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RULE 14

(Continued)

6 Vocational Education Courses

Our students are basically college preparatory students not needing the strong vocational education program. The expense and teachers are beyond us.

1 P. E.

1 Music

1 Art - We never have had a high school course.

- 14-(38) 70% of courses in High School must be taught by teachers endorsed (trained) in that area. We often must use teachers we can get and have available, but are qualified to teach the course.
- 14-(39) High school must have a certificated librarian 2 hours per day. Expense? Person available? Person would have to have 12 hours in library media.
- 14-(40) High school must have a guidance counselor, certificated, with 12 hours of graduate college training, for at least 2 hours per day.
- 14-(44) (b) Library must have 1,200 books - 600 of which are non-fiction and listed in standard bibliography lists approved by the State Department. Expense? Need 1,200 books for 12 students?
- 14-44 (c) 98% of books to be non-religious.
- 14-44 (l) Reader's Guide is required - we don't have more than one or two magazines listed in it.
- 14-44 (f) Need 10 magazine subscriptions. Why? No need with few students. Expense great.

SUMMARY OF RULE 14

- 14-(0) Only a school approved by the State Board is considered to provide a program of instruction which is in compliance with the compulsory attendance laws.
- 14-(1)(a) A school year is 36 weeks.
- (b) Schools must be in session 175 days.
- (c) A school day is 5 class hours of instruction.
- (i) A teacher is a certificated instructor.
- 14-(2) Application for approval. Form must be signed by public school superintendent. School must meet with Department of Education to determine if regulations can be met. Probationary approval. Visitation by Department of Education re compliance inspection. If Rule 14 not met, recommendation of non-approval.
- 14-(3) Each failure to meet a numbered or lettered regulation of this Rule shall constitute a separate violation. Maximum number of allowable violations:
- | | |
|-------------------|---|
| K - 12 | 4 |
| 7 - 12, or 9 - 12 | 2 |
| K - 6, or K - 8 | 2 |
- Probation. If school on probation continues to exceed allowable number of violations, Department shall recommend to Board that the school be non-approved to operate as a legally constituted school system for the ensuing school year.
- 14-(3)(f) Members of Department of Education, in determining whether to recommend to the State Board that a school system be placed on probation or be non-approved "shall take into consideration the purpose and philosophy of the school system and the quality and appropriateness of the total educational program and it may take into account other factors such as the sparsity of population, location, and transportation when they create an undue hardship on the student."
- 14-(5) To be approved, a school must submit annually Approved School Reports to Department of Education (Fall Approval Report and Annual Term Summary Report). Public school superintendent shall "verify the accuracy of the information." Disapproval as penalty for filing.

- 14-(6) "Each statutory violation shall be treated as a separate violation from this Rule".
- 14-(7) Elementary school instructional program shall be based on a written statement of purpose and/or goals developed at the local level and approved by the local Board of Education or governing body.
- 14-(8) The policies have to conform to the statement.
- 14-(9) Elementary school curriculum.
(a) reading and language arts
(b) mathematics
(c) social studies
(d) science
(e) health
(f) physical education (including "positive mental attitudes")
(g) art
(h) music
- 14-(11) School must develop policies and procedures for special education programs for all resident handicapped children which are in compliance with Rule 51.
- 14-(12) School must utilize a competency measure such as Nebraska Assessment Battery of Essential Learning Skills.
- 14-(13) School must keep record of student attendance and academic progress.
- 14-(15) 90% of teachers shall be assigned to areas for which they have a certificate endorsed for areas of specialization and the levels for which the person is specifically qualified.
- 14-(16)(b) 50% of principal's time must be for administration and supervision.
- (c) Principal must hold an Administrative and Supervisory Certificate.
- (d) Principal must meet with governing body at least quarterly to plan for implementation of educational program of school.
- 14-(17) 30 to 1 pupil-teacher ratio.
- 14-(18) Teacher must participate in at least two days of in-service activities each year.
- 14-(20) At least 50% of textbooks shall have a purchase date of within five years and a copyright date no more than five years old at time of purchase.

14-(22)(d) Each elementary school shall acquire a minimum of 25 new library resources, exclusive of textbooks and encyclopedias, of different titles, per teacher per year up to 150 titles during one year.

14-(22) School must subscribe to at least two children's magazines. At least one professional magazine.

14-(24-28) Health and safety requirements.

14-(32)

Secondary school required subject fields:

- (a) Language Arts (40 instructional units)
- (b) Social Studies (30 instructional units)
- (c) Mathematics (20 instructional units)
- (d) Science (20 instructional units)
- (e) Vocational Education and/or Practical Arts (20 instructional units)

consists of:

- 1. VO Agri./Agribusiness
- 2. Business and Office Education
- 3. Distribution Education
- 4. Home Occupations
- 5. Home Economics
- 6. Trade and Industrial
- 7. Industrial Arts
- 8. Other occupationally oriented courses:
 - 1. Communications and Media
 - 2. Fine Arts
 - 3. Humanities
 - 4. Marine Service
 - 5. Recreation and Hospitality
 - 6. Public Service
 - 7. Personal Service

(f) Physical Education (10 instructional units)

(g) Health

(h) Music (4 instructional units)

(i) Art (4 instructional units)

The secondary school regulations parallel the elementary school regulations. However:

14-(39)

Each secondary school shall have a certificated person assigned for at least two class hours per day to provide library-media services and shall have the responsibility for the secondary instructional materials and equipment. This person must have at least 12 semester hours of college credit in the field of library-media.

14-(40)

Must have a certificated person for at least two class hours per day to provide individual or group counseling and guidance services to pupils. This person must have had at least 12 semester hours of graduate college credit in basic guidance and counseling.

14-(42)

Pupil-teacher ratio 27-1.

14-(44)

Library media center requirements:

- (a) Two sets of encyclopedias
- (b) 1700 items
- (c) 98% must be non-religious
- (d) file cabinets
- (e) must subscribe to Readers Guide
- (f) must subscribe to 10 periodicals listed in Abridged Readers Guide
- (g) must acquire minimum of 150 new library resources each year. 50% must be in the standard references of 44(b)

SUMMARY OF STATUTES

- 1701 (1) Schools and teachers subject to general school laws of state in re (a) grades (b) qualifications, (c) certification of teachers (d) promotion of pupils.
(2) Schools shall have adequate equipment.
(3) Schools shall have adequate supplies.
(4) Schools shall be graded the same [as what?].
(5) Schools shall have courses of study for each grade conducted therein, substantially the same as those [courses of study] given in the public school.
- 1703 Nothing in 1701 shall be construed as to interfere with religious instruction in any denominational school.
- 1704 Owner or governing board has authority to (a) select textbooks (b) equipment and supplies (c) employ teachers (d) exercise general management of school, SUBJECT TO THE PROVISIONS OF 1701.
- 1705 County superintendent or superintendent of schools shall inspect such school and report to the proper officers failure to observe 1701, at least twice a year school must permit and assist in this.
- 1706 Penalties: If school, after final determination by the authorities, fails/refuses to conform to 1701, 1705: (a) no person shall be granted a certificate to teach therein (b) pupils shall be required to attend the public school.
- 201 Every person with a child shall cause such child to attend regularly a public or denominational school. Term not less than 175 days.
- 207 Each teacher shall keep record showing ((1) name, age and address of each child enrolled (2) number and county by school district (3) number of days each pupil was present/absent (4) cause of absence. Teacher shall send list of the pupils enrolled, with name, age and address of each to superintendent.
- 213 Instruction in American citizenship. Policed by Committee on Americanism: (1) examine textbooks re American history and government (2) assure themselves as to the character of all teachers employed. One hour per week for patriotic teachings and exercises. Teaching of American history "from approved textbooks."

- 214 Character education required.
215 Commissioner of Education shall prepare an outline with suggestions such as in his judgment will best accomplish the purposes, set forth in Section 79-214, and shall incorporate the same in the regular course of study for the first twelve grades of ALL schools of the State of Nebraska.
- 238(5)(C) State Board has power and duty to establish rules and regulations for approving the opening of new schools, for the continued legal operation of all schools.
- 1233(1) No person shall be employed to teach in any denominational school who does not hold a valid Nebraska certificate or permit issued by the Commissioner of Education legalizing him to teach the grade or subjects to which elected. (2) Denominational schools may employ others as teacher aids.
- 1234 State Board may revoke a certificate for just cause (including immorality, neglect of duty, etc.); i.e., can intervene in the running of the school, based on its judgment).
- 1229 A person holding the title of principal or supervisor of an accredited school or as supervisor of any special subjects or subject in which such persons actually supervise the work of other teachers in that subject or more subjects, shall hold a Nebraska Administrative and Supervisory Certificate or a Nebraska Prof. Administrative and Supervisory Certificate.
- 1239 Teacher or administrator must register the certificate with the county superintendent and no contract for a school shall be valid until registration. [See balance of this statute].
- 1247.02 Accrediting procedure. A school must first be an approved school.
- 1247.05 Teacher certificates. Board to adopt rules re certificates for all elementary and secondary schools of this state based upon earned college credit, or the equivalent thereto-including "moral, mental and physical fitness for teaching, all in accord with sound educational practices".
- 1247.06 Maximum which Board may require for first issuance of a certificate shall be that the applicant is of sound mental and physical health and of good moral character, and a statement countersigned by an authorized official of a standard institution of higher education which certifies the grade levels

1247.07

and subject fields or areas of specialization for which the applicant was specifically prepared to teach and that the applicant has (1) baccalaureate degree, (2) satisfactorily completed the institution's program for teaching (3) met all other appropriate requirements of the institution. Certificate shall indicate the grade levels, subjects, subject fields, or areas of specialization for which the holder was specifically prepared by a standard institution of higher education or authorized by the Board to teach, counsel, supervise and administer.

Amish colony selling out, going away

By Dean Terrill

Southeast Nebraska Bureau

PAWNEE CITY — It's not being overly dramatic to call it the end of an era.

History will note forever that Pawnee County once hosted a colony of Old Order Amish. Similarly, Levi Troyer and Atlee Miller will tell their grandchildren about their families' four years

in Nebraska.

For all practical purposes, Wednesday was the last chapter as Troyer auctioned off his horse-drawn machinery and other farm items. Miller hopes for an equal crowd — estimated at approximately 350 — when he sells out next Tuesday.

Both men and their families will pack up immediately for Ohio, their home be-

fore crowded conditions brought them west. The Roman Borntragers and Rudy Troyers (no relation to Levi), the last of a settlement which once numbered seven families, will head to Wisconsin once Borntrager finds a buyer for his farm.

Ironically, Wednesday's sale came one day after the Nebraska Legislature gave preliminary approval to a bill

which would clear the Amish in a drawn-out school dispute. Their refusal to hire state-certified teachers prompted several lawsuits, including one still pending in Pawnee County District Court.

"They should have done it two years ago, so it's kind of disgusting in a way," said the soft-spoken Troyer. "We're just getting started now."

But both of the original settlers said they harbor no bitterness, either toward government officials or the community.

"It's been a pleasant and short four years," said Miller, the focus of controversy when his buggy was sold at a sheriff's sale to pay off a court fine. "We're grateful for all the goodness shown us and we'll be missing a lot of friendly faces."

A crowd coming from several counties was attracted by such olden day offerings as wood cook stoves, antique light fixtures and one-row machinery. A like-new black buggy brought \$510, a breaking cart \$400 and a weathered bobbed \$85.

Serious bidders were obviously outnumbered by the curious. The Amish, conspicuous because of the men's wide black hats and the women's tiny caps and long dresses, were surrounded by well-wishing friends.

The women, incidentally, had a complete sellout of the baked goods which have earned them a lofty reputation.

"I really like these people," said Joe Marti, who came 18 miles from Bern, Kan., for the sale. "They're hard workers and I blame Nebraska that they are having to leave. What the Legislature is doing is good, but it should have come sooner."



Staff photo by Dean Terrill

Horse drawn machinery was plentiful, whether you were buying or just climbing.



Amish farm auction

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Staff photo by Dean Terrill

Amish farm auction drew a crowd of 350 people.

While there had been some animosity toward the newcomers at first, said local editor-publisher Bill Thompson, that largely subsided after it became clear the colony would not grow.

"They're quiet and very honest, just going about their business," said Thompson. "They don't expect anything but to be left to go their own way."

Besides the school dispute, the Amish were having economic problems because of religious beliefs forbidding the

use of electricity. That conflicted with a state Agriculture Department requirement that automatically cooked storage tanks be used to store milk, the farmers' main livelihood.

According to Miller, however, it appeared the state was about to resolve that problem. The school situation is the main reason the families are moving.

"We would have changed our plans if these things had been done a year ago," he said. "But then, life does go on."



Staff photo by Dean Terrill

ther you were buying or just climbing.

Metro-Regional

More Metro-Regional news in Sec

Amish schools are different in many ways

PAWNEE CITY — There's no electricity and George Washington is missing because portraits are considered a graven image. Visitors try not to stare at the girls' ankle-length dresses and tiny black caps.

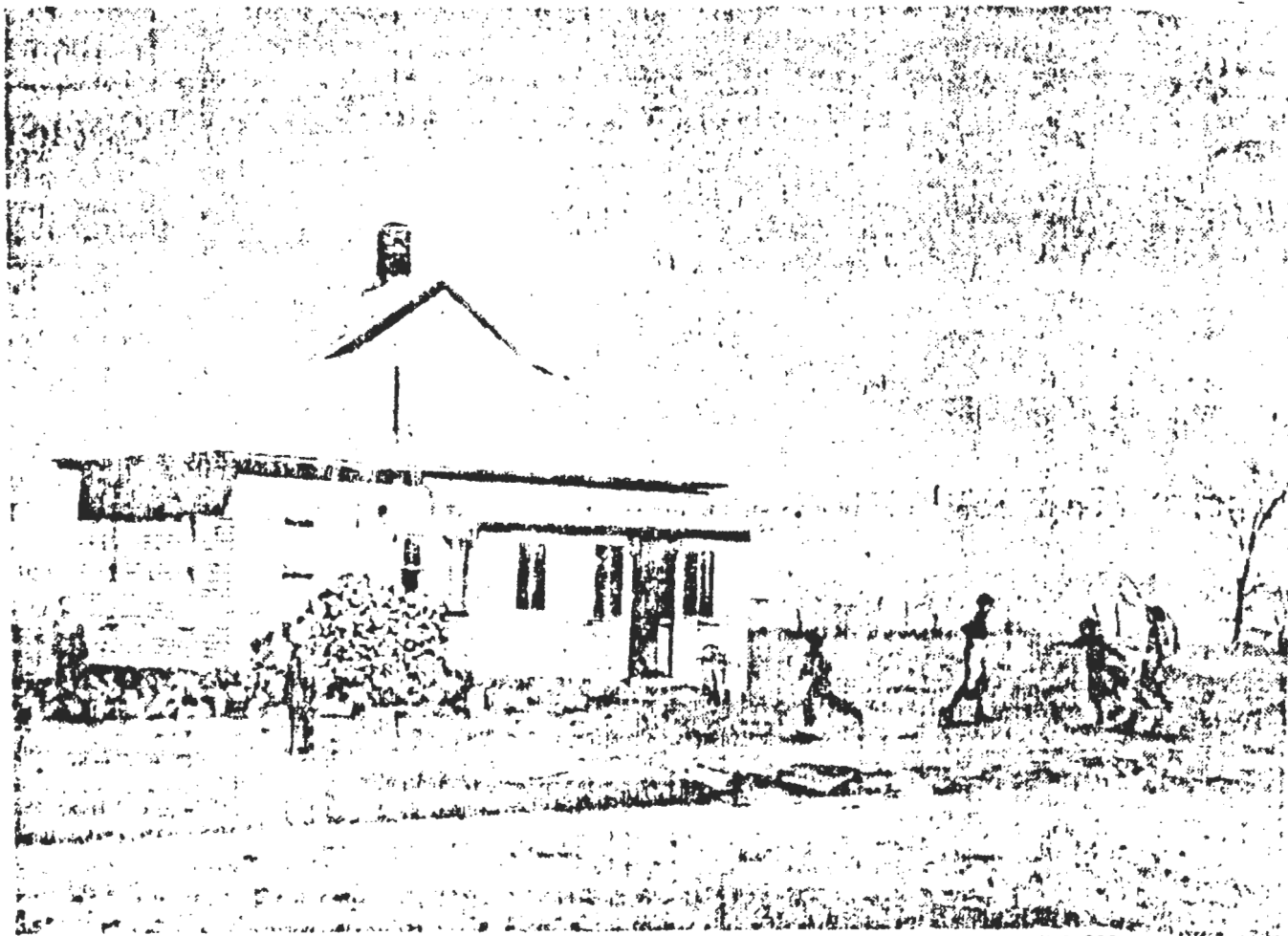
Otherwise, the six-pupil West Branch School strongly resembles hundreds of others once dotting the Nebraska countryside. This rural school, however, is Old Order Amish, one of two in the state.

The other is East Pawnee, a few miles east on Nebraska 4 but less recognizable since classes are held in Roman Born-treger's garage. West Branch is a one-time public school that was moved in last fall.

Mrs. Born-treger, whose 10 pupils include five of her own children, and West Branch's Sara Miller have been charged with teaching without state certificates. Both are in their final year; both are eighth-grade graduates as per Amish custom. And both, steeped in the cultural and religious precepts of several generations, strongly feel that state standards violate their people's constitutional rights. Their contention could go as high as the U.S. Supreme Court.

Same subjects

Meantime, pretty much the same subjects are taught in the two classrooms. A visit to West Branch, practically in the Chris Miller farmyard, indicated two additions: German and religion. Fridays are largely



STAFF PHOTOS BY DEAN TERRILL

Amish children play in the yard of West Branch School in Pawnee County.

Fund drive will aid Pawnee County families

Amish buggy buy-back try fails

By Dean Terrill

Southeast Nebraska Bureau

PAWNEE CITY — An attempt to buy

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Meantime, pretty much the same subjects taught in public schools are taught in the two classrooms. A visit to West Branch, practically in the Chris Miller backyard, indicated two additions: German and religion. Fridays are largely given over to those two subjects.

"We need the German because our church services are still in that language," said Sara, the fourth sister in a family of 12 to have taught. "And school opened every morning with prayer."

Looking even younger than her 17 years, the teacher wore a neatly pressed dress much too long for recess baseball. A white cap helped set her apart from the three girls with their black caps.

The school lost four pupils recently when the Betty Yoder family moved to Okauchee. Mrs. Yoder is Sara's sister. That left six pupils and six grades, all children of Altee Miller: Iva, Mattie, Alvin, Dora, Roy and Altee Jr. The family lives just across the section.

"We're real well satisfied with Sara as a teacher, only we do wish there were more children," said their father. "I couldn't be afraid to put my children or any other Amish up against those educated in town."

'Surroundings not good'

Miller's objections to public schools are "both on what they would be taught and what they wouldn't be," he said. Because of the lack of religious training, he said, the children would be subjected to such teachings as sex and evolution.

"The surroundings of the public schools are not good," he continued. "Discipline and Bible are what children need."

"No discipline? Sara said she has no discipline problems at all. The kids that are being learned at home and then put in school. Their own hard work is respected by parents and school alike," added her mother.

Amish buggy buy-back: try fails

By Dean Terrill

Southeast Nebraska Bureau

PAWNEE CITY — An attempt to buy an Amish buggy sold recently at a sheriff's auction and return it to its original owner apparently has failed because the buyer refuses to sell.

James Svoboda of Belvidere, who raised more than \$800 in a state fund drive in behalf of the Amish, said the new owner turned down a telephoned open-end offer for the vehicle. Roy Nider, a Pawnee City grocer, paid \$420 for the buggy at the December auction.

"I told Nider we would pay a fair price, including some for his inconvenience, but he replied that he didn't need the money," said Svoboda. "Yet I'm hopeful he will reconsider. That buggy is the very symbol of a 400-year-old culture."

Nider, who commutes to the grocery from nearby Axtell, Kan., told a reporter he bought the buggy "for my own reasons." He declined further comment except to say he was misquoted in a Kansas City article that reported he might return the vehicle to its original owner.

Second thoughts

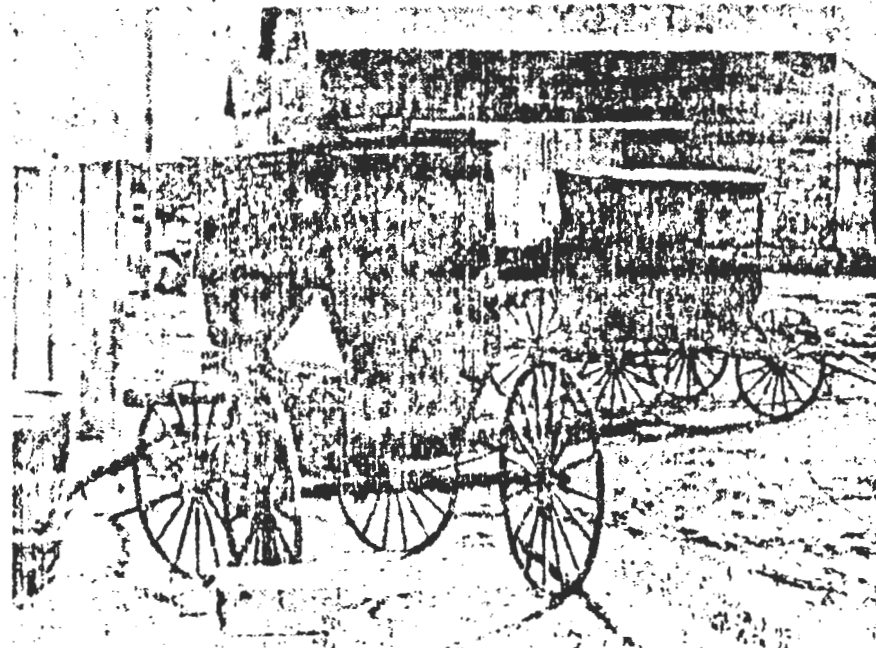
That owner, Altee Miller, vowed last month that he would leave the community after Pawnee County authorities seized the buggy and \$169 from a checking account to pay a \$30 fine. A court appeal ran the total to \$389 after the Amish father of 11, fined for sending his children to an Amish school that had a non-certified teacher, said it would violate his principles to pay the fine.

Miller told a reporter Thursday he has received such support that he has second thoughts about moving.

"Besides lots of letters, we've had visitors from as far away as Hastings and Grand Island who came to give encouragement," said Miller, 42. "And most of this community is real friendly. I guess we can always get another buggy."

\$500 to Miller

Since the buggy apparently won't be relinquished, Svoboda said \$500 will be



Two buggies are parked in the yard at the Chris Miller house.

the U.S. Supreme Court. The Pennsylvania-based National Committee for the Preservation of the Amish Religion will defend the Nebraska families through nationally known attorney William Ball.

Although Miller is uncertain whether to move, another of the six resident families definitely has decided to pull out. The Chris Millers, who bought a 17-acre "retirement tract" west of town last March, are uncertain only about date and destination.

One of teachers

Their 17-year-old daughter, Sara, is one of two teachers charged with teaching without a certificate. Their hearings probably will be joined with the four fathers' cases.

"It isn't a Christian way of life to have to fight like this," said Sara's mother, Ada, distantly related to the Altee Millers. "It's getting hard to turn the other cheek, but at least we don't strike back."

One daughter and son in law the Betty

"We now clamp the box in place every day before the mail comes and take it down afterward," said Mrs. Miller. "That's better than having to buy new ones."

That incident was an exception, however. The families say they generally have been well-treated in the three years since the Altee Millers and Levi Troyers moved here from Ohio. The others followed from that state and Iowa.

The most vocal protest against the Amish, a small, unsigned ad appearing in the Beatrice Daily Sun and Pawnee Republican, was not strongly worded. Retired farmer Ellis Doyel told a reporter he was the lone sponsor, but he estimated that "about 85 percent of the rural people here share the same feelings."

Keep to themselves

Now executive director of Pawnee Village, a retirement center, Doyel said his main objection is that the Amish "live

from the three girls with their black caps.

The school lost four pupils recently when the Felty Yoder family moved to Texas. Mrs. Yoder is Sara's sister. That left six pupils and six grades, all children of Atlee Miller: Iva, Mattie, Alvin, Dora, Jacob and Atlee Jr. The family lives just across the section.

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'Surroundings not good'

Miller's objections to public schools are "both on what they would be taught and what they wouldn't be," he said. Besides the lack of religious training, he said, the children would be subjected to "such teachings as sex and evolution."

"Just the surroundings of the public schools are not good," he continued. "Discipline and Bible are what children need most."

Discipline? Sara said she has no discipline problems at all "because that is something learned at home and then put into practice at school." Hard work is stressed by parents and school alike, added her mother.

"Learning to do a good day's work is much more important than anything a boy might learn in high school," said Mrs. Miller. "Our people also are taught to work for others and for satisfaction, not just for pay."

The mother, more outspoken than some of the other settlers, scoffed at the teacher certification requirement.

"There's a difference between being certified and qualified," she said. "Somebody said that for us to have a certified teacher would be like a Catholic teaching in a Protestant Sunday school."

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\$500 to Miller

Since the buggy apparently won't be relinquished, Svotoda said, \$500 will be given to Miller to help purchase a replacement. The balance of the fund will be used to defend Miller and three other Amish fathers in another court action next month.

Miller, Levi Troyer, Felty Yoder and Roman Boimreger face misdemeanor charges of violating compulsory school-attendance laws — the same offense which brought Miller's first fine. County Court hearings tentatively are scheduled for March 31-April 2.

The church vs. state implications are almost certain to take the matter to the Nebraska Supreme Court and possibly



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the U.S. Supreme Court. The Pennsylvania-based National Committee for the Preservation of the Amish Religion will defend the Nebraska families through nationally known attorney William Ball.

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"It isn't a Christian way of life to have to fight like this," said Sara's mother, Ada, distantly related to the Atlee Millers. "It's getting hard to turn the other cheek, but at least we don't strike back."

One daughter and son-in-law, the Felty Yoders, already have left for Texas because of the tension. The Chris Millers have nine other married children in various states.

"We were hoping that some of the others would settle here, but not now," continued the housewife, in her mid-50s. "There are many other places where our people can have their schools in peace."

Except for the court cases, the most serious protest against the Amish was the knocking down of four families' rural mailboxes in December. The one belonging to the Chris Millers later was stolen.

"We now clamp the box in place every day before the mail comes and take it down afterward," said Mrs. Miller. "That's better than having to buy new ones."

That incident was an exception, however. The families say they generally have been well-treated in the three years since the Atlee Millers and Levi Troyers moved here from Ohio. The others followed from that state and Iowa.

The most vocal protest against the Amish, a small, unsigned ad appearing in the Beatrice Daily Sun and Pawnee Republican, was not strongly worded. Retired farmer Ellis Dovel told a reporter he was the lone sponsor, but he estimated that "about 85 percent of the rural people here share the same feelings."

Keep to themselves

Now executive director of Pawnee Village, a retirement center, Dovel said his main objection is that the Amish "live very much to themselves and will never become a real part of the community." Also, farmers resent their competing for land and merchants feel threatened because they buy no cars or other modern conveniences.

"I feel no bitterness toward them, just disappointment," Dovel continued. "I'd even say they have a right to their own schools, but not if existing laws have to be changed to accommodate them."

"They're a God-fearing people and you don't have to worry about them stealing, yet if they change the community they've taken something in that way."

Iowa says its 23 Amish schools can use non-certified teachers

DES MOINES, Iowa (AP) — The Iowa Department of Public Instruction Wednesday authorized 23 Amish schools to continue using non-certified teachers.

The authorization continues until next year an exemption from the school standards law. The exemption has been granted to the Amish annually since 1865.

Department elementary education consultant Edith Munro told the DPI board that the 524 children in the Amish schools are making satisfactory progress as measured by the Iowa Test of Basic Skills.

"They do very well on these tests," said Ms. Munro. "The schools emphasize study habits, quality of work and finishing your work. They are making satisfactory progress for the type of life they lead." Many of the Amish young-

sters score above the 60th or 70th percentile on the basic tests, Ms. Munro said. That means they performed better than 60 percent or 70 percent of those taking the tests.

"I'm not saying their schools are as good as the public

school system," she said. "They are making satisfactory progress in the basic skills only. The public schools teach additional things that are important to the quality of life as we lead it, and the Iowa Test does not test for that."

Pawnee City trial put off in Amish education case

PAWNEE CITY (AP) — A trial to decide whether two Amish families in Nebraska can continue educating their children with a private tutor has been postponed.

It was to start Friday in Pawnee County Court, but one of the lawyers involved in the case said Tuesday a "legal question" has arisen and submission of additional briefs is necessary.

A new trial date will be set when the briefs are received by the court, the attorney said.

The Levi Troyer and Allee Miller families could face maximum misdemeanor penalties of \$500, three months' imprisonment or, both under a new Nebraska law effective this year. There is no minimum fine.

The two families have a total of 18 children.

Amish farm families have kept out of state-approved schools. One family left Nebraska. The Atlee Millers and the Levi Troyers remained. The Roman Borntregers, another Amish family, moved in from Wisconsin.

Last May, Borntreger, Miller and Troyer were charged in district court with violating Nebraska's school laws.

Pawnee County Attorney L. Joe Stehlik, who filed the suit, also named Borntreger's wife, Barbara, for teaching without a Nebraska certificate or permit. She teaches 16 Amish children in a garage attached to the Borntreger house.

Marjorie Thiemann, Pawnee County school superintendent, said the Amish children seem to be getting an adequate education "for their purposes, as far as I can tell."

She said the school is within the Pawnee City district and they soon will take new achievement tests.

Mrs. Thiemann said the Amish children's school year is 25 days shorter than is required for Nebraska public schools. Boys in the eighth grade commonly are dismissed from classes to help pick corn in the fall and plant crops in the spring. "For the most part, people have accepted them," she said.

Lindholm said there is "no question" about the effectiveness of Amish education.

"They had schools before the government had schools," he said, and Amish children are taught to speak English, German and Pennsylvania Dutch. They learn "patience and kindness, cooperation rather than competition, consensus rather than individualism. A 12-year-old Amish girl can cook a meal for 30 threshers. Her mother taught her."

William Thompson, publisher of the Pawnee Republican and for nine years a member of the Pawnee City school board, believes the Amish school should be allowed to operate. "But that was a minority view on the board," Thompson said. He said he is not totally behind the Amish position, but supports them on principle.

Since the "long-established culture" of the Amish is recognized by some other states, Nebraska should find a way to let them operate their own school and their own society," he said.

On the other hand, Thompson said, "I wonder how they'd feel if a farmer from here brought his customs into an Amish community."

Stehlik declined to be interviewed.

Borntreger declined to answer a reporter's questions or permit photographs to be taken on his property.

The Faith Baptist church will assert that their religion prevents them from compliance," Lindholm said.

He said there is no way that Amish teachers could qualify for certification in Nebraska because their reli-



Mrs. Thiemann



Thompson

gious beliefs reject schooling beyond the eighth grade. The Amish believe higher education exposes a person to "scientific pursuits, automobiles" and other elements of "worldliness," which they reject, he said.

Lindholm, a Lutheran minister, said he could not teach Amish students because of his education. "I would not be the right example. I would undermine their beliefs," he said.

The Amish have schools in 21 states, Lindholm said, and among them only Nebraska, Iowa and six others require parochial school teachers to be certified. Iowa, however, makes it possible to obtain an exemption each year.

Mrs. Campbell said she would look at teaching experience and religious training in judging the qualifications of an Amish teacher. But she indicated the Amish school would not receive special consideration, and she would follow the law closely in weighing its application.

"We would be setting a precedent," she observed.

The Amish controversy began in Pawnee County shortly after three Amish families from Ohio moved to farms near Pawnee City about 3½ years ago and drew lines the first year for not sending their children to state-approved schools. One family left Nebraska. The Atlee Millers and the Levi Troyers remained. The Roman Borntregers, another Amish family, moved in from Wisconsin.

Last May, Borntreger, Miller and Troyer were charged in district court with violating Nebraska's school laws.

Pawnee County Attorney L. Joe Stehlik, who filed the suit, also named Borntreger's wife, Barbara, for teaching without a Nebraska certificate or permit. She teaches 16 Amish children in a garage attached to the Borntreger house.

Marjorie Thiemann, Pawnee County school superintendent, said the Amish children seem to be getting an adequate education "for their purposes, as far as I can tell."

She said the school is within the Pawnee City district and they soon will take new achievement tests.

Mrs. Thiemann said the Amish children's school year is 25 days shorter than is required for Nebraska public schools. Boys in the eighth

State Seeking School Accord With Amish

Continued from Page 1

Church at Louisville or any other unlicensed church school "if they'd apply."

But the Faith Baptist and Amish School issues "are entirely different," she said. "The Amish want to comply with the law."

Faith Baptist was ordered to close because its instructors are not certified by the state. The Rev. Everett Sleven, pastor of Faith Baptist Church and administrator of its school, has said the state has no authority to license his school because of its close ties with the church.

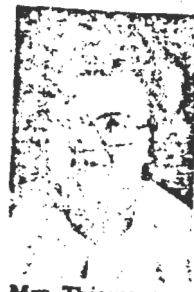
Sleven said Saturday that he didn't want to comment on Mrs. Campbell's proposal. "This is the first I've heard of it and I want to get specifics before I say anything," he said.

The Rev. William Lindholm of Lovonia, Mich., president of the National Committee for Amish Religious Freedom, said in a telephone interview that Mrs. Campbell has made "a good-faith offer" and he has directed attorneys for Amish families in Pawnee County to "begin whatever action is necessary" to get around Nebraska's certification provision.

Lindholm said publicity surrounding the Faith Baptist controversy has been "unfortunate" for the Amish school. He said the two issues have little in common.

"The Faith Baptist people can't assert that their religion prevents them from compliance," Lindholm said.

He said there is no way that Amish teachers could qualify for certification in Nebraska because their reli-



Mrs. Thiemann

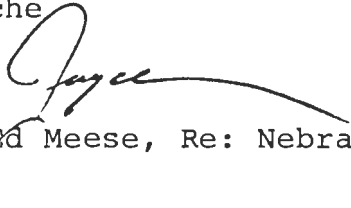


Thompson

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Lindholm, a Lutheran minister, said he could not teach Amish students because of his education. "I would not be the right example. I would undermine their beliefs," he said.

THE WHITE HOUSE
WASHINGTON
December 13, 1983

MEMORANDUM TO: FAITH WHITTLESEY
THROUGH: Jack Courtemanche
FROM: Joyce Thomann 
SUBJECT: Memorandum to Ed Meese, Re: Nebraska Church
School Case

Attached is a copy of a memorandum drafted by Morton Blackwell
in cooperation with Steve Galebach of OPD, for your signature.

jet

1 Attachment a/s

THE WHITE HOUSE

WASHINGTON

December 13, 1983

MEMORANDUM FOR EDWIN MEESE, III

FROM: FAITH WHITTLESEY *FRW*

SUBJECT: Nebraska School Crisis

The religious leaders who support this Administration are rapidly falling in line behind the embattled Christian schools in Nebraska. Our continued failure to take some sympathetic action will result in grassroots problems we should avoid if possible.

Members of your staff and mine met last Tuesday in Mike Uhlmann's office with Brad Reynolds and William Bentley Ball, the distinguished attorney who specializes in church/state law, and who is now litigating another of the numerous church school cases in Nebraska. Mr. Ball suggested that the Administration issue a statement of concern, which could encourage the appropriate courts to give serious attention to the constitutional issues involved. There will be hearings on two school cases -- not the publicized Louisville case -- on Thursday and Friday of this week. A statement by Thursday would thus be timely.

But whether or not the controversy can be solved by the courts, we have to consider what position the Administration should take. To stand aloof would only fan the unrest among supportive Christians who are already upset at the lack of progress on "social justice issues" such as the School Prayer Amendment, tuition tax credits, abortion, and pornography.

Late last week, a rally in support of Faith Christian School was scheduled for 10:00 a.m. Thursday, December 15, at Lafayette Park.

At first, it appeared that participants would number 400 and would be from the D.C. area. It now appears that the Nebraskans will be the stars of a rally of over 1,000. Current plans include having here eight mothers and the affected 23 students enrolled at the school. Also present will be Ed Rowe of the Church League of America, who has been staying in Louisville,

Nebraska coordinating many activities there. Their hope, in part, is to break into the general, national media, by assembling here. Of course, the fundamentalist and evangelical media, newsletters, magazines and broadcasts, daily give this controversy heavy coverage.

The solution I suggest is that we invite in a delegation of clergy representing the demonstrators at the conclusion of the rally. They could meet with Morton Blackwell and Mike Uhlmann, who would give them a copy of the statement which was developed by your staff after last week's meeting with attorney Ball. That statement, expressing concern and hope for a judicial solution, would be simultaneously issued by our Press Office.

The proposed statement should not be issued before the meeting for three reasons:

1. To do so would cause some activists to escalate their demands for action from us.
2. We want those who are coming here to go home confident they have achieved sympathy and cooperation from us.
3. There is always the slight chance that events in Nebraska, good or bad, will alter the picture before Thursday morning.

This plan would tend to tone down the rhetoric at the rally, because the leaders would know they were to have a subsequent meeting with White House Staff.

Of course, we must not indicate we plan to take any step unless we have carefully planned the whole course of action which would flow from such a step. For instance, if we decide to send an observer to Nebraska, that would raise hopes we might take some legal action. We should decide in advance if there may be an issue to justify, say, a Justice Department amicus brief if the case winds up on appeal from the Nebraska Supreme Court to the U.S. Supreme Court, or if the case comes into federal district court in a habeas corpus proceeding.

For now, it is sufficient, and necessary in my view, that we plan to issue on Thursday a statement of concern and hope that the matter can still be resolved amicably in the Nebraska judicial system.

THE WHITE HOUSE

WASHINGTON

December 14, 1983

MEMORANDUM TO: JACK COURTEMANCHE

FROM: Morton C. Blackwell *MB*

SUBJECT: 1982 Materials Relating to Faith Baptist
School in Louisville, Nebraska

To the best of my knowledge, there were no drafts of potential statements circulated last year around October 22nd, when we issued our only news release on this subject.

Attached are the items from my files which appear to be relevant for your 11:00 a.m. meeting:

1. My memorandum to Mrs. Dole of September 22, 1982 in which I discuss the depth of feeling in the protestant fundamental community over the issue.
2. My memorandum to Mrs. Dole of October 19, 1982 in which I discussed the increasing tensions. In this memorandum, I discussed the possibility of a Presidential call to Pastor Sileven and give a sequence of events to that date.
3. My October 22, 1982 update to Mrs. Dole on the current situation.
4. A memorandum from Charles O'Malley at the Education Department and an attached statement issued by Secretary Bell.
5. The White House press statement of October 22, 1982 in which the President is described as "happy that the Reverend Sileven of Louisville, Nebraska can rejoin his family."
6. My memorandum of December 14, 1982 to Mrs. Dole which includes a copy of the standard response to the many letters written us by supporters of the embattled school.
7. The draft statement from Michael Uhlmann's office received December 12, 1983.

You have my memoranda to Mrs. Whittlesey of December 9th and 13th on this subject.

I think the most compelling argument for action along the lines of the draft statement from Mike Uhlmann's office is that these people and their millions of allies are part of the President's winning coalition. If the tables were turned, it would be easier to understand. If, for instance, a local union were under attack by the State government of Mississippi and if the major union leadership in the country were moving rapidly to support the threatened union local, it would be almost inconceivable that a Democratic White House would fail to at least issue a statement sympathetic with the plight of the threatened local. More likely, they would think of some excuse to take action.

MCB:jet

Attachments a/s

THE WHITE HOUSE

WASHINGTON

September 22, 1982

*Schools
- Nebraska*

MEMORANDUM FOR ELIZABETH H. DOLE

FROM: MORTON C. BLACKWELL *MB*

SUBJECT: Christian School Crisis in Nebraska

The Protestant fundamentalist community is electrified with concern over events in Nebraska.

Many schools are under attack by state officials. A preacher is in jail because of his refusal to cease operating his church-affiliated school. Religious media are filled with reports of police harassment.

We have received many telephone calls and other communications urging that the President take action. Numerous pastors from across the country have gone to Nebraska to show their support for the church schools and their opposition to the State government's actions. Attached are letters on this topic.

I urge you to take the matter up with Fred Fielding to determine what appropriate steps the President can take.

I know that this is fundamentally a state matter. Nebraska requires religious schools to have state-accredited teachers. Many other states have much less restrictive regulations.

There may be some way in which the Justice Department could become involved. I don't know. Perhaps in some way the civil rights of the church school leaders have been violated.

I do know this, however. There is a big contrast between the conservative political enthusiasm of 1980 in the religious community and that we see today. In 1980 there were massive rallies of fundamentalists and evangelicals all across the country. Governor Reagan spoke to a stadium full at the National Affairs Briefing of the Religious Roundtable in Dallas. There is nothing parallel to that this year.

Among the steps we ought to take is some expression of support for the Christian schools in Nebraska. More than any other thing the President could do, this would restore the fire in our natural allies in the religious community. Just investigating the matter would have major benefits for us.

The situation in Nebraska has not received much attention in the network news broadcasts or national news magazines, but the matter has been thoroughly and repeatedly discussed on virtually all the national "religious right" broadcasts. Some strong demonstration of the President's concern in behalf of the jailed school official would be promptly and enthusiastically communicated through the religious broadcasts and publications.

There is little downside if we show concern here. The real opponents of these fundamentalist Christian schools are already in the pocket of the National Education Association, which actively opposes virtually every policy of this Administration.

THE WHITE HOUSE

WASHINGTON

October 19, 1982

MEMORANDUM FOR ELIZABETH H. DOLE

FROM:

MORTON C. BLACKWELL 

SUBJECT:

Church-State Confrontation in Nebraska

The President is headed into a hornet's nest Wednesday when he is scheduled to speak in Lincoln, Nebraska on behalf of Governor Thone.

Independent Baptist minister Rev. Everett Sileven has now been at the Cass County Jail in Plattsmouth, Nebraska for a month and a half. By the time the President arrives in Nebraska, there will probably be more than a thousand pastors from all around the country in the area demonstrating support for Sileven.

Attached is an abbreviated sequence of events.

The thousand ministers and their supporters are determined to demonstrate at the President's arrival.

Rev. Sileven's church-school is in Louisville, Nebraska between Lincoln and Omaha. The church has about 80 members in a town of 2,000. The church school attendance is about 30.

Dr. Bob Billings, who was the 1980 Reagan Campaign liaison to the religious community, describes the situation as a "powder keg". He says the preachers involved "don't cuss but wish they could". He also has reported, from Chuck O'Malley, that some outraged locals are talking about fire arms and saying they won't be pushed around any more.

I have worked with H. P. Goldfield of the White House Counsel's office on this subject. He reports that the White House Counsel's office and the Justice Department are opposed to any Administration action on the matter. Our office sees a growing wave of outrage in the fundamentalist community on this issue. These religious leaders are a natural part of the President's winning coalition. If we are perceived as uncaring about this problem, undoubtedly many previously politically active fundamentalists will sit on their hands during the closing days of the elections.

It is in the political interest of those hostile to the conservative religious leaders who support the President for him to be perceived as aloof or hostile to the concerns of the fundamentalist community.

I see the following options for us:

1. Do and say nothing on this subject. Maintain it is a local matter.
2. In the absence of any rationale for Justice Department intervention on behalf of Rev. Sileven, someone in the Administration could make a widely publicized telephone call to Rev. Sileven in the Cass County Jail, (402) 296-3337, in Plattsmouth, Nebraska. The thrust of the call should be to express concern about the situation and the hope that some accommodation could be reached whereby the affected fundamentalists would be working to change the law rather than to break it.

The first choice to make such a call would be the President himself. The President could capture the imagination of the millions of people now increasingly concerned over this issue. He more than anyone else could defuse the situation and move people away from confrontation.

Next choice would be Mr. Meese. This would insulate the President somewhat from the matter but show high level concern.

Others, less visible but appropriate to be authorized to make such a call would be you, Dr. Bob Billings, or me. A call from any of us would have a favorable impact on the situation if for no other reason than as an expression of concern from the Reagan Administration.

I have a compiled video tape of TV news coverage of the situation up through the jailing of Rev. Sileven. He behaved with dignity throughout.

As the week progresses, events are sure to escalate in intensity in Nebraska. I believe that the visit of the President is an action-forcing event for the White House.

See the attached sequence of events.

SEQUENCE OF EVENTS IN NEBRASKA CHURCH - STATE CONTROVERSY

1. Over the years a growing number of fundamentalist protestant churches have formed church-operated schools in Nebraska and resisted demands of the State school authorities that the schools employ only State certified teachers. The law is draconian compared to most other states.
2. Legal action has been commenced by the State authorities against at least eight schools of various protestant denominations in Nebraska.
3. Rev. Everett Sileven who, with two of his children, happened to be a student at Hiles Anderson College in Indiana when Dr. Bob Billings was the President of the college, became the focus of resistance to the agencies of State authority over church-operated schools.
4. Church school leaders from other states, most of which have much less restrictive regulations of church operated schools, began to show an interest in the Nebraska situation.
5. A Nebraska judge jailed Sileven when he refused to shut the school or achieve certification. Sileven made bail.
6. Rev. Siliven, despite the court order, continued to operate the church and the church-school. The judge held Sileven in contempt and ordered the Cass County Sheriff to lock the church. The sheriff re-arrested him on September 3, pursuant to the court order. He entered the school and took Sileven to jail from an assembly of students, parents, visiting pastors, and a battery of television cameras.
7. The Judge's order allows the church to be opened for morning and evening Sunday services as well as Wednesday night prayer meetings. At all other times it is locked by the sheriff.
8. On Sunday evening, October 17, 120 supporting pastors from Nebraska and around the country began a prayer meeting in Sileven's church which was broken up before dawn on Monday by the sheriff. The sheriff arrived with 18 law enforcement vehicles, went up to each of the 120 kneeling pastors and gave them the choice of leaving or being dragged out. More than one third chose to be dragged out. Those removed accumulated at the front door to the church-school building. There was a break in the discipline and a scuffle as the law officers had to push the crowd back in order to close and lock the front doors of the church.

9. The church is now locked but will, per the court order, be opened for prayer service on Wednesday night. At that time there will almost certainly be over 1,000 pastors from around the country overflowing Rev. Siliven's church-school building in Louisville, Nebraska. Dr. Ron Godwin, of Moral Majority, who supervised video taping of the clearing of the church last Monday morning, has received calls from all three major networks who indicate they intend to have camera crews on hand as the thousand pastors and their supporters will almost certainly be dragged out of the church at some point in the early hours of Thursday, October 21.

10. On Wednesday, October 20, the Moral Majority's 264 TV spots and 1,190 radio spots will begin to run on Nebraska media. The spots will not make specific reference to the confrontation in Louisville but the linkage will be apparent because the broadcast spots will focus in on the church-state relationship as it affects church schools. The Moral Majority also has funded newspaper ads to run this week in Nebraska. A copy of the text is attached.

THE WHITE HOUSE

WASHINGTON

October 22, 1982

UPDATE OF EVENTS IN NEBRASKA CHURCH-STATE CONTROVERSY

AS OF 4 P.M., OCTOBER 22, 1982

1. At 3:30 p.m., October 21, Charles O'Malley, Executive Assistant for Private Education to Secretary of Education Terrell Bell convened a meeting in Lincoln with representatives of Protestant and Catholic school groups, the state superintendent of Education and a representative of the Governor's office. A tentative agreement was reached regarding the issue of state certification of church operated schools. This agreement would depend on certain proposed changes to Nebraska law.
2. On the afternoon of October 22, the state court which had jailed Rev. Everett Sileven released Rev. Sileven from jail on the conditions that the Faith Bible School would close for 30 days and that Rev. Sileven would voluntarily return to jail if a related case were lost by Rev. Carl Godwin, head of Nebraskans for Educational Freedom. The case regarding Rev. Carl Godwin's church operated school will be heard in state court October 25, in Lincoln.
3. In the past three days the White House has received in excess of 6,000 calls in support of the Christian school leaders in Nebraska.

Office of Private Education
U.S. Department of Education
Washington, D.C. 20202

Issued
10/19/82

Dr. Robert Bellings

Attached for your information is a copy of a statement to be made by the Secretary regarding the Nebraska situation, and a copy of a Memo we are mailing to "Koffee Klatch" participants.

C. J. O'Malley
Charles J. O'Malley
Executive Assistant for
Private Education



UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON, D.C. 20202

OFFICE OF THE SECRETARY

STATEMENT BY SECRETARY BELL

Because of its national import and precedent-setting potential, I have made an appeal to all parties in the church-state Nebraska controversy to step back, to pause, then to proceed with caution in a situation that hopefully can be solved in a reasonable manner by people of good will at this point in time.

It is important that both points of view continue to meet, to discuss their differences, and to "bargain-out" a solution before this situation evolves to the point wherein tragedy and violence occur.

My office has been - and will continue to be - in close touch with all parties and will be available upon request to assist where feasible, in finding a peaceful and prompt solution.

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

October 22, 1982

STATEMENT BY THE PRINCIPAL DEPUTY PRESS SECRETARY

The President was pleased to learn that a step toward accomodation has been reached in Nebraska over the subject of teacher certification for church-operated schools. He is grateful his Department of Education could be helpful in mediating the matter and happy that the Reverend Everett Sileven of Louisville, Nebraska, can rejoin his family.

In accord with America's historic commitment to diversity in education, the President expressed hope this spirit of cooperation will lead to a solution consistent with both the state's responsibility to ensure high-quality education and the right of parents to organize and support church-related schools for their children. He applauds the renewed effort to work within the framework of the law.

###

THE WHITE HOUSE

WASHINGTON

December 14 1982

MEMORANDUM TO ELIZABETH H. DOLE

FROM: MORTON C. BLACKWELL

SUBJECT: Nebraska Christian School Controversy

Per your request for our standardized letters, here is a sample of the text I have used to respond to about 50 letters supporting Pastor Everett Sileven. Unfortunately, Pastor Sileven has gone back to jail to serve out the remainder of his contempt of Court sentence.

The situation is not settled. The School may or may not be reopened.

THE WHITE HOUSE

WASHINGTON

December 14, 1982

Dear Mrs. Currier:

Thank you for your letter regarding the problems in Nebraska for Christian schools.

As the President's liaison to the Christian school movement, I have kept in touch with these developments. I have had two very cordial, personal meetings here in my office with Pastor Everett Sileven of Louisville, Nebraska and numerous telephone conversations with him and with other leaders concerned with the application of the principles of religious liberty and educational freedom to this case.

On October 22, when a temporary compromise was reached, the President publicly expressed pleasure that Pastor Sileven was able to rejoin his family. A copy of the White House news release is enclosed.

The legal actions against Christian schools in Nebraska have been taken by state, not federal authorities.

Officials of our U.S. Department of Education have kept in close contact with Nebraska Christian school leaders and the state school authorities. Charles J. O'Malley, Education Secretary Bell's Executive Assistant for Private Education, has repeatedly been to Nebraska, working to help both sides in an attempt to reach a satisfactory conclusion to this tragic difficulty.

Please be assured that the President strongly supports our American tradition of diversity in Education, including religious, private and public schools.

We appreciate your concern, and we hope that either the courts, the state legislature or the respective sides in the dispute will quickly solve this problem in such a way as to strengthen both religious freedom and quality education.

Sincerely,



Morton C. Blackwell
Special Assistant to the President
for Public Liaison

Mrs. E. M. Currier
Box 3
Kristin Forest
Hardy, VA 24101

Enclosure

DRAFT

Statement for the Principal Deputy Press Secretary

Statement Concerning Nebraska Situtation

The President has been apprised of numerous situations arising in the State of Nebraska involving conflicts between religious schools and the State education and law enforcement authorities.

The controversies have involved jailings of ministers, criminal prosecutions of parents who have their children in religious schools, impositions of heavy fines on church schools, refusals to let some graduates of religious colleges teach in those schools, and the padlocking of at least one church -- all of these apparently because the pastors, teachers, parents and principals object on religious grounds to certain Nebraska statutes. Most recently, parents of school children have been jailed.

Because, therefore, religious civil rights protected by the Constitution of the United States may be involved in this situation, and because the situation has bred such extraordinarily high feelings in Nebraska, the President has expressed his concern that the matter be resolved peaceably.

It would appear that early reconsideration of the basic legal problem by the courts might be a means of resolving the difficulty. Certainly a new judicial resolution, if possible, would be far preferable to the continuation of the present situation.

NOTE: 12/12/83 - Hand-delivered from Mike Uhlmann's Office

THE WHITE HOUSE

WASHINGTON

December 9, 1983

MEMORANDUM TO: FAITH WHITTLESEY

THROUGH: JACK COURTEMANCHE

FROM: Morton C. Blackwell

SUBJECT: Lafayette Square Demonstration Regarding the
Nebraska School Situation

I have learned that there is a demonstration being organized by the New Covenant Churches in Maryland for 10:00 a.m. next Thursday morning, December 15.

The current estimated participation is 400, which will include a number of pastors.

The New Covenant Church is a small charismatic denomination located in east coast states, largely in Maryland.

As other fundamentalist and evangelical churches learn about the demonstration, I think it is very likely that there will be additional support for this effort.

Supporters of the embattled Christian schools in Nebraska are aware that some of their leaders and supporters have been in contact with the Administration. They are probably not aware of the details of the meeting held Tuesday afternoon in Mike Uhlmann's office. At that meeting, Mike Uhlmann, Steve Galebach, Bob Sweet, Carolyn Sundseth, Brad Reynolds and I met with attorney William Ball of Harrisburg, Pennsylvania.

Ball has a court case in Nebraska relating to a situation analogous to the Faith Baptist Church case, but in another city. In a week or so, the Nebraska Supreme Court will decide whether to hear the appeal of the case being handled by Mr. Ball, who is one of the most distinguished attorneys in the country. Mr. Ball asked that somehow the Administration signal to the Supreme Court of Nebraska that we hope they will hear Mr. Ball's appeal.

Mr. Ball handled and won similar cases before the state supreme courts of Vermont, Ohio, and Kentucky.

There is general agreement that the attorneys for the Faith Baptist Church in Louisville, Nebraska failed to raise many of the relevant legal issues in the case which they lost. Therefore, there is hope that the crisis could be alleviated by the Nebraska Supreme Court.

Further, I was telephoned today by Pastor Everett Sileven. Seven fathers of children in his church school are still in jail under order from Nebraska State Judge Ronald Reagan. The mothers and, I presume, Pastor Sileven are fugitives from arrest warrants currently.

Pastor Sileven told me that they will be sending a mailgram to us today requesting that the President meet with some of the mothers. If the mothers are still fugitives at that time, I think it will be very difficult for Administration officials to meet with them.

Attached is a copy of an article which appeared in today's Washington Times on the matter.

MCB:jet

Free Louisville 7, churchmen plead

By Bill Kling
WASHINGTON TIMES STAFF

Pressure is growing on the White House to intervene in a legal battle in which seven Louisville, Neb., fathers are in jail for contempt of court in a dispute over an unaccredited Christian school operated by a fundamentalist Baptist church.

Their wives have fled the state with 23 children to avoid similar incarceration.

Rep. George Hansen, R-Idaho, who has made two trips to Nebraska as an unofficial observer and has written two letters to White House counsel Edwin A. Meese III, demanding federal intervention, said yesterday that the matter is being studied "at the highest policy levels" of the White House.

Sen. Charles Grassley, R-Iowa, chairman of the Senate Judiciary Subcommittee on Administrative Practices and Procedures, expressed an interest in conducting hearings on the matter when Congress returns in January, a Grassley spokesman confirmed yesterday, but the senator has issued no orders that such hearings be called.

The "Louisville 7" are the fathers of pupils who had attended Faith Christian School operated by Faith Baptist Church in Louisville, 20 miles southwest of Omaha, and were jailed Nov. 23 — the day before Thanksgiving — after they refused to give their names or to

testify during a court hearing for a state-sought injunction to close the unaccredited school.

When the case was mentioned Wednesday in an Oval Office meeting on tuition tax credit legislation among President Reagan and a coalition of education, church and pro-family groups,

Reagan, assigned specially to the Cass County court in Plattsmouth to hear the case, refused again yesterday to appoint legal counsel for the jailed fathers. He suggested that they seek attorneys through the local bar association. Lawyers who initially represented the fathers have withdrawn from the case,

The declaration commits the supporters to "an inseparable unity of conscience and cause" for the school and reaffirms an unwillingness . . . to relinquish their call to an educational ministry.

Mr. Reagan asked White House aides to "look into" the matter, according to several people who attended the meeting.

Information supplied to the Justice Department about the case, a department spokesman said, has not been sufficient to warrant a federal inquiry into whether the jailed fathers' civil rights had been violated.

A White House source acknowledged reports that Mr. Reagan is sympathetic with the Louisville church families, but he is said to believe that based on the information he has, they "don't yet have a clear-cut federal issue" on which to base federal intervention.

Meanwhile, a judge named Ronald E.

and others have refused to represent them.

Supporters of the jailed men in the long-running court battle say they would pay for a court-appointed attorney — even though they do not have to. The supporters are among more than 200 fundamentalist Christian ministers and church officials from 38 states who have gathered in Louisville to mount a campaign for the church school.

From Louisville, the fundamentalists have sought to generate pressure aimed at bringing the controversy to the attention of the public, as well as to state and federal officials, through telephone calls, prayer vigils and news conferences.

Dr. Bob Woosley, of Stone Mountain, Ga., president of Churches for Christian Liberty, referred yesterday to the jailed fathers as "the Nebraska Seven" and "hostages," and announced adoption of a "Louisville Declaration" in which their supporters expressed "broken-hearted abhorrence" over the jailings and "the exile" of their families and of Rev. Everett Sileven, pastor of Faith Baptist Church, and Mrs. Teresa Schmidt, the Rev. Mr. Sileven's daughter, who is principal of Faith Christian School.

The declaration commits the supporters to "an inseparable unity of conscience and cause" for the school and reaffirms an unwillingness "under any circumstances" to relinquish their call to an educational ministry. They pledge to achieve their goals through the American constitutional system, according to the declaration.

The school case was mentioned to the president on Wednesday by Dr. Donald R. Howard, representing Accelerated Christian Education at the meeting in the Oval Office. Several of those attending said Mr. Reagan appeared startled by Dr. Howard's statements and asked for further information from his staff. Mr. Reagan did not commit himself to any action on the matter, however, after Mrs. Faith Ryan Whittlesey, the president's special assistant for public liaison, noted it was "a local matter" still in the courts.

THE WHITE HOUSE

WASHINGTON

December 13, 1983

MEMORANDUM TO: FAITH WHITTLESEY

THROUGH: Jack Courtemanche

FROM: Morton C. Blackwell

SUBJECT: Nebraska School Crisis

*Morton Blackwell
by jet*

Jack Courtemanche told me this afternoon that a tentative decision had been made to do nothing this week relating to the Nebraska school crisis. I hope very much that decision can be reversed.

Not only is this a matter of high and increasing concern among religious leaders who support the President, it is the precise situation which the Democrat organization in Nebraska is attempting to impose on us.

Senator Exon wrote a letter to the President, which is being answered by Chuck O'Malley of our Education Department. In that letter, Senator Exon suggests that the solution to the problem is simple if only the President would act. That Exon letter is getting currency in the fundamental and evangelical communities.

The local officials with whom the Christian school leaders are having their legal confrontation are almost entirely Democrats. The largest political force in the State which is urging draconian measures against the conservative church leaders is the Nebraska Education Association.

Thus the case is strong that our continued inaction and lack of obvious sympathy plays into the hands of people who have every reason to embarrass the Administration and drive a wedge between us and major elements of the President's winning coalition in 1980.

If there is future discussion of this at the Senior Staff level, I think the point should be made that church schools operated on precisely the same basis as those under attack in Nebraska have been upheld in virtually every other State in the Union.

Specifically, the Supreme Courts of Vermont, Ohio and Kentucky have decided analogous cases in behalf of the Christian schools and against the local education establishment.

I know it would be easier for us to take action if Pastor Sileven had been a more congenial fellow (at one point, he expressed the hope that the Lord would strike the local sheriff dead). It appears, however, that Sileven has deliberately avoided the limelight in this current crisis and has left the public relations to be handled by a local steering committee and leaders of supportive national Christian groups.

If we do not act, if we do not take some appropriate action, many of the growing number of people who are concerned with this problem and anticipate a far more serious crisis early next year over the Social Security taxation of churches will reach the conclusion that we simply are incapable of being of assistance to them when they are under attack.

MCB:jet


THE WHITE HOUSE

WASHINGTON

December 20, 1983

MEMORANDUM TO: FAITH WHITTLESEY

THROUGH: Jack Courtemanche

FROM: Morton C. Blackwell 

SUBJECT: Alternate Proposal for Nebraska School Action

Finally we have a new option we should consider in the Nebraska Christian school crisis.

It seems that the Justice Department has a Community Relations Service which is designed to ease tensions in localities where mediation might be helpful. This is a mandate broad enough to cover the current problems.

The Community Relations Service could offer the good offices of the Administration in a way not previously provided. Since the discussion process involved is not one which includes court actions, we could avoid the problem of a new theory of intrusion in states' rights.

The potential for violence has helped deter us from other actions. Now, if there is violence, we could be blamed for failing to respond to cries for help.

The attached story in the "Washington Times" gives the right impression of the ferment among our supporters in the religious community. In my view, we must do something. The Community Relations Service of DOJ is the best idea I've seen.

MCB:jet

1 Attachment a/s

White House rebuffs plea to help jailed Nebraskans

By Bill Kling
WASHINGTON TIMES STAFF

The White House yesterday denied a request by eight nationally prominent evangelical ministers to meet with President Reagan to personally plead for his intervention in the long, bitter church-state battle over unaccredited Faith Christian School in Louisville, Neb.

Also rebuffed were three senators and a congressman, all Republicans, through whom the ministers relayed their meeting request to White House counselor Edwin Meese III and James Baker III, White House chief of staff.

Consistent with a policy adopted at the White House on Friday, Mr. Meese and Mr. Baker decided not to agree to the meeting, continuing the Reagan administration on a collision course with politically active religious conservatives who have supported the president and his policies in the past.

"There was never any plan for the president to meet with any representatives in the Nebraska school case," C. Anson Franklin, an assistant White House press secretary, told The Washington Times. "He thought it was more appropriate that they meet with (Education Secretary Terrel H. Bell) and they did so."

Meanwhile, writs of habeas corpus were filed yesterday with the Nebraska Supreme Court seeking the release from jail of seven men, dubbed the "Nebraska 7," who have been incarcerated in Plattsmouth since Thanksgiving Eve for refusing to testify in a Cass County court about the school operated by Faith Baptist Church and attended by their children.

Nebraska education authorities have been attempting for seven years to close the school on grounds it has no state license and its teachers lack state certification.

The "Nebraska 7" fathers were jailed for contempt of court by a judge named Ronald E. Reagan, who also issued warrants for the arrest of their wives; the Rev. Everett Sileven, pastor of the church; and Mrs. Theresa Schmidt, school principal and the Rev. Mr. Sileven's daughter. They fled Nebraska with 23 children to avoid incarceration.

Secretary Bell, at a luncheon Thursday with a delegation of evangelical leaders following a Lafayette Park rally and White House demonstration, indicated his willingness to examine Nebraska's eligibility for continued federal education funds if "Ne-

braska 7" supporters could show state education officials were practicing religious discrimination against Faith Christian School.

Among the evangelical preachers who sought an audience with Mr. Reagan were four with nationwide television ministries reaching millions of viewers each week. They are the Rev. Jerry Falwell of Lynchburg, Va., who also is president of the Moral Majority; the Rev. Jimmy Swaggart of Baton Rouge, La.; the Rev. Dr. D. James Kennedy of Fort Lauderdale, Fla.; and the Rev. Dr. Charles Stanley of Atlanta.

Another, the Rev. Dr. Tim LaHaye of San Diego, Calif., has been assigned by the Reagan-Bush '84 Committee the task of keeping "the Christian Right" in the president's re-election corner for next year. His wife, Beverly, is head of Christian Women of America.

Others were the Rev. Dr. James T. Draper of Fort Worth, Texas, president of the Southern Baptist Convention; the Rev. Dr. William R. Bright of San Bernardino, Calif., president of the Christian Campus Crusade; and the Rev. Dr. Ed Rowe of Wheaton, Ill., president of the Church League of America.

Seeking the meeting with Mr. Reagan for the evangelicals were Sen. Roger H. Jepsen, R-Iowa; Sen. Orrin Hatch, R-Utah; Sen. Bill Armstrong, R-Colo.; and Rep. George Hansen, R-Idaho.

The eight preachers signed a letter to Mr. Reagan urging him "to initiate a full investigation of the abuse of the constitutional rights" of the "Nebraska 7" "or to take whatever appropriate action you might deem necessary to provide immediate relief so that these families can be reunited in their homes during this Christmas season.

"These men are in jail only because of their religious beliefs and we are convinced that you and millions of Americans are deeply grieved at the plight of these God-fearing people," the letter says.

Mrs. Phyllis Schlafly, head of the Eagle Forum, sent a telegram to Mr. Reagan yesterday urging him to meet with the ministers to discuss the jailing of the seven "for the alleged crime of sending their children to a Christian school." She called the case "a First Amendment civil rights issue."


Gary Jarmin of Christian Voice warned that the president "could lose the support of evangelicals" over the case and should act in some way.

THE WHITE HOUSE

WASHINGTON

December 14, 1983

MEMORANDUM TO: JACK COURTEMANCHE

FROM: Morton C. Blackwell 

SUBJECT: 1982 Materials Relating to Faith Baptist
School in Louisville, Nebraska

To the best of my knowledge, there were no drafts of potential statements circulated last year around October 22nd, when we issued our only news release on this subject.

Attached are the items from my files which appear to be relevant for your 11:00 a.m. meeting:

1. My memorandum to Mrs. Dole of September 22, 1982 in which I discuss the depth of feeling in the protestant fundamental community over the issue.
2. My memorandum to Mrs. Dole of October 19, 1982 in which I discussed the increasing tensions. In this memorandum, I discussed the possibility of a Presidential call to Pastor Sileven and give a sequence of events to that date.
3. My October 22, 1982 update to Mrs. Dole on the current situation.
4. A memorandum from Charles O'Malley at the Education Department and an attached statement issued by Secretary Bell.
5. The White House press statement of October 22, 1982 in which the President is described as "happy that the Reverend Sileven of Louisville, Nebraska can rejoin his family."
6. My memorandum of December 14, 1982 to Mrs. Dole which includes a copy of the standard response to the many letters written us by supporters of the embattled school.
7. The draft statement from Michael Uhlmann's office received December 12, 1983.

You have my memoranda to Mrs. Whittlesey of December 9th and 13th on this subject.

I think the most compelling argument for action along the lines of the draft statement from Mike Uhlmann's office is that these people and their millions of allies are part of the President's winning coalition. If the tables were turned, it would be easier to understand. If, for instance, a local union were under attack by the State government of Mississippi and if the major union leadership in the country were moving rapidly to support the threatened union local, it would be almost inconceivable that a Democratic White House would fail to at least issue a statement sympathetic with the plight of the threatened local. More likely, they would think of some excuse to take action.


MCB:jet

Attachments a/s

THE WHITE HOUSE

WASHINGTON

December 21, 1983

MEMORANDUM TO: FAITH WHITTLESEY
THROUGH: Jack Courtemanche
FROM: Morton C. Blackwell 
SUBJECT: Nebraska School Situation

It's no fun watching a laboriously built coalition dis-integrate before our eyes. (See attached article, December 21, Washington Times.)

MCB:jet

1 Attachment a/s

cc: Ken Cribb

Miffed at Reagan snub, clerics seek out Jackson

By Bill Kling
WASHINGTON TIMES STAFF

Several evangelical ministers, angered at being shunned by President Reagan over a Louisville, Neb., Christian school case in which seven men have been jailed, yesterday asked to meet with the Rev. Jesse Jackson to discuss their possible support of his Democratic presidential candidacy.

"After all, he's a brother minister," noted William H. Billings, president of the National Christian Action Coalition, who said he sent a telegram to Mr. Jackson on behalf of several fundamentalist Christian ministers who supported Mr. Reagan for president in the 1980 campaign.

"I see them jumping ship," Dr. Billings said, indicating that the Jackson campaign has acknowledged receiving his telegram but as of last night had not agreed to a meeting.

The evangelicals are among several hundred who have rallied to the support of Faith Christian School, which Nebraska school officials have been trying to close for seven years because operators have refused to obtain a state license or to hire certified teachers. The school is run by Faith Baptist Church in Louisville.

On Thanksgiving eve, a judge named Ronald E. Reagan ordered seven men to jail for contempt of court after they refused to testify about Faith Christian, where their children are enrolled. The men have been dubbed the "Nebraska 7." Their wives, named in arrest warrants issued by Judge Reagan, have fled the state with 23 children to avoid incarceration.

The White House decided last Friday against intervening in the case. It had been requested that a Justice Department investigation be conducted of possible civil rights violations of the jailed men. On Monday, a request for a meeting with Mr. Reagan was turned down.

Meanwhile, in another case, the Rev. Robert Gelsthorpe, administrator of an unaccredited Christian school in North Platte, Neb., began serving a contempt-of-court sentence after classes resumed despite a state prohibition.

District Judge John Murphy found Mr. Gelsthorpe in contempt for violating a March judgment ordering the school to remain closed until it receives state approval. The administrator is required to be in the sheriff's office from 9 a.m. to 3 p.m. each day his school is in operation.

Judge Murphy also fined Mr. Gelsthorpe and his North Platte

Baptist Church \$200 each for every day the school is in session.

In the Nebraska 7 case, Dr. Billings said the evangelical ministers are interested in meeting with Mr. Jackson because he is a Baptist preacher and has been involved in the civil rights movement from his days as an aide to the late Rev. Dr. Martin Luther King.

"We understand that the ministers are basically a conservative group, but this issue transcends all other issues with them," Dr. Billings said. "They want to raise this issue in the consciousness of the American public."

If an acceptable political arrangement cannot be worked out with Mr. Jackson, Dr. Billings said, the evangelical ministers are interested in meeting with another candidate for the Democratic presidential nomination, Sen. John Glenn, D-Ohio, because of his refusal to support "gay rights" legislation.

Dr. Billings' brother, Robert D. Billings, an executive assistant of the National Christian Action Coalition, said the evangelicals view the Nebraska 7 case as one involving religious freedom, and that most of them historically are Democrats who voted Republican in 1980 because Mr. Reagan was the GOP candidate.



Robert Armstrong/Visual

Four ministers display some of more than 2,000 telegrams received here in support of the Nebraska 7, the men jailed for refusing to testify in court about a Christian school. From left are Joe P. Lutz Jr., Portland, Ore.; Edward Rowe, Wheaton, Ill.; Richard Moore, Lewiston, Idaho; and Robert A. Woosley, Stone Mountain, Ga.

THE WHITE HOUSE

WASHINGTON

December 13, 1983

MEMORANDUM FOR EDWIN MEESE, III

FROM: FAITH WHITTLESEY *FRW*

SUBJECT: Nebraska School Crisis

The religious leaders who support this Administration are rapidly falling in line behind the embattled Christian schools in Nebraska. Our continued failure to take some sympathetic action will result in grassroots problems we should avoid if possible.

Members of your staff and mine met last Tuesday in Mike Uhlmann's office with Brad Reynolds and William Bentley Ball, the distinguished attorney who specializes in church/state law, and who is now litigating another of the numerous church school cases in Nebraska. Mr. Ball suggested that the Administration issue a statement of concern, which could encourage the appropriate courts to give serious attention to the constitutional issues involved. There will be hearings on two school cases -- not the publicized Louisville case -- on Thursday and Friday of this week. A statement by Thursday would thus be timely.

But whether or not the controversy can be solved by the courts, we have to consider what position the Administration should take. To stand aloof would only fan the unrest among supportive Christians who are already upset at the lack of progress on "social justice issues" such as the School Prayer Amendment, tuition tax credits, abortion, and pornography.

Late last week, a rally in support of Faith Christian School was scheduled for 10:00 a.m. Thursday, December 15, at Lafayette Park.

At first, it appeared that participants would number 400 and would be from the D.C. area. It now appears that the Nebraskans will be the stars of a rally of over 1,000. Current plans include having here eight mothers and the affected 23 students enrolled at the school. Also present will be Ed Rowe of the Church League of America, who has been staying in Louisville,

Nebraska coordinating many activities there. Their hope, in part, is to break into the general, national media, by assembling here. Of course, the fundamentalist and evangelical media, newsletters, magazines and broadcasts, daily give this controversy heavy coverage.

The solution I suggest is that we invite in a delegation of clergy representing the demonstrators at the conclusion of the rally. They could meet with Morton Blackwell and Mike Uhlmann, who would give them a copy of the statement which was developed by your staff after last week's meeting with attorney Ball. That statement, expressing concern and hope for a judicial solution, would be simultaneously issued by our Press Office.

The proposed statement should not be issued before the meeting for three reasons:

1. To do so would cause some activists to escalate their demands for action from us.
2. We want those who are coming here to go home confident they have achieved sympathy and cooperation from us.
3. There is always the slight chance that events in Nebraska, good or bad, will alter the picture before Thursday morning.

This plan would tend to tone down the rhetoric at the rally, because the leaders would know they were to have a subsequent meeting with White House Staff.

Of course, we must not indicate we plan to take any step unless we have carefully planned the whole course of action which would flow from such a step. For instance, if we decide to send an observer to Nebraska, that would raise hopes we might take some legal action. We should decide in advance if there may be an issue to justify, say, a Justice Department amicus brief if the case winds up on appeal from the Nebraska Supreme Court to the U.S. Supreme Court, or if the case comes into federal district court in a habeas corpus proceeding.

For now, it is sufficient, and necessary in my view, that we plan to issue on Thursday a statement of concern and hope that the matter can still be resolved amicably in the Nebraska judicial system.

THE WHITE HOUSE

WASHINGTON

December 9, 1983

MEMORANDUM TO: FAITH WHITTLESEY

THROUGH: JACK COURTEMANCHE

FROM: Morton C. Blackwell

SUBJECT: Lafayette Square Demonstration Regarding the
Nebraska School Situation

I have learned that there is a demonstration being organized by the New Covenant Churches in Maryland for 10:00 a.m. next Thursday morning, December 15.

The current estimated participation is 400, which will include a number of pastors.

The New Covenant Church is a small charismatic denomination located in east coast states, largely in Maryland.

As other fundamentalist and evangelical churches learn about the demonstration, I think it is very likely that there will be additional support for this effort.

Supporters of the embattled Christian schools in Nebraska are aware that some of their leaders and supporters have been in contact with the Administration. They are probably not aware of the details of the meeting held Tuesday afternoon in Mike Uhlmann's office. At that meeting, Mike Uhlmann, Steve Galebach, Bob Sweet, Carolyn Sundseth, Brad Reynolds and I met with attorney William Ball of Harrisburg, Pennsylvania.

Ball has a court case in Nebraska relating to a situation analogous to the Faith Baptist Church case, but in another city. In a week or so, the Nebraska Supreme Court will decide whether to hear the appeal of the case being handled by Mr. Ball, who is one of the most distinguished attorneys in the country. Mr. Ball asked that somehow the Administration signal to the Supreme Court of Nebraska that we hope they will hear Mr. Ball's appeal.

Mr. Ball handled and won similar cases before the state supreme courts of Vermont, Ohio, and Kentucky.

There is general agreement that the attorneys for the Faith Baptist Church in Louisville, Nebraska failed to raise many of the relevant legal issues in the case which they lost. Therefore, there is hope that the crisis could be alleviated by the Nebraska Supreme Court.

Further, I was telephoned today by Pastor Everett Sileven. Seven fathers of children in his church school are still in jail under order from Nebraska State Judge Ronald Reagan. The mothers and, I presume, Pastor Sileven are fugitives from arrest warrants currently.

Pastor Sileven told me that they will be sending a mailgram to us today requesting that the President meet with some of the mothers. If the mothers are still fugitives at that time, I think it will be very difficult for Administration officials to meet with them.

Attached is a copy of an article which appeared in today's Washington Times on the matter.

MCB:jet

Free Louisville 7, churchmen plead

By Bill Kling
WASHINGTON TIMES STAFF

Pressure is growing on the White House to intervene in a legal battle in which seven Louisville, Neb., fathers are in jail for contempt of court in a dispute over an unaccredited Christian school operated by a fundamentalist Baptist church.

Their wives have fled the state with 23 children to avoid similar incarceration.

Rep. George Hansen, R-Idaho, who has made two trips to Nebraska as an unofficial observer and has written two letters to White House counsel Edwin A. Meese III, demanding federal intervention, said yesterday that the matter is being studied "at the highest policy levels" of the White House.

Sen. Charles Grassley, R-Iowa, chairman of the Senate Judiciary Subcommittee on Administrative Practices and Procedures, expressed an interest in conducting hearings on the matter when Congress returns in January, a Grassley spokesman confirmed yesterday, but the senator has issued no orders that such hearings be called.

The "Louisville 7" are the fathers of pupils who had attended Faith Christian School operated by Faith Baptist Church in Louisville, 20 miles southwest of Omaha, and were jailed Nov. 23 — the day before Thanksgiving — after they refused to give their names or to

testify during a court hearing for a state-sought injunction to close the unaccredited school.

When the case was mentioned Wednesday in an Oval Office meeting on tuition tax credit legislation among President Reagan and a coalition of education, church and pro-family groups,

Reagan, assigned specially to the Cass County court in Plattsmouth to hear the case, refused again yesterday to appoint legal counsel for the jailed fathers. He suggested that they seek attorneys through the local bar association. Lawyers who initially represented the fathers have withdrawn from the case,

Dr. Bob Woosley, of Stone Mountain, Ga., president of Churches for Christian Liberty, referred yesterday to the jailed fathers as "the Nebraska Seven" and "hostages," and announced adoption of a "Louisville Declaration" in which their supporters expressed "broken-hearted abhorrence" over the jailings and "the exile" of their families and of Rev. Everett Sileven, pastor of Faith Baptist Church, and Mrs. Teresa Schmidt, the Rev. Mr. Sileven's daughter, who is principal of Faith Christian School.

The declaration commits the supporters to "an inseparable unity of conscience and cause" for the school and reaffirms an unwillingness "under any circumstances" to relinquish their call to an educational ministry. They pledge to achieve their goals through the American constitutional system, according to the declaration.

The school case was mentioned to the president on Wednesday by Dr. Donald R. Howard, representing Accelerated Christian Education at the meeting in the Oval Office. Several of those attending said Mr. Reagan appeared startled by Dr. Howard's statements and asked for further information from his staff. Mr. Reagan did not commit himself to any action on the matter, however, after Mrs. Faith Ryan Whittlesey, the president's special assistant for public liaison, noted it was "a local matter" still in the courts.

The declaration commits the supporters to "an inseparable unity of conscience and cause" for the school and reaffirms an unwillingness . . . to relinquish their call to an educational ministry.

Mr. Reagan asked White House aides to "look into" the matter, according to several people who attended the meeting.

Information supplied to the Justice Department about the case, a department spokesman said, has not been sufficient to warrant a federal inquiry into whether the jailed fathers' civil rights had been violated.

A White House source acknowledged reports that Mr. Reagan is sympathetic with the Louisville church families, but he is said to believe that based on the information he has, they "don't yet have a clear-cut federal issue" on which to base federal intervention.

Meanwhile, a judge named Ronald E.

and others have refused to represent them.

Supporters of the jailed men in the long-running court battle say they would pay for a court-appointed attorney — even though they do not have to. The supporters are among more than 200 fundamentalist Christian ministers and church officials from 38 states who have gathered in Louisville to mount a campaign for the church school.

From Louisville, the fundamentalists have sought to generate pressure aimed at bringing the controversy to the attention of the public, as well as to state and federal officials, through telephone calls, prayer vigils and news conferences.