

and synagogues rest on the necessity, in the absence of state aid, for each religious institution to reach its own level of usefulness completely on its own. How important this has been in the phenomenal growth and development of our religious institutional life was graphically demonstrated in an editorial comment in one of the nation's leading newspapers a year or so ago. Noting a state-supported Norwegian minister's lament that some 20,000 of his fellow townsmen had attended a sporting event one Sunday while there was but a handful in his church, the newspaper extolled the virtue of voluntarism under our separation tradition.

It is therefore a commonplace in this nation that a truly religious undertaking should not require the aid of the state. And one might add as a corollary in this context that, if the voluntary agency is not performing a service that is truly religious in character so that it feels justified in accepting state funds, it should remove Baptist or Methodist or Catholic or Jewish from its name and cease holding itself out to the public as religious in character.

In all of our dealing with the public we must, as in a court of equity, appear with "clean hands." Even if it be true that there is no legal impediment to the acceptance of state funds for religiously sponsored welfare services, there is still a moral dilemma. If we accept these funds for our welfare services, what right do we have to deny state funds for religious education?

What is to be done? As I have said, I cannot and do not suggest an abrupt curtailment or the present arrangements.

The results would certainly be chaotic. But I do suggest three steps:

1. That the public be given all the facts so that it will know what kinds of religiously sponsored services are being publicly financed, and in what amounts; how these sums are being used; and to what extent, if at all, the religiously unaffiliated are being disadvantaged by these arrangements.

2. That interested Jewish organizations join in an intensive exploration of the problem in a somewhat more manageable setting than a conference meeting. Let us see how much agreement we can achieve among ourselves.

3. After we have done that I should like to see us sit down around the conference table with other communions. Perhaps, with them, we might explore the possibility of at least an interim resolution of the problem. For example, there might be agreement that certain types of services are so obviously sectarian in purpose that tax funds are unwarranted under any circumstances. Such a conference might also address itself to questions such as these: What is needed in the way of essential public services? How are we going to get them? Are the private agencies preventing or curtailing the development of essential public services through their acceptance of public funds? How far do the private agencies intend to go in their acceptance of state aid? Is state aid a desirable goal, or is it merely a stopgap until public facilities become available?

It may be agreed that the answers to these questions may determine the price to be paid for state aid for Jewish services and institutions.

COMMENT: WHAT PRICE PUBLIC FUNDS? *

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The Developing Philosophy of Public and Private Welfare Responsibilities Since 1930

THE problem of "What Price Public Funds?" is one that has been with us throughout the modern era of social work. I can recall quite vividly that during my graduate training for social work in the early 30's, this was the only subject that rated more intense discussion than Freud's theories on the ego and libido. In those depression days private agencies, although spending much of their income on financial relief, found it impossible to deal with the extensiveness of the problem. Their great concern was how to stimulate the availability of more substantial public funds. As public welfare programs developed during the years of mass unemployment and the Social Security Act was passed, direct relief by private agencies rapidly began to diminish. We then began to see a partnership developing between public and private agencies in numerous areas of social welfare work.

As this partnership has progressed there have been continuous questions raised as to proper division of responsibility between the two welfare systems. However, there has been little question

as to the propriety and the soundness of an expanding public welfare program with the resultant stimulus to private welfare agencies to redirect their services into the new, the pioneering and the experimental. The field of private social welfare, generally speaking, has accepted the concept of the "welfare state," either on a limited or a more inclusive basis. We have had little of the fears demonstrated, for example, by the medical profession, that this presented dangers of socialization. Recognition of governmental responsibility for helping its citizens achieve minimal standards for health and welfare has become almost elementary.

The Application of Increasing Public Responsibility

In considering the nature of this partnership we should first recognize that our Federal Government has made and continues to make a basic contribution to private welfare work when it allows tax savings for contributions to religious and philanthropic organizations. These savings are estimated as costing the Federal Government over a billion dollars a year, and this fact would appear to clearly indicate that private philanthropy is recognized as an important part of our American democratic society.

Although this is not our concern today, I do want to point out the astonishing

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growth of *direct government financial aid*. In 1958 close to \$24,000,000,000 was spent by government, local, state and federal, for relief, hospital care, health and welfare services, Social Security and like activities. This is a far cry from 1930 when the welfare budget was practically non-existent.

With respect to the use of public funds by private agencies, there are three major areas of this partnership relationship:

1. Construction program for hospitals, nursing homes and facilities for chronic sick through public funds such as Hill-Burton funds (The Hospital Survey and Construction Program).
2. The purchase of services from private agency by a public agency usually in fields of child care, public assistance, and vocational rehabilitation.
3. Research and demonstration.

Charles Schottland, then Commissioner of Social Security, pointed out before the 1958 General Assembly of the Council of Jewish Federations and Welfare Funds "that we have reached the point where the partnership of voluntary and public agencies is significant, involving hundreds of millions of dollars and where the interaction of each upon the other is of importance to each of the partners. When a child care agency receives more than half of its funds from government sources, when a public assistance agency looks to a private hospital for medical care services, when these and many other relationships have developed through the years, we have a developing partnership which . . . can only be changed or modified as the partners may agree."

A large part of private agencies involved are church-related or sectarian in origin, purpose, and function. In this framework, Philip Jacobson raises the

question whether these private, religiously-sponsored agencies by their acceptance of public funds are not violating the basic tenets of Church-State separation which are fundamental to the democratic values and the vigor of a religiously pluralistic society.

Certainly, the history of our welfare developments demonstrates that the majority of our private agencies are sectarian either in their sponsorship, their philosophy or in their programs, irrespective of their nomenclature.

Community Relations Questions

There is universal agreement and acceptance of the "establishment of religion" clause of the First Amendment to the Constitution which prohibits the government from establishing a Church or any laws which in any way affect religious observance; at the same time, it protects any group in its right to observe or not observe a particular religious practice. In the words of Jefferson, the clause against establishment of religion by law was intended to erect "a wall of separation between Church and State." As interpreted by the courts of this country, the major area in which these issues have arisen have concerned the field of education. Here I heartily subscribe to Philip Jacobson's careful delineation of the interpretations by the courts. There is also no doubt that certain religious groups have undertaken to interpret the Church-State separation principle, as it affects schools, in ways which would appear to be in violation of the Constitution and there have been a continuing series of lawsuits and court cases around these issues.

There have also been questions raised in the courts in areas other than those of education. Primarily, however these have been problems where religious groups or non-believing groups have been concerned with preventing governmental

infringement upon their religious liberties. The real crux of the question is the issue which Jacobson raises in undertaking to equate "the rule in Education" with "the rule in Welfare." He seems to see the same pitfalls and dangers applying to both. However, in his paper he states, "Even if it is true that there is no legal impediment to the acceptance of state funds for religiously sponsored welfare services. . . ." This is the significant *Fact*—that there is no legal impediment. The balance of all of his remarks appears to be a "viewing with alarm," which, from my local community relations experience, is worthy of consideration, but certainly should not be a guide for action.

Nowhere has there been any substantial acceptance by the courts that the use of public funds by sectarian welfare agencies violates the principle of Church-State separation. To the contrary, as pointed out earlier, hundreds of millions of dollars of public funds are used annually by private agencies (most of them sectarian) under laws which facilitate such expenditure. It is equally true that these laws usually point out that such funds must be spent "without discrimination on account of race, creed or color." This is the language, for example, of the Hill-Burton Act. However, as Charles Schottland pointed out "it was never intended (by the Hill-Burton Act) to deny use of funds to agencies serving a general community purpose even though they concentrated on service to a specific religious group." In other words, we have seen the acceptance of sectarian agencies with specific religious orientation whose *service policies* were non-sectarian, as being eligible for and often the recipients of, this type of public subsidy.

What has been the general reaction of other sectarian groups? A few have expressed concern, notably the Southern Baptists. They have adopted a theoretic-

cally solid wall against acceptance of public funds for any of their own health or welfare agencies. Recently, in the North Texas area a privately financed and sponsored community hospital was offered to the Texas Baptist group gratis as a donation by the leaders of the hospital who also were Baptists. However, this offer was turned down, solely for one reason—that in the construction of the hospital, Hill-Burton funds had been used. Parenthetically, may I point out that this sensitivity on the part of our Texas Baptists on this issue would appear to tie in rather closely also with other basic religious and social concerns of this religious group, one of which is a fear of the Catholic Church and its potential for breaking down Church-State separation. Texas Baptists are noted for their zealousness in their observance of principles. For example, in Dallas, our Baptist hospital, Baylor, rejected a substantial donation from the local liquor dealer's association because they believed it to be "tainted" money. No sooner did they reject these funds when our Catholic hospital, St. Paul, accepted the "tainted" funds with only one comment—"just t'aint" enough.

With Jews, sensitivity in the use of public funds has been traditional. The legend of our promise to Peter Stuyvesant that we would "always take care of our own" is illustrative of this concern. The hesitation on the part of Jewish family agencies during the early public relief days to transfer their clients to public assistance was in keeping with this sensitivity. The fact is that during the height of our refugee immigration to the U. S. in the 1940's and 1950's, many Jewish agencies retained all relief responsibility for refugees for a minimum of five years, whereas non-Jewish agencies had no hesitation properly and *legally* to refer their refugee clients to public resources. This is all part of a pattern of hesitation in the acceptance

of public funds—sometimes justified, often not.

It could well be that we may want to consider whether this thinking has been influenced by the self-segregation pattern which developed from our European ghetto background. Also, we may question today whether the continuation of this practice would not be to self-impose the kind of "discriminations and disabilities upon Jews" which our community relations agencies are attempting to eliminate.

In like vein Judah Shapiro pointed out¹ the hesitation on the part of many Jewish organizations to permit religious enumeration in our U. S. census. This, he felt could well be a carry-over of the fear drawn from our ghetto experience when a hostile government gathered this data for potentially dangerous usage.

We must ask ourselves whether, in projecting our concern for Church-State separation into this doubtful area, we are weakening or strengthening our major objective of eliminating second class citizenship for Jews everywhere.

The Use of Public Funds Depends upon Basic Philosophy and Local Factors

Though acceptance of public funds by private Jewish-sponsored agencies is not a matter of Church-State separation, I do want to point out that there are other over-riding concerns which should affect our consideration of this problem. What I am going to say now may appear to some as straddling the issue but to those involved in the community organization field, or the casework field, it will be recognized as an acceptance of a process of dealing with each community and each situation on the basis of the specific factors involved.

Within the field of Jewish social work we see forces pulling in two directions.

Some of our services are becoming more and more non-sectarian. This is generally true of hospitals, family service agencies, child placement services, vocational guidance and psychiatric services. At the same time, we see a pull in the other direction, of greater sectarianism, in our homes for the aged, in community relations, Jewish education and in our central communal organizations—the federations themselves. On the other hand, in our community centers we often see both forces at play at the same time.

Without attempting to elaborate more fully on these trends, certain conclusions seem to emerge: public funds are fundamentally for non-sectarian services, or services which are provided "without discrimination on account of race, creed or color." As a result, we find that the agencies which are moving more and more into the non-sectarian area are the ones which have the least problem in considering acceptance of public funds—such as hospitals, child care and vocational services; whereas agencies with a relatively clear sectarian or religious character are those which have the greatest question as to the propriety of even applying for public grants.

It is evident in our Conference discussions that our American Jewish social welfare organizations are going through a transition and are attempting to clarify their own philosophy around these questions. This is happening in the various fields of service. It is happening on different levels in different geographic areas. To my way of thinking, the major danger that we face here would be to permit the availability of public funds to become the *decisive* element in changing our philosophy and policies regarding who should be the beneficiary of our services.

To illustrate: Recently in Phoenix, Arizona, a 30-bed Jewish nursing home applied for and received Hill-Burton funds. The articles of incorporation,

adopted long before this application was made, state unequivocally that no applicant would be discriminated against because of race, creed or national origin. At the same time the Home provides kosher food, a synagogue, a Jewish atmosphere and complete Jewish administrative supervision. The texture of the nursing home was one where a number of non-Jews had been residents prior to the acceptance of Hill-Burton funds and there has been no change since then. On the other hand, in Dallas, Texas, our Social Planning Committee in considering expansion of our 76-bed Home for Jewish Aged unanimously rejected the concept of applying for Hill-Burton funds. It was pointed out that while the admissions policies carry no reference to religion, the charter, the by-laws and the practice have maintained the Home on a clear-cut sectarian basis. It was also pointed out that because of gross inadequacy of other similar facilities in the community, the adoption of a non-sectarian admissions policy would, in view of the Home's high status and acceptance, probably result in a substantial number of non-Jewish applications. This would undoubtedly create problems affecting the texture of the Home, problems of financing, maintenance, and so on.

To cite a somewhat different situation: As contrasted with the experience of some other communities, the community center in Dallas today has a non-sectarian affiliation policy with approximately 15% of its membership non-Jewish, some functional committees with non-Jews participating in policy-making, and an "open" board of directors which includes a Christian member.

It is the avowed policy of the Center to develop programs which will meet the *cultural and leisure-time needs of our Jewish Community*, and at the same time the *recreational needs of the area* in

which the Center is located without distinction to religious background.

Should there be public funds available (and there are none today) for community center construction, I am confident we would have no hesitation in applying for them, unless we visualized problems which would artificially establish policy on the race issue. Thus we see that just as each community may have its special considerations, within one community, we may evaluate each agency differently on this important issue.

In each of the above instances, it would seem to me that the consideration given has been on a case-by-case basis related to the history, the tradition and philosophy of the community and its agency. It is my belief that the application for public funds therefore should be evaluated within this frame of reference and not in terms of permitting the "availability of funds" to decide policy. In our community, the question of Church-State separation was not even considered relevant.

In Conclusion

It is evident that my concern here about what price public funds, for private agencies, is not in relation to theoretical community relations problems as visualized by Philip Jacobson, but rather in relation to the pragmatic considerations of community organization experience which may well differ from North to South, or from city to city or from agency to agency.

In my estimation, too, there is need for careful and objective consideration of this issue in each community, and recording of our experience to date, with regular and frequent opportunity for critical evaluation. Whether we can ever establish more specific guide-lines for the acceptance of public funds by Jewish agencies will only come from the experience achieved through these channels.

¹ Page 5, this issue.