

Mr. BRADEMAs. By school, you mean colleges or universities?

Mr. BRADLEY. Yes.

Mr. QUIE. Why is it that in the Higher Education Facilities Act we have not run into problems in any State of them establishing a State commission which would provide funds for the private as well as the public institutions?

Mr. BRADLEY. I think that is just a matter of time. I anticipate we will run into such problems.

Mr. BRADEMAs. Why would you think that the outlook is so bleak, and I say that from the point of view of how one supports the present arrangement?

Why would the courts move in that direction in view of these facts: following the election returns, as Mr. Dooley says, we see the increasing influence of the ecumenical movement; in Florida this last week the National Council of Churches invited participation of the Roman Catholic Church in this country in their deliberations; almost every major movement is going in the other direction within American society. Why then would the courts, which have not historically moved against trends in our country, move in the other direction?

I don't know if that is a fair question to put to you or not. It is nothing that one can prove, but have you any comment on that observation?

Mr. BRADLEY. Well, I think we have some countervailing forces at work within our society. Certainly what you have described is a potent force in favor of continuation of the kinds of programs that the Federal Government has been supporting in the church-related colleges and universities.

On the other hand, I believe that because this support is becoming massive in many respects that we get into the political problem of competition for funds between the various kinds of institutions within our society, and as this competition for the funds becomes exacerbated, I think you will find that the social, economic, and the strictly local political aspects will override these very broad human conditions you brought up. This is certainly a personal opinion that would have to be weighed.

Mr. BRADEMAs. If the assistance to be provided by the Federal Government becomes larger and larger, as you suggested, would it not follow that if the courts were to rule against the granting of such funds to church-related institutions that this could mean economic disaster for many private colleges and universities in this country within the foreseeable future?

Mr. BRADLEY. I believe—again speaking from the legal standpoint—that this very fact may influence the court to throw the question back into the political arena. I think there is certainly strong feeling in legal circles that this is a political question, it ought to be resolved through the due process of law that is provided by the Constitution of the United States that does in fact, permit its citizens to amend it through legal procedures.

My own feeling is that the question is getting more political all the time and as such becomes less amenable to solution by court cases and by appeals to the judicial side of our Government.

Mr. BRADEMAs. Didn't we used to be taught in constitutional law courses that the tough political problems were ultimately resolved by the Supreme Court, like school desegregation?