

# **Bishops' Letter on Educational Choice** *(October 1998)*

John Courtney Murray said it best: “the whole intent of the First Amendment was to protect, not to injure, the interests of religion in American society.” If Americans are going to be able to exercise freely the right of religious expression, then the so-called “wall of separation” between church and state is a fictitious barrier. We live with many examples of cooperation already: tax-exemption for churches; military chaplaincies; government aid to religious preschools, colleges and universities. Such cooperation respects an individual citizen’s right to exercise freedom of religion under the First Amendment without resulting in the “establishment” of any religion.

The “American proposition,” as Murray phrased it, does not isolate religious expression in this country, but rather links it to the practice of self-government. We are supposed to enjoy government of the people, by the people, and for the people. Government cannot, without violence, be separated from the people and their interests.

## **Religion Excluded from Public Life**

There is a determination in secular philosophy and jurisprudence to exclude religion from the public forum in this country. Religion is relegated to private opinion and personal feelings—it, of course, has nothing to do with objective truth about the existence of God or His revelation to human beings. Public officials, on the other hand, must be concerned about guaranteeing the rights of individuals against any intrusion which would limit their freedom under law. The issue becomes the interpretation of the First Amendment.

John Noonan, a distinguished Federal judge, reminds us that people who push the concept of absolute separation of church and state obscure the linkage which exists for the good of the people. “Historically for Americans,” he writes, “no water tight mental compartments exist by which their religious ideas are isolated from their civic responsibilities.” It is a long established fact that morality and religious values are linked, and a decline in religious values always results in a decline in morality. Secularists do not like to admit this linkage.

## **The Secular Media Oppose Education Vouchers**

The New York Times (June 12 edition) continues to support a concept of separation of church and state which is total when it comes to any government-sponsored financial relief for education going to families with children attending church-affiliated schools. The newspaper railed against a recent Wisconsin Supreme Court decision upholding the use of education vouchers for parents funded by public moneys. If upheld by the United States Supreme Court, the Wisconsin decision could bring about a whole new way of understanding the relationship between church and state

when it comes to educating all the children in a state. Besides low-income parents with little if any tax liability, as in the Wisconsin case, all parents with children in church-affiliated schools could seek to use a portion of their own tax payments for the education of their children.

The New York Times editorial stated that the Wisconsin decision “strikes at the very heart of the constitutionally mandated separation of church and state.” It went on to project dire consequences of “taxpayer dollars flowing into sectarian institutions in contravention of the First Amendment protection against the establishment of religion.” The result would be tax funding of ‘religious indoctrination’, a windfall for “religious lobbies” and even the decimation of the public school system. To fend off even the prospect of mixing religion, education and government funding, the Times conjured up the specter of an apocalypse for public schools in this nation, which no one wants to happen.

## **Parental Rights Promoted**

In reality, the Milwaukee Parental Choice Program, as the voucher program is called, is no threat either to government neutrality toward religion or to the vitality of public schools. It extends to religious schools a program already in place for nonsectarian private schools (apparently the Times thinks secular subjects can be promoted by public funds only in nonreligious private schools but not in schools which also teach religion). The purpose of the Milwaukee decision is to offer a wider choice for parents and better schooling for about 14,000 of Milwaukee’s poorer children. Funding is available only to the city’s poorest families. The emphasis of the program is funding to parents and families and not to institutions. This serves the State’s interest in educating children and avoids the establishment of religion which is the concern of the First Amendment.

Public moneys which support better math and science and computer skills should be available to all the children in a state. The State has a vested interest in all children to help them receive the best possible educational opportunities available. Giving parents the help they need to support quality education for their children will in the long run improve education in both private and public schools.

It is time for Nebraska and all states of our union to support the rights of parents to educate their children in schools of their choice. It is time to provide tax relief for parents who choose church private schools, and to admit that such tax relief is not an establishment of religion. Precedent exists in the allocation of tax moneys to students who choose religiously-affiliated colleges and universities. The purpose of the allocation is to educate people, not to support religion. The churches will continue to teach their children religion with their own funds, without benefit of public funds. We think most people agree that religion programs which support the tenets of one religion should never be supported with public funds.

## **Tax Savings to State and Local Government**

Statistics from the Nebraska Department of Education for the 1997-98 school year list 39,729 students enrolled in K-12 non-government-sponsored schools in the state. Of these, three-fourths (29,896) were enrolled in Catholic schools.

In 1997, a bill introduced in the Nebraska Legislature suggested that the cost to state and local government of providing just a core curriculum would be \$4,300 per pupil. Using this figure as a low-end per-pupil cost, tax-payers who enroll 40,000 students in non-government schools save the state and local governments at least \$172 million a year. Catholic-school families generate savings of at least \$129 million for taxpayers in the state for one year.

So far, the only financial support the State provides for children enrolled in non-government schools is the textbook-loan program, with an appropriation for 1999 totaling \$312,525. The State's total K-12 budget for 1999 is approximately \$752 million. This means state spending for the textbook lending program is four-one-hundredths of one percent of state funding for K-12 education in Nebraska. No wonder parents of children in non-government-funded schools are beginning to demand that a higher percentage of their tax payments benefit their children.

## **Congressional Support**

The Congress of the United States indicated its approval of tax relief for funds used for educational purposes in its historic bill, 'The Education Sport and Excellence Act of 1998' (also known as the A+ savings account legislation), which passed by a majority vote in the House of Representatives (225-197) and a strong bipartisan vote in then Senate (59-36). The bill would have allowed families to invest \$2000 annually in a special savings account and use the principal and tax-free interest for K-12 education expenses. The tax advantage would have benefited K-12 school children whether they attended public, private or home school. This plan involved after-tax dollars and would have taken no money from public-school budgets. Unfortunately, President Clinton vetoed this bill because he considered the legislation 'vouchers in disguise', which is fiercely opposed by the strong public school teachers' union.

Despite the President's veto and the organized opposition of the teachers' union, the time has come for Congress to strengthen parental rights in education. Most parents who have their children in Catholic K-12 schools do not mind paying taxes to support public education, but to be refused tax relief to support the education of their own children is a miscarriage of justice. At least some of the money they save taxpayers by supporting private education should be used to strengthen educational programs for their children. Parents see this need, and gradually our congressional delegations are coming to understand it.

We urge people in Nebraska to lobby their state legislators regarding tax relief for parents who have their children in private or parochial schools. We urge people in Nebraska to lobby their congressional delegation in support of legislation to authorize tax-free savings accounts for costs of elementary and secondary education, both public and private. It is only by uniting our efforts to inform our legislators about the intent of the First Amendment regarding establishment of religion, which is separate from their obligation to support quality education for all children, that parents will be allowed to choose the education they want for their children. We think education in Nebraska and throughout our nation will be strengthened by this process, both public and private.

The First Amendment guards our democracy against the establishment of religion by the state. It was never intended to weaken religion or to be used against parents who prefer schools which teach religion in addition to all the other subjects. Secularists who demand a total wall of separation between religion and public life are revisionists who need to be challenged by the facts at every turn.

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