

PREFACE

This study is one which the Legal Department (NCWC) has long planned to bring forth. The need for a comprehensive constitutional statement on the church-state issue in education and its relevance to long-standing NCWC policies was made vividly clear by the statements and confusion on these issues in this year's debate on federal aid to education.

On March 28, 1961, the Department of Health, Education, and Welfare publicly issued its now widely read "Memorandum on the Impact of the First Amendment to the Constitution upon Federal Aid to Education." The Legal Department (NCWC) thereupon asked a number of constitutional scholars and lawyers for their independent critical analysis of the merits of that memorandum. The comments received in response to that request affirmed the necessity of presenting to the public a far more adequate analysis of the constitutional issues involved. Accordingly, as Director of the Legal Department, I requested William B. Ball, Esquire, of Harrisburg, to prepare such an analysis in cooperation with members of our staff. I wish to express my great gratitude to Mr. Ball for the selfless dedication and splendid competence which he has devoted to this task. I also wish to express special appreciation to George E. Reed, Esquire, of the Legal Department (NCWC), and to Charles M. Whelan, S.J., of the Georgetown University Law Center, who worked constantly upon this study and contributed to it in all phases of its preparation.

In presenting this study to the public, it is, of course, our hope that it will serve to clarify constitutional issues and to cause a more widespread recognition of the massive contribution of church-related and other private schools to the common welfare. However, should there not be presently achieved a just resolution to the problems with which this study deals, then it is our hope that we will at least have provided a basis for a continuing public dialogue respecting these problems. It is especially hoped that the presentation here made may stimulate in the educational and legal communities further intellectual interest.

This hope has received solid encouragement from the readiness with which many outstanding constitutional lawyers responded to our request for their advice and criticism when the preliminary draft of this study had been completed. Although a complete list of the authorities consulted would be too lengthy, we have a special debt of gratitude to