundred and twenty minutes in any week, a school for religious instruction, conducted and maintained by some church or association of churches or by some association organized for religious instruction, and incorporated under the laws of this state, and which school shall not be conducted or maintained, either in whole or in part, by the use of any public funds raised by taxation; such child upon written request of the parent, guardian or other person having legal custody may be permitted to attend such school for religious instruction and such permission shall be valid for not longer than the school year during which it is issued. Such school for religious instruction shall maintain records of attendance which shall at all times be open to the inspection of the public school attendance officers. Attendance at such school for religious instruction shall be given the same attendance credit as at the public school.

-Acts 1943 Chapter 225
Approved March 9, 1943.

Iowa. The legislature of the State of Iowa has deemed it proper and advisable to encourage the attendance of children at religious services and to attend places where they will receive religious instruction. Section 299.1, Code of Iowa, 1950, contains the school attendance requirements of children. One who violates these requirements is a truant. By the provisions of Section 299.2 of the Code there is excepted from the truancy provisions by virtue of sub-paragraph 4 thereof, any child "While attending religious services or receiving religious instructions."

As observed by the Supreme Court of the United States, we are a religious people whose institutions pre-suppose a Supreme Being. We guarantee the freedom of worship as one chooses. We make room for as wide a diversity of beliefs and creeds as the spiritual needs of man may deem necessary. We sponsor a duty on the part of Government that shows no partiality to any one group and that lets each flourish according to the zeal of its adherents.

Encouragement of religious instruction by the State and its cooperation with religious authorities in the adjustment of the schedule of public events to sectarian needs, follows the best of our traditions. A contrary view must find in the Constitution a requirement that the Government show callous indifference to religious groups. Such a finding would favor those who believed in no religion over those who do believe.

There is no law of the State of Iowa which forbids such arrangement as is involved in your question administered upon an impartial basis. Nor is such an arrangement offensive to the Constitution of the United States or the State of Iowa.

You are, therefore, advised that it is the opinion of this office that the board of directors of an Iowa School District may make provision to excuse pupils for one hour per week on the written request of their parents, so that such pupils may attend religious instruction given by non-school personnel at places which are not part of the school premises.

-Attorney General's Opinion
August 18, 1953.

Kentucky. The boards of education of independent and county school districts may provide for moral instruction of pupils subject to their jurisdiction, in the manner provided in KRS 158, 210 to 158, 260.

The board of education of each school district may authorize a complete survey of all the pupils attending the public schools within the district and ascertain those pupils who desire moral instruction and have the consent of parent or guardian for the instruction.

The boards of education shall fix one day each week when pupils who have expressed a desire for moral instruction may be excused for at least one hour to attend their respective places of worship or some other suitable place to receive moral instruction in accordance with the religious faith or preference of the pupils.

Each board of education may make such arrangements with the persons in charge of the moral instruction as the board deems necessary and advisable.

A pupil attending the classes for moral instruction at the time specified and for the period fixed shall be credited with the time spent as if he had been in actual attendance in school.

Any pupil who fails to take advantage of the moral instruction shall remain in school during the time when the instruction is being given, but shall not receive any educational advantage over children receiving moral instruction.

The moral instruction shall be given without expense to any board of education beyond the cost of the original survey.

-Sections 158.200-158.260 of the
1942 Kentucky Common School Laws.

Maine. An Act to Provide Moral Instruction for Children in Connection with the Public Schools

Whereas, one of the 1st requisites of an harmonious, contented, and prosperous state depends upon religious tolerance and understanding; and

Whereas, the civil and religious liberties which are inherently part of the American Constitutional system have been best secured and furthered by providing moral instruction for pupils in connection with the public schools of this state; now, therefore.

Section 1. School Committee May Provide For Moral Instruction. The school committee of each city or town is hereby authorized and empowered to provide for the moral instruction of pupils subject to the jurisdiction of such committee in the manner in this act provided.

Section 2. Survey of Religious Affiliation May be Made. The school committee of each city or town may authorize and complete a survey of the religious affiliations of all pupils attending the public schools within such city or town, and ascertain these pupils who desire, and have the consent of parent or guardian for moral instruction. On a day in each week, to be fixed by the board, it may excuse such pupils for at least one hour, for the purpose of attending their respective places of worship, or some other suitable place, there to receive moral instruction in accordance with the religious faith of said pupils.

Section 3. Rules and Regulations. Each school committee is authorized to adopt rules and regulations for carrying into effect the provisions of this act and to make such arrangement with the respective persons in charge of the several denominations for the giving of aforesaid moral instruction.

Section 4. Credit For Time Spent at Places of Worship. Pupils attending their several places of worship for moral instruction therein at the time specified and for the period fixed shall be credited with the time so spent as

if such pupils had been in actual attendance at school.

Section 5. Children to Remain in School or be Present at Place of Worship. Any child which for any reason fails to receive the aforesaid moral instruction shall remain in school during the period when such instruction is being given and herein provided, but such child shall not receive any educational advantage over children receiving said instruction.

Section 6. Expense. The aforesaid moral instruction shall be given without expense to any city or town, the pupils of which receive such instruction, and no city or town, or the school committee thereof, shall incur any expense for such instruction beyond the most of the original survey, herein before mentioned.

Section 7. Intent of Act. It is hereby declared to be the intent of the legislature that this act shall be permissive and not mandatory.

-Maine Public Laws, 1939 Chapter 278.

Massachusetts. Absences may also be permitted for religious education at such time as the school committee may establish; provided, that no public funds shall be appropriated or expended for such education or for transportation incidental thereto; and provided, further, that such time shall be no more than one hour each week.

-Chapter 423

Approved June 30, 1941.

Minnesota. That it is the wish of the parent, guardian, or other person having control of such child, that he attend for a period or periods not exceeding in the aggregate three hours in any week, a school for religious instruction, conducted and maintained by some church or association of churches, or any Sunday school association incorporated under the laws of this state, or any auxiliary thereof, such school to be conducted and maintained in a place other than a public school building, and in no event, in whole or in part at public expense; provided that a child may be absent from school on such days as said child attends upon instruction according to the ordinances of some church.

-Minnesota Session Laws 1941

Chapter 169, Article XII

Section 5 Subdivision 3, (c)

New York. Law: Section 625-B 2 Absence. Absence from required attendance shall be permitted only for causes allowed by the general rules and practices of the public schools. Absence for religious observance and education shall be permitted under rules that the commissioner shall establish.

-April 9, 1940.

Rules:

1. Absence of a pupil from school during school hours for religious observance and education to be had outside the school building and grounds will be excused upon the request in writing signed by the parent or guardian of the pupil.
2. The courses in religious observance and education must be maintained and operated by or under the control of a duly constituted religious body or of duly constituted religious bodies.
3. Pupils must be registered for the course and a copy of the registration filed with the local public school authorities.
4. Reports of attendance of pupils upon such courses shall be filed with the principal or teacher at the end of each week.
5. Such absence shall be for not more than one hour each week at the close of a session at a time to be fixed by the local school authorities.
6. In the event that more than one school for religious observance and education is maintained in any district, the hour for absence for each particular school in such district shall be the same for all such religious schools.

-Issued July 4, 1940.

Oregon. Any child attending the public school, on application of his guardian or either of his parents, may be excused from such schools for a period or periods not exceeding one hundred and twenty (120) minutes in any week to attend week-day schools giving instructions in religion.

-Paragraph 35-3501 Oregon School Laws 1937 now codified as Paragraph 111-3014 Oregon Compiled Laws Annotated. Originally passed in 1925.

Pennsylvania. Any board of school directors of any school district shall have the power to enter into suitable

arrangement with a religious group or organization of responsible citizens resident in the school district, who are interested in organizing part-time weekday religious education for school pupils. In such cases, the board of school directors shall have power to adopt such rules and regulations for the release from school sessions of those pupils whose parents or surviving parent or guardian, or other person having legal custody of such pupil, desires to have them attend a class to receive religious education in accordance with their religious faith for not more than one hour a week, subject however to such conditions and the keeping of such records as attendance at such classes and other records for the inspection of school authorities as the board shall deem proper. No part of the cost and expense of such religious instruction shall be paid out of public school funds.

-Section 1615, Pennsylvania School Laws Approved May 17, 1945.

South Dakota. A child may, on application of his parent or guardian, be excused from school for one hour per week for the purpose of taking and receiving religious instruction conducted by some church or association of churches or any Sunday school association incorporated under the laws of the state or any auxiliary thereof; said time, when pertaining to schools in open country, may be used cumulatively each separate month, as local circumstances may require. The county superintendent of schools in common school districts and the board of education in consolidated and independent school districts shall decide at what hour pupils may be thus excused, and in no event shall instruction be given in whole or in part at public expense.

All applications for excuse from school attendance shall be in writing, and if granted, a certificate shall be issued by the superintendent of schools having jurisdiction over the district in which the child resides, stating the reason for such excuse and the period for which it is issued.

Any reputable citizen who is dissatisfied with the decision of the country superintendent or school board, as the case may be, may appeal the matter to the Superintendent of Public Instruction, whose decision shall be final.

A permanent record of all such certificates of excuses shall be kept by the country superintendent and by the clerk of the board of education of an independent district and duplicates forward to the superintendent of Public Instruction at the time of issue, and the teacher of the school to which child

belongs shall be promptly notified of the issuance of such certificate.

-Sec. 277, Chapter 138, 1931, Revised
in form only as amended by Chapter
66, 1941.

West Virginia. The county board of education may approve exemption for religious instruction upon written request of the person having legal or actual charge of a child or children: Provided, however, that such exemption shall be subject to the rules and regulations prescribed by the county superintendent and approved by the county board of education.

-Article 8 Section 1 Exemption J
West Virginia School Law.

Hawaii. The department shall provide for the release of, and shall release, any pupil in any public school from attendance at the public school for a period not to exceed sixty minutes each week during the school year, on such days and during such school hours as the department shall designate for the purpose of receiving religious instruction from the religious organization of his choice when such release is requested in writing by a parent, guardian, or other person having custody or control of such pupil. Actual attendance at the sessions of such religious instruction shall count as attendance at the public schools for all purposes where attendance forms the basis of computation.

The privilege of such release shall be withdrawn by the department in case the pupil does not actually attend the sessions of religious instruction. No teacher of the public schools, shall participate in such religious instruction during the school hours for which he is employed to teach in the public schools, and no public funds shall be used directly or indirectly for such religious instruction.

-(L. 1929, c. 134, ss. 1 - 4)
Section 735 of the Revised Laws
of Hawaii, 1935.

Philippine Islands. When the Philippines became independent, they included in their Constitution and New Civil Code, the following articles: Article XIV, Section 5 - ... Optional religious instruction shall be maintained in the public schools as now authorized by law. Article 359. The government promotes the full growth of the faculties of every child. For this purpose, the government will establish, whenever possible:

1. Schools in every barrio, municipality and city where optional religious instruction shall be taught

as part of the curriculum at the option of the parent or guardian.

-From the New Civil Code of the Philippines, July 1, 1950.

The old law referred to in the Constitution as authorizing religious instruction in the public schools reads as follows: It shall be lawful, however, for the priest or minister of any church established in the town where a public school is situated, either in person or by a designated teacher of religion, to teach religion for one-half hour three times a week in the school building, to those public school pupils whose parents or guardians desire it and express their desire therefore in writing filed with the principal teacher of the school, to be forwarded to the division superintendent, who shall fix the hours and rooms for such teaching. But no public school teachers shall either conduct religious exercises or teach religion or act as a designated religious teacher in the school building under the foregoing authority, and no pupil shall be required by any public school teacher to attend and receive the religious instruction herein permitted. Should the opportunity thus given to teach religion be used by priest, minister, or religious teacher for the purpose of arousing disloyalty to the United States or of discouraging the attendance of pupils at such public schools or creating a disturbance of public order, or of interfering with the discipline of the school, the division superintendent subject to the approval of the Director of Education, may, after due investigation and hearing, forbid such offending priest, minister or religious teacher from entering the public school building thereafter.

-Section 928, Administrative Code of 1917 of the Philippine Islands.

APPENDIX

Appendix B

Letter Sent to States for Released-Time Inquiry

909 W. Olive
Bozeman, Montana
April 23, 1957

Mr. Roy E. Simpson
State Superintendent of Public Instruction
721 Capitol Avenue
Sacramento 14, California

Dear Sir:

The 1956 edition of the National Education Association Research Bulletin entitled "The State and Sectarian Education" indicates that California has a state law permitting school children to be absent from school for religious instruction.

I would greatly appreciate receiving a copy of this legislation and other related state decisions regarding religion and public education.

The information will be included in a thesis I am writing regarding religion and public education. May I thank you in advance for your kind cooperation.

Sincerely yours,

James W. Zottnick

APPENDIX

Appendix C

Letter Sent to Selected Cities for
Released-Time Information

909 W. Olive
Bozeman, Montana
March 22, 1958

Miss Meta Ruth Ferguson
Director of Weekday Church Schools
77 West Washington Street
Chicago 2, Illinois

Dear Miss Ferguson:

It has been brought to my attention that the Church Federation of greater Chicago is sponsoring an active released-time program. As I am currently engaged in gathering material regarding released-time for a proposed thesis, I am very much interested in your program there in Chicago.

If possible, I would greatly appreciate receiving any printed material you may have that is definitive regarding the weekday church schools in the Chicago area. I am particularly interested in learning how extensive the program is, and the mechanics of its financing and operation. May I thank you in advance for your kind help.

Sincerely yours,

James W. Zottnick

APPENDIX

Appendix D

The First and Fourteenth Amendments to the Constitution
of the United States

Amendment I. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble and to petition the Government for a redress of grievances.

Amendment XIV (1868), Section 1, Civil Rights. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

APPENDIX

Appendix E

A Statement by the Christian Education Leaders
of Cooperating Protestant Bodies

The church has for many years recognized the need for supplementing the Sunday church school with other periods of instruction during the week. Classes have been held on Saturday and after regular school hours. During the past half century there has also been marked development in a program that uses an hour or more a week of "regular school time" for religious instruction outside the public school building. This has come to be known as "the weekday church school on released time."

After a period of uncertainty, the legal questions relative to the program of the released time church school have now been cleared by the United States Supreme Court. At the same time, the growing recognition in our churches of the importance of Christian education and the increasing concern in the nation as a whole for the moral and spiritual welfare of all our children, have combined to create a greater interest in the possibilities of the weekday church school with special attention being focused on the released time program.

We support and encourage every effort to strengthen the total weekday church school program. At this time we take the opportunity to reaffirm our faith particularly in the released time weekday church school as an effective instrument for Christian teaching and we assume our share of responsibility for its future direction.

We believe in the weekday church school on released time because:

It includes the teaching of religion within the framework of the child's formal education.

It emphasizes the place which religion should have in the weekday life of our boys and girls as well as on Sunday.

It greatly expands our churches' total program of Christian education.

It enrolls large numbers of boys and girls hitherto unreached by Christian teaching.

It acquaints its pupils with the lessons of the Bible and with the life and work of our Lord and Savior, Jesus Christ.

It is an expression of the deepest needs and the most earnest purposes of American citizens.

It has proved its effectiveness by many years of successful experience.

We believe further that our churches should now give their positive approval to this Christian teaching agency and include weekday church schools within their total programs of Christian education, making them schools of the church, by the church, and for the church.

Too we believe that weekday church schools are neither substitutes for, nor in competition with other church-sponsored agencies of Christian education or whatever religious emphases may be legally included in the programs of our public schools.

Further, we believe that, in the weekday church school, especially on released time, we have found a practical way to include the teaching of religion in the total education of American children and at the same time to give deserved and wholehearted support to our public schools.

We also believe that our churches should raise their present level of financial support for Christian education to make possible the quality of teaching represented in the best weekday church school programs.

We therefore call upon our churches, individually and in cooperation ---

To give thorough study to weekday religious education on released time, that they may be well informed as to its educational requirements, its costs, and its values.

To explore the possibilities of establishing such programs in the communities in which they are located.

To initiate limited experimental centers for the purpose of demonstrating how a high-grade weekday church school program should operate.

To develop--on the basis of such study, exploration, and experimentation---community-wide programs of weekday religious education on released time for all the communities served by our churches.

In witness of our faith in the weekday church school, we have hereby subscribed our names, individually and as members of the National Denominational Executives' Section of the Division of Christian Education of the National Council of the Churches of Christ in the United States of America,

Signed by the representatives of the following churches:

National Baptist Convention of America
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