

STATE AID FOR CATHOLIC SCHOOLS

FIDELIS ANDERSON, O.P.



few weeks ago Jim Allen went into a restaurant and ordered a fifty-cent table d'hote dinner which included pie or ice cream. When the time came for dessert Jim was not in the mood for pie or ice cream so he ordered a charlotte russe priced at ten cents. A bill for sixty cents was presented to him and he paid it uncomplainingly, even as you and I.

A discussion of the justice or injustice of the extra charge would be out of place here. The story is presented merely as an example of examples given by some to bolster up their thesis that if Catholics want Catholic schools instead of public schools for their children, they should bear the financial burden of their support.

Applied to the case of Catholic education the example does more than limp; it staggers and falls to the ground. Perhaps its most evident weakness lies in the disparity between a charlotte russe and education. The choice of a certain kind of dessert is in itself a morally indifferent act; the choice of a particular kind of education is not. For education has great spiritual and moral ramifications which bring it necessarily and immediately within the domain of conscience. Jim's choice of a charlotte russe may have been due to mere whim or fancy; a Catholic's choice of education is a matter of conscience.

Jim asked the restaurateur to furnish him with something over and above what was furnished to other purchasers of the fifty-cent dinner. Catholics are not asking for something over and above what is provided for other taxpayers by the civil authorities. This is an important point, to be kept well in mind. We do not ask the State to subsidize our religion nor to bear the expense of the religious training imparted in our schools. All we ask is that the States help to finance Catholic training in the secular branches of learning. We make our plea, not as members of the Catholic Church, but as Catholic citizens.

Our plea is especially urgent at this time because in almost every State additional taxes for the support of the public schools are being imposed, or at least proposed. These taxes constitute

a heavy burden to be born in large measure by Catholic parents who have already carried for many long years the double financial burden of public taxes for education and of the support of Catholic schools.

Far from submitting willingly to the imposition of such a heavy load upon their already overburdened shoulders, Catholics look to the civil power to relieve the serious financial plight of Catholic schools. To what political body shall they turn? Most school districts find their own educational programs hampered by lack of funds. State or Federal aid is the only solution. Of the two, State aid seems to be preferable. According to Rev. Dr. George Johnson¹ and others, Federal aid without Federal control would lead to waste and accomplish very little good, and Federal interference is objectionable from many angles and potentially very obnoxious. Still, there are educators of the first rank who hold that objectionable Federal interference would in all probability be declared unconstitutional.

In "A Statement on the Present Crisis" issued in 1933 the Bishops of the Administrative Committee of the National Catholic Welfare Conference said: "Propagandists and school lobbyists have not a sense of fairness to Catholic schools . . . They are reluctant to give them due recognition or even that measure of justice which in every other matter the American sense of fairness demands." The complaint is entirely justified. Not only the magisterium of the Church, but a natural sense of justice as well, teaches that rewards and benefits should be shared in by all who share in the burdens imposed by the civil power. If, then, Catholics pay taxes for educational purposes, they should participate in the benefits accruing from those taxes.

To the quite obvious objection that Catholics share equally with others the right to the use of the public schools, we may give a twofold answer. First: the civil authorities in most places are unable to meet the expenses that would be involved in educating the children now in Catholic schools were those schools to close their doors. Secondly, Catholic parents cannot conscientiously approve for their children schools in which religion is ignored and the subjects in the curriculum are taught from a purely secular viewpoint.

That any education provided by the civil power should be in

¹ *Federal Aid to Education in the Emergency*. Also, *Catholic Action*, September, 1934.

harmony with the consciences of its citizens may be seen from the necessary relations between the family and civil society. The family does not exist for the civic group, but the civic group exists for the family, which enjoys a priority of time and of nature. The proper function of the civic group is to help the family to the attainment of its high purposes, while protecting the prior rights of the family and offering means and opportunities for their exercise.

Civil society has rights in educational matters "in virtue of the authority which it possesses to promote the common temporal welfare, which is precisely the purpose of its existence."² But it must not infringe nor encroach upon the rights of the family. These rights, inherent in the parents and derived directly from the law of nature, are primary and inalienable, just as is the concomitant duty of providing for the physical, material and spiritual well-being of their offspring. This point need not be labored here. Those who deny it either have no children or else contradict themselves in practice in the intimacies of family life. The recognition by the masses of this primacy of familial right and duty has undoubtedly been an important factor in keeping public education predominantly a local affair rather than a State enterprise.

Nowhere do we find a better statement of the civil power's rights and duties in education than the one given by the reigning Sovereign Pontiff:

"Education cannot pertain to civil society in the same way in which it pertains to the Church and to the family, but in a different way, corresponding to its own particular end and object. . . . In the first place it pertains to the State, in view of the common good, to promote in various ways the education and instruction of youth. It should begin by encouraging and assisting, of its own accord, the initiative and activity of the Church and the family, whose successes in this field have been clearly demonstrated by history and experience. It should moreover supplement their work whenever this falls short of what is necessary, even by means of its own schools and institutions. . . . The State can exact and take measures to secure that all its citizens have the necessary knowledge of their civic and political duties, and a certain degree of physical, intellectual and moral culture, which, considering the conditions of our times, is really necessary for the common good. However it is clear that in all these ways of promoting education and instruction, both public and private, the State should respect the inherent rights of the Church and of the family concerning Christian education."³

² Encyclical Letter of Pope Pius XI on Christian Education of Youth, 1929.

³ Op. cit.

Archbishop McNicholas says: "Parents are the vicars of God in the education of their children. The State when it assumes the responsibility of teaching is only the deputy of the parent. The erroneous idea, therefore, that parents have in the education of their children only such rights as the State chooses to grant them should be dispelled. . . . The responsibility of parents for the body of their child is acknowledged by all. But the responsibility extends likewise to its mind, for they are parents of the whole child—mind and body."⁴ His Excellency's words are thoroughly in accord with those of the United States Supreme Court: "The child is not the mere creature of the State; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional duties."⁵

Catholic schools do not, then, exist merely through the favor or toleration of the State. In sending their children to them parents are doing all that the State may justly demand in regard to education. The highest court of the land has so declared, in these words:

"The fundamental theory of liberty upon which all governments in this Union repose excludes any general power of the State to standardize its children by forcing them to accept instruction from public teachers only."⁶

Since parents who send their children to Catholic schools fulfil the compulsory education laws, why should they not participate in funds disbursed by the civil power for educational purposes? They should not be penalized in the exercise of a right granted to them by God and recognized by the Constitution of the United States. Yet, besides supporting the Catholic schools they are obliged to pay taxes for the support of a school system which they cannot conscientiously use and in which the per capita cost is much higher than in their own institutions of learning.

Unwillingness to grant public funds to our schools is due in some measure to the idea that religious instruction in the school is contrary to American principles. The entertainment of this idea bespeaks a woful ignorance of our history. A look backward to our forefathers will afford ample evidence of its falsity. Throughout the colonial period and indeed until long after the Revolution the schools of our land were donomina-

⁴ Quoted in *Catholic Action*, September, 1934.

⁵ Decision in the Oregon School Case, 1925.

⁶ Loc. cit.

tional or "confessional." The belief so firmly held to by the founders of our nation, that education cannot rightly be divorced from religion, was reaffirmed in the Northwest Ordinance of 1787: "*Religion, morality and knowledge, being essential to good government and the happiness of mankind, schools and means of education shall be encouraged.*" The public school system is celebrating its centennial this year. Catholics failed to see why the introduction of the "non-sectarian" school should involve the discontinuance of allotments of public funds for their schools. That there were many, even among public officials, who shared their view is evident from the Lowell, Poughkeepsie and Faribault experiments and other such arrangements for the conduct of Catholic schools on a semi-public basis.

The States spend enormous sums for education not only in State universities but also in public elementary and secondary schools within their borders. In twenty-four States, 19% or more of the money necessary to maintain these schools comes from the State; the average percentage is 29.8. Additional figures will no doubt be of interest. Delaware pays 87.9% of public school expenses; Alabama, 40.8%; Mississippi, 33.5%; Washington, 28.9%; New York, 27.6%; Michigan, 18.2%; Pennsylvania, 13.9%. In 1930 New York paid to local school districts \$88,490,000; California, \$26,028,000; Pennsylvania, \$23,092,000; Texas, \$22,029,000; New Jersey, \$20,956,000; Michigan, \$19,697,000.⁷

The basis for computation of the amounts to be given to each school district differs in the various States. In this connection it is interesting, to say the least, to note that in some States local authorities receive for the maintenance of the public schools sums figured on the number of children of school age in the district, regardless of the attendance or non-attendance of these children at the public schools.⁸ The Catholic school authorities get nothing.

Why should the State contribute to the education of the 400 children in Squeedunk and the 2000 children in Ooskywoosky, and ignore in its disbursements the needs and rights of thousands of Catholic children? Should the State be more interested in local school systems as such than in large groups of potential citizens?

⁷ From *Ohio Schools*, quoted in *School and Society*, Nov. 26, 1932.

⁸ James E. Cummings in *Report of the Thirtieth Annual Meeting of the National Catholic Educational Association*, 1933, (p. 433). Also in "Taxes and Our Schools," *Columbia*, September, 1933.

Many of the State laws regarding educational institutions must be observed by our schools as well as by the public schools. We have no objection to that. But it does seem only fair that the State help us, as it helps them, to meet the expenses involved in meeting the requirements it lays down.

Our early legislators considered the fostering and encouragement of religious schools by the State a sound public policy. A return to their idea is fully warranted inasmuch as the results of four generations of public school education have fallen immeasurably short of its advocates' expectations. That old catch-word, "If you open a school, you close a prison," has not been verified in the case of the public schools. Lack of religious instruction in them has been deplored by such noteworthy secular educators as Professors Eliot, James, Hadley and Butler. In his latest annual report as president of Columbia University, Dr. Butler refers to the ignorance of religion among students as "a serious state of affairs" and urges the reintroduction of religion as a subject-matter of education.⁹

Whether State aid is proposed as an emergency measure or as a permanent arrangement many difficulties will be encountered. We will meet not only with much ignorance and prejudice, but also with State constitutional prohibitions against the granting of such aid. In every State the constitution provides that State support be not given to any school in which religious instruction is given or in which the teachers are clothed in religious garb.

These obstacles are not insuperable. Enlightened public sentiment has always been a strong factor in our internal public policies. Catholics constitute roughly one-sixth of the population of this country. And we may draw encouragement from facts recorded by Bishop Alter:

"The Lutheran people and the Seventh Day Adventists have both conducted parish schools of their own. They share the same convictions as the Catholic people in regard to the necessity of making religion an essential part of the school curriculum. . . . All the Christian and Jewish groups however have recognized since the foundation of this Republic that good citizenship depends upon three things, namely, religion, morality and education. They have recognized furthermore that these three are one and inseparable. . . . For all religious minded people the present situation is very unsatisfactory. . . . The same privileges which we seek now under the new State legislation are sought not merely for ourselves but for all religious groups in the State."¹⁰

⁹ Rev. James M. Gillis, C.S.P., *One More President Sees the Light*, N. C. W. C. Press Feature, January, 1935.

State aid for "confessional" schools is not impracticable. Germany, Canada, England and other countries have made legal provisions for their support. Bishop Alter tells of one arrangement in Canada :

"Throughout the Province of Ontario there are Catholic separate schools which by the law of 1863 are recognized as State schools with full right to have their own religious teachers and their own religious instruction in the curriculum. The Catholic minority of Ontario pays its school taxes through the tax collectors of city or township into a fund out of which the Catholic schools are maintained. It may even determine the rate of taxation according to the needs of its own schools. The government makes an annual appropriation to these Catholic separate schools as well as to the public schools. The separate Catholic schools are centrally administered by the Dean of Education at Toronto, but are locally administered by a Board of Trustees elected by the Catholics of the respective school districts. This Board of Catholic Trustees is fully empowered to negotiate loans for the erection of buildings, engage and dismiss teachers, choose its own text books, and in general conduct the affairs of the schools with complete liberty as long as the professional requirements of a standard education are satisfactorily met."¹⁰

This arrangement, under which taxpayers designate which schools they wish to support, is not ideal. Just now the Catholics are fighting, successfully, for a larger share of the taxes paid by large corporations whose Boards of Directors are made up of Catholics and non-Catholics. But the plan has many features worthy of consideration in the drafting of any monetary arrangements between Catholic school authorities and State governments. It excludes objectionable State interference which some prominent Catholic individuals and groups in this country fear will be the outcome of State aid.

Reasonable, just and conformable to American principles is the step we ask our State governments to take. We seek a New Deal, a square deal. We entertain no rancor or bitterness over past or present injustice. We know that we will receive compensation from the inexhaustible treasury of the Supreme Legislator for all the sacrifices we have made for Catholic education.

¹⁰ *State Support for Religious Free Schools*, by the Most Rev. Karl J. Alter, Bishop of Toledo. Confer also His Excellency's article in the *Catholic Educational Review* for February, 1935.

¹¹ *State Support for Religious Free Schools*, p. 28.

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