P.S. to the NEWS
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ACADEMIC FREEDOM VICTORY

Academic freedom and educational diversity won a great victory when the U.S. Senate voted to block the Internal Revenue Service from implementing its proposed regulation threatening the tax-deductible status of thousands of private and religious schools. It was also a victory for the time-honored principle that the law assumes we are innocent until proven guilty.

One of the big social phenomena of the past few years is the nationwide boom in private elementary and secondary schools. Once a luxury for the rich, private schools have become one of the growing "service industries" on which middle-class families are eagerly spending their shrinking dollars. The tuition cost at the 20,000 private schools ranges from $300 to $6,000 per pupil per year.

The decline in the American birth rate is closing more and more public schools every year, but private schools are opening at an even faster rate. About three million children attend private religious-directed schools and another two million attend private non-sectarian schools.

The advocates of the egalitarian, government-controlled society have become almost hysterical at the threat this poses to the preferential monopoly status long held by the tax-supported public school system. Obviously, it is easier to mold the thinking and the attitudes of the next generation if all or nearly all children are in the public school system.

Children who transfer to private schools escape the federal court dictates that the public schools may teach secular humanism but may not ask God's blessing, that they may teach evolution but may not teach creation, that they may have Communist or Socialist teachers but may not require a Pledge of Allegiance to the U.S. flag, and that they must have racial quotas and busing but may not allow parents to select neighborhood schools.

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Private school pupils also escape the trendy experimentalists who teach permissive sexuality, anti-family lifestyles and situation ethics rather than self-discipline and a moral code of behavior. Private schools, for the most part, escape the atmosphere of drugs, alcohol, destruction and theft of property, and violence which exists in so many urban schoos. Unlike public schools, private schools feel free to fire incompetent teachers and expel delinquent students.

Alarmed at the migration of children into private schools, the advocates of the public-school monopoly hit back. The Internal Revenue Service last August 22 announced that it would deny tax exemption to any private or religious school unless it complied with a new IRS regulation which was unauthorized by the law, cost prohibitive to the schools' financial integrity, and destructive of the schools' academic and religious independence.

The regulation would have required racial quotas for pupils, faculty, and trustees, even at the expense of ejecting tuition-paying children who are members of the church running the school and replacing them with non-paying children who were not members of the church. The price for non-compliance would be denial of tax-exempt status and of the right to receive tax-deductible contributions.

For once, Congress heeded the message sent by hundreds of thousands of letters from targeted school children, parents and teachers. The House in July adopted an amendment by Representatives Robert Dornan (R-Cal.), Larry McDonald (D-Ga.), and Philip Crane (R-Ill.) forbidding use of any appropriated funds to implement the August 22 regulation or the February 13 regulation which slightly modified it.

On September 5, the Senate rejected an attempt to delete the Dornan Amendment led by Senator Jacob Javits (R-N.Y.) and vigorously supported by the National Education Association and the American Civil Liberties Union.

The Senate then adopted 47 to 43 another amendment offered by Senator Jesse Helms (R-N.C.) stating that no funds could be used to "carry out any rule, policy, procedure, guideline, regulation, standard or measure which would cause the loss of tax-exempt status to private, religious or church-operated schools ... unless in effect prior to Aug. 22, 1978." Chalk up a big victory for the grassroots over the bureaucracy.

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