

McManus, William E.  
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# The Question of State Aid for Parochial Schools

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# \*STATE AID FOR PAROCHIAL SCHOOLS

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Almost every issue of our Catholic papers carries one or more stories on some phase of the constant dispute over the use of tax funds for parochial schools.

One week federal aid hits the headlines, another week feature stories report the latest developments in the New Mexico or North Dakota religious garb controversies. Another time news will break on the school lunch program, or released time religious instruction, or tax exemption.

And, on the trail of the news are the inevitable public statements and topical sermons of ecclesiastics, Catholic and non-Catholic, who wish to take sides in the controversy.

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\* The following address was delivered by the Rev. William E. McManus at the Catholic Press Association's national convention in Cleveland, May 21, 1948. Father McManus is assistant director of the Education Department of the National Catholic Welfare Conference and a recognized authority on the question of state aid for parochial schools.

Then there are the editorials and columns, which repeatedly hammer home the idea that Catholic schools should be given a fair share of public funds, because Catholics, who, like other citizens, pay taxes for education, should receive some return on their money. So, they argue, laws which bar aid to parochial schools are unjust and discriminatory, and Catholics ought to demand their repeal or amendment.

This barrage of news stories and editorials has stunned the average Catholic lay person who until recently had been under the impression that Catholic school authorities wanted no part of public funds and would not accept public support for fear of public control. The present incessant plea for a share of public money strikes a discordant note in the ear of the Catholic lay person who for years has been told in sermons that our Catholic schools are independent institutions, financed entirely by voluntary contributions and free completely of any control or supervision by governmental agencies.

In the opinion of most lay persons, the current agitation to secure concessions from the government betrays an unpardonable disregard for the traditions of Catholic education in this country, where Catholic schools have acquired a status of academic independence unmatched by Catholic schools in other lands, and this independence has been won at the high but well worth-while price of supporting our schools entirely by voluntary contributions. As one Catholic lay person put it,

“Why is the Catholic Church working so vigorously for something it really doesn’t want?”

A Catholic lawyer put the same question even more forcefully. “Why,” he asked, “is the Catholic Church campaigning so militantly to secure public funds for its parochial schools, when (1) the constitutions of the States and the United States forbid this practice, (2) the acceptance of funds necessarily would involve governmental control, (3) the campaign itself boomerangs by arousing opposition against the limited governmental aid which the parochial schools now have, and (4) the campaign is driving Protestants and other non-Catholics further away from the Church?” In other words, he asked, “Why should the Church engage in a futile campaign for something in itself undesirable, a campaign which will jeopardize the Catholic schools’ present legal status, and which will impede the Church’s essential spiritual mission to win all souls for Christ.”

That is a hard question. I hope to propose an answer to it here. But before taking up the question, may I offer this observation: that this question, and many more like it, are frequently raised by Catholic lay persons (and by some priests too) is in itself an indication that the so-called Catholic school campaign for public funds has not been properly interpreted to the readers of the Catholic press.

And immediately to put the blame for this situation where it belongs, I should say that the specialists in educational politics and church-state relations have not fully clarified

their own thinking on these intricate issues with the result that the non-specialists are just a shade more confused than the specialists themselves. With the hope of making amends for any personal negligence in this regard, I should like to sketch in broad outline a rationale for our maneuvers in what might be called the field of educational politics.

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Let us begin with facts. Are Catholic schools in this country entitled to a share of public funds? The answer to this question is clearly set forth in Pope Pius XI's Encyclical on the "Christian Education of Youth":

"And let no one say that in a nation where there are different religious beliefs, it is impossible to provide for public instruction otherwise than by neutral or mixed schools. In such a case it becomes the duty of the State, indeed it is the easier and more reasonable method of procedure, to leave free scope to the initiative of the Church and the family, while giving them such assistance as justice demands.

"That this can be done to the full satisfaction of families, and to the advantage of education and of public peace and tranquility, is clear from the actual experience of some countries comprising different religious denominations. There the school legislation respects the rights of the family, and Catholics are free to follow their own system of teaching in schools that are entirely Catholic. Nor is distributive justice lost sight of, as is evidenced by the

financial aid granted by the State to the Several schools demanded by the families.”

In another statement in the same Encyclical, the Holy Father called attention to the fact that in the United States Catholics openly profess as their motto: Catholic education in Catholic schools for all Catholic youth and then said, “If such education is not aided from public funds, as distributive justice requires, certainly it may not be opposed by any civil authority ready to recognize the rights of the family, and the irreducible claims of legitimate liberty.”

Immediately after this statement the Holy Father asked Catholics to promote the enactment of laws that respect the norms of distributive justice. His instruction reads, “Where this fundamental liberty is thwarted or interfered with, Catholics will never feel, whatever may have been the sacrifices already made, that they have done enough, for the support and defense of their schools and for the securing of laws that will do them justice.”

In summary, therefore, we know from the Holy Father’s Encyclical that distributive justice obliges government to support parochial schools.

Unfortunately, however, distributive justice is one of those very intricate moral principles about which academic moralists have said and written very little. At least, however, they have told us that distributive justice imposes an obligation upon government to disburse its tax revenues to all persons and institutions that

render a public service requested by the government. Hence, to the extent that parochial schools do render a public service, they are entitled to a share of public funds.

That Catholic schools actually do render a public service is a fact beyond dispute, for, like the public schools, they too prepare their students for the responsibilities of American citizenship. By approving Catholic schools as institutions to which parents may send their children in compliance with compulsory education laws, and by granting them tax exemption, the State has acknowledged the parochial schools' contribution to the general educational welfare of the State.

The extent of the parochial schools' service to the public is as difficult to determine as its correlative, the precise dollar and cents amount of public funds which parochial schools may claim in distributive justice.

Certainly it would be a gross oversimplification to assume that public and parochial schools should receive exactly the same amount of public funds. This oversimplified assumption would discount completely the very real difference between commutative justice, which obliges government to pay two postmen equal pay for equal work, and distributive justice, which is a very broad principle including many factors that guide government when it spreads out its available tax resources among its many claimants upon them.

Therefore, in adjudicating the claims of educational institutions, government, mindful of its duty of distributive justice, must take into



consideration the amount of tax funds available, the need for a coordinated school system in the interest of national unity, the degree of public supervision of privately-controlled schools, and in all of its practical decisions it must be governed by consideration of political wisdom and prudence.

Accordingly, a local government may justifiably grant a priority of public funds to public schools which depend upon these funds for their entire support, whereas private schools have other sources of income.

On the other hand, a local community's arbitrary refusal to give any financial aid to private schools which are fully recognized as an integral part of the community's educational system is a clear violation of distributive justice, and one which Catholics should endeavor to correct.

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My explanation of distributive justice somewhat deflates the stock polemic that "because Catholic taxpayers, and particularly Catholic parents, pay school taxes, parochial schools should be supported." There is an apparent non sequitur in that argument. Other taxpayers besides Catholic also receive no direct return from their school taxes. Moreover, regardless of the amount of taxes paid by Catholics, parochial schools are entitled to tax support to the extent that they serve the public interest.

Fortunately, in this nation, school taxes are not earmarked according to the religious denomination of the taxpayer. Rather, our American schools are regarded as community enterprises supported by all the people in the locality. Accordingly, as good citizens Catholics like their non-Catholic neighbors have a duty in legal justice to pay taxes for all the schools financed by the government. The taxpayer's return is the enlightened citizenry—needed for the perpetuation of our democracy.

In short, Catholics protest government's refusal to support parochial schools, not as Catholics, not as taxpayers, but as citizens interested in a fair and equitable distribution of public funds.

The next fact: Is it futile for Catholics to ask any branch of our government to allocate a fair share of public funds to parochial schools?

Futility is about the same as hopelessness, in the sense that both virtually deny the whole idea of hope. For the Christian who believes in the Providence of God, the case of justice is never hopeless, and any effort to secure justice cannot be regarded as futile.

I doubt, however, whether for some time the majority of the American people will allow their government to grant full support to parochial schools, but I am confident that an ever increasing number of our fellow Americans will give a sympathetic hearing to our request for fringe benefits like bus rides and textbooks.

The fact remains, however, that under exist-

ing laws, local and State tax funds may not be used for the direct aid of parochial schools; in some States indirect aid is allowed. Moreover, the First Amendment, as interpreted by the Supreme Court of the U. S. in the Everson and McCollum decisions, now virtually forbids any public aid to parochial schools.

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**Another fact: Would public support of non-public schools subject them to public control?**

I think it would, but I hasten to add that public control of Catholic parochial schools is not inherently vicious. Public control needs to be defined. It may mean (1) **governmental management** in the sense that an agency of government operates the school, determines all policies, selects the teachers, the textbooks, and course of study. As we shall see later on, this kind of control over either public or nonpublic schools should not be granted to any branch of our government; (2) **Governmental supervision** in the sense that a governmental agency sets academic standards for accreditation; (3) **administrative control** in the sense that a governmental agency audits school expenditures to determine whether public funds actually were used for the purpose for which they were appropriated.

I do not think that public support would force parochial schools to submit to governmental management; it might subject them to a degree of governmental supervision, and it certainly would entail administrative control. Ad-

mitting the very real danger of governmental management, need parochial schools fear supervisory and administrative controls? I think not.

Catholic schools have nothing to hide from our government; their teachers, textbooks and general academic standards are on the average as satisfactory as those of the public schools.

Moreover, by deliberately exposing our schools to public view we might disabuse a large segment of our population of the very inaccurate notion that parochial schools are catechetical institutes where instruction in secular subjects frequently is set aside to allow plenty of time for a narrow sectarian religious indoctrination.

As for administrative control, Catholic schools like any other reputable agency serving the public need have no qualms about an audit of their expenditures of public funds.

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One final fact: Has the so-called Catholic campaign for public funds antagonized our Protestants and other non-Catholic neighbors? In a way it has. After the Everson bus ride decision, which supposedly was a great victory for parochial school interests, a group of very articulate opponents of public aid for denominational schools established a new organization with the ponderous title, Protestants and Other Americans United for the Separation of Church and State.

POAU's manifesto announced its determination to arouse public opinion against the Catholic Hierarchy's alleged maneuvers to capture

control of American public education. In its manifesto, POAU also called upon all freedom-loving Americans to resist any infringement of the religious liberty by the Catholic Church whose policies on church-state relations are, it was said, incompatible with the American ideal of religious freedom. Besides widely publicizing these manifesto broadsides, POAU has cleverly exploited a very unusual church-state practice in New Mexico, where a few school boards employ nuns as public school teachers.

POAU's agents, and publicity wise gentlemen they are, are using the New Mexico dispute as a cause *celebré* in an attempt to prove to an unsuspecting American public that the Bishops are out to seize control of all American public schools.

Unquestionably, POAU's propaganda has had considerable influence in non-Catholic circles, and not a few Protestants probably do believe that the Catholic Church is a serious threat to religious liberty in our nation. Also, the propaganda may have become a stumbling block for persons on their way into the Church.

On the other hand, POAU's flashy success may be a blessing in disguise, for its success has sounded an alarm in those Protestant organizations which now know that the real enemy of religion itself—not to mention religious liberty—is not the Catholic Church but the secularism that is gnawing away at the very roots of religion.

And these anti-secularists, or moderate Protestants, as they would like to be called, now know that they too soon must issue a mani-

festos calling upon the Protestant faithful to take stock of secularism's insidious inroads in Protestant thought and action, and of its pernicious effect upon Protestantism's influence as a cultural force in American life.

One thing is certain—POAU may make a lot of noise, but it does not speak for the majority of Protestants. And the sooner the moderate Protestants let this fact be widely known, the better will be their opportunity to combat secularism.

For the present, however, there is no gain-saying the fact that any attempt to secure public funds for parochial schools will be met with a sharp rebuff from POAU and its affiliates, and the resultant scandalous wrangling among religious groups may dissuade well disposed persons from entering the Church.

There are the facts; what is their significance for Catholic schools? The facts clearly demonstrate that Catholic schools have a right to funds which they probably will not receive, and if they did, they would have to accept a certain amount of public control. Moreover, even asking for public funds stirs up a hornet's nest in Protestant circles, and souls remain outside the one true fold.

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Shall Catholic school authorities fold their tents and give up the fight; shall they declare that parochial schools are absolutely independent institutions, accountable to nobody but the Church, supported by nobody except their own generous benefactors?

In my opinion, they should not give up the

fight for in pleading the cause of public aid for parochial schools, they are upholding the best interests of both public and parochial schools. Obviously this whole controversy has much more significant facets than a mere quarrel over the amount of public money which might be given to parochial schools. This dispute brings into sharp focus two fundamental issues on which the proponents and opponents of public aid for private schools are divided.

These two issues are: the relationship of government to education, and the relationship of church and state.

Thus, the proponents of public aid maintain that service to the public, and not public control should be the criterion of a school's eligibility to receive public funds. The opponents insist that our government has a right to control every school it assists, and moreover that it fully discharges its educational responsibilities by providing public school opportunities for all children.

On the church and state issue, the proponents argue that the First Amendment simply forbids the establishment of an official church (an historical fact recently scuttled by the United States Supreme Court) or at most it forbids aid to religion as such, and not aid to religious education or education provided under church auspices; opponents of public subsidies for parochial schools insist that no public funds legally may be given to any institution that is not completely and unquestionably secular.

Certainly these issues must be of great concern to all persons interested in the welfare of our nation's public and parochial schools. Consider the basic questions raised by the dispute on these issues. Are we tending toward a governmental monopoly of education? Must all educational, health and charitable institutions submit to a process of secularization before they dare ask for a State subsidy? If under a democratic government parochial schools have no right to public funds, what legal right have they even to exist? If parochial schools do not serve the public good, do they deserve tax exemption? Is the parental prerogative in education an inalienable right, or is it a privilege granted by the State? (Incidentally, the present-day emphasis on the "parental privilege" to send one's children to a parochial school sounds an ominous note that makes one wonder how securely the parental right is protected by the Oregon decision.)

The importance of the first issue, the relationship of government to education, cannot be stressed too much. This issue is a live one in almost every nation of the world.

As an educator recently returned from Europe remarked:

"In almost every nation of the world there is a struggle between democracy and totalitarianism. A major battleground is the school, particularly the private school. Where democracy prevails, private schools are encouraged, and in some nations, they are supported by public funds. In the totalitarian nations, private schools are either suppressed or seriously



restricted in their academic activities. I would judge that a nation's most powerful safeguard against totalitarianism is the maintenance of variety, diversity and independence of schooling. The private school, embodying the national tradition, but not subject to political control, is a mighty bulwark against those forces which would destroy both free schools and free nations."

In its May 7th issue, the *Cleveland Universe Bulletin* headlined a story, "School Secularists Peril Free Europe" and reported "The worldwide political assault on the rights of parents in the education of their children was threatening today to disrupt the coalition governments of France and Belgium.

"In France, a cabinet crisis was temporarily averted when the question of state seizure of certain parish schools was postponed.

"In Belgium, attempts of the Socialist Party to whittle away Christian education and force Belgian children into irreligious schools without regard to the desires of their parents was threatening a cabinet crisis which might seriously weaken Western European resistance to Soviet aggression."

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**How secure then is democracy in the United States?**

The Oregon decision guarantees every parent a right to send his child to a parochial school. But many parents cannot exercise this right because they and others so minded cannot raise enough money to finance a parochial school. By denying tax funds to parochial

schools, our government has refused to help parents exercise their rights. How secure is our democracy? Not too secure.

A democratic government whose practice negates one of the fundamental principles on which it is supposed to operate is indulging in a form of schizoid activity which is an open invitation to totalitarianism. Recent history has proved that the first step toward the suppression of a right is the imposition of economic pressure upon its free exercise.

The Oregon decision and public support of parochial schools go together like the right to vote and repeal of the poll tax, the right to collective bargaining and the right to strike, the right to a job and the FEPC, the right to live where you want and the abolition of restrictive covenants, the right to a decent livelihood and the enactment of a minimum wage law.

Therefore, even if a single penny of public funds never reaches a parochial school, the endeavor to secure public funds will not be wasted effort, for only a persistent struggle against any trend toward government monopoly of education will at least forestall the threat to democracy when the schools no longer would use the government but the government would be using them. In short, when Catholic school administrators demand aid for parochial schools, they are actually contributing to the preservation of democracy by opposing a view of the relationship of government to education which is a threat not only to parochial but to public schools as well.

The whole church-state issue is centered mainly around the correct interpretation of the First Amendment. Those who claim, as does our United States Supreme Court, that the First Amendment prohibits any form of direct or indirect aid to religious organizations on a non-discriminatory basis are preparing a way for the establishment of a lay state similar to the one in France after the Revolution. They base their claim on the fallacy that it is impossible for government to be neutral towards all religious groups as long as these groups are among themselves unequal in number and in prestige.

Carried to its logical conclusion, this interpretation of the First Amendment would permit government, step by step, to take away from religious organizations the benefits which they now have. If this interpretation of the First Amendment is correct, there can be no sound basis for granting tax exemption to religious organizations.

A further consequences of this interpretation of the First Amendment is its virtual endorsement of secularism as a constitutional requirement of any institution eligible to receive public assistance from the government. This, in turn, would lead to the strengthening of secularism as a dominant force in American life, for it is already evident that proponents of this interpretation of the First Amendment are interpreting the American way of life in essentially secularist terms. Not only do they advocate the complete secularization of public schools, but now they seek to substitute a natural religion for revealed religion. They claim

that this natural religion provides all the spiritual values of revealed religion without the element of sectarian divisiveness.

Those on the other hand who regard the First Amendment in its true, historical meaning, interpret it as a prohibition against the establishment of any one church as the official church in the United States. They hold to the opinion that government may cooperate with religious organizations on a non-discriminatory basis. In supporting this interpretation, they give expression to their belief that our American institutions are founded upon a Christian interpretation of life.

Therefore, by maintaining that parochial schools should receive public funds, Catholic spokesmen may somewhat hold in check the growing trend towards the complete secularization of American institutions. They may further promote a reform of public education along lines which would permit at least a limited amount of religious instruction in the public school curriculum. In so doing, they are making a great contribution to the general welfare of the American people.

In this paper I have endeavored to formulate a rationale for our efforts to secure public funds for private schools. The rationale is complex, intricate and subtle. Its substance is the issues underlying the whole controversy. Its specific characteristic is its long-range defense of the best interest of American education as a whole.

Perhaps this rationale might be better understood by the public were it presented as one

phase of the Church's comprehensive plan for social justice. In other words, we ought to stress the idea that the Catholic concern for the worker, the Negro, the underprivileged, stems from the very same principle as our concern for the parochial school child. Let us associate things that go together. For example, let us respect all inalienable rights, a parent's right to select a parochial school, and a worker's right to hold a job, regardless of his race, color, or creed; let us oppose all discrimination, the discrimination against parochial school pupils who are ejected from a public school bus, and the discrimination against Jews who are ejected from a "Gentile Only" bathing beach. We cannot expect the American public to give a sympathetic hearing to our plea for public funds unless this plea is integrated with the Church's distinguished defense of all human rights and with her keen sense of justice and good government.

I hope that the Catholic editors will do their best to interpret this rationale to their readers. Not until school authorities have the backing of an enlightened Catholic laity may they even hope for success in their task of educational statesmanship, a task that involves bringing about a harmonious partnership between the different agencies concerned with the education of youth, a task that in the end will enshrine the principle of divided authority as a basic condition of freedom.

When full freedom of education prevails in our nation, parochial schools will not be denied the limited amount of public funds they now request.

RANDELL INC.  
Washington, D. C.





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## **Liberty and Justice!**

**The demand that Catholic parochial schools share in public funds is inspired by justice and legitimate liberty. Furthermore, the Catholic campaign in behalf of state aid for parochial schools serves to check the totalitarian and secularistic attempts of those who seek to destroy America's traditions of educational freedom and bring all its schools into a single state-controlled system. For a clear understanding of the state - aid - to - schools controversy read this expert article by**

**Rev. Wm. E. McManus**

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