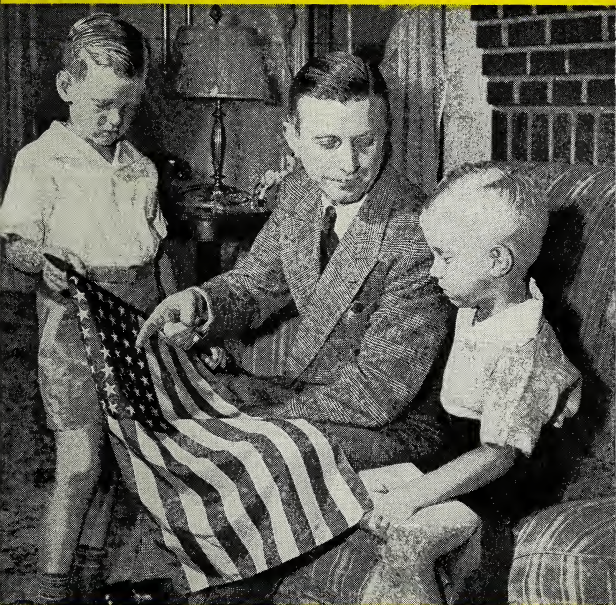


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SECOND CLASS CITIZENS?



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SECOND CLASS CITIZENS?



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by

RICHARD GINDER



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SECOND CLASS CITIZENS?

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May the American Government discriminate against one of its citizens because of his religion? Has it the right to make, say, Methodists, or Catholics, or Baptists second-class citizens simply because they are Methodists, or Catholics, or Baptists?

Of course not, you will say—and rightly. Our Constitution guarantees us freedom of religion and it guarantees the equality of all religions before the law.

Church and state work hand in hand for our happiness. The State looks after our earthly needs, providing us with such things as fire-protection, security from violence, highways and, in recent years, the benefits of social-security and old-age pensions. It looks after our body. But when it comes to the soul, that's

where the State steps aside and the Church takes over, teaching us how to live with a good conscience, how to please God, and how to get to heaven.

Just as each individual is made up of body and soul, so each individual is subject to both the State and the Church. And just as cooperation is required between body and soul, in the same way cooperation is necessary between State and Church. Separation of body and soul results in death. Complete separation of Church and State can be equally disastrous.

It isn't that union between Church and State is called for, such that religion would be a department of the Government with a portfolio in the Cabinet. No, but just as cooperation is required between a mother and a father in rearing a child, in much the same way, cooperation is necessary between Church and State in procuring the happiness of the citizen.

Jesus put it very well in the first century: "Render to Caesar the things that are Caesar's, and to God the things that are God's." And in the fifth century, St.

Gelasius, a great churchman, developed the idea, saying that God divided the functions of Church and State, assigning to each its proper task and dignity.

“The spiritual power remains far removed from the temptations of the world, and campaigning for God, does not mix into the affairs of the world, while on its side, the secular power takes care not to undertake the direction of Divine things. By each resting modestly in its place, each power avoids the pride of seizing absolute power, and thus holds a greater competence in the things that are his own.”

The Machiavellian Theory

It was not until the sixteenth century that Machiavelli taught his theory that the State is above God's law, i.e. that it may lie, murder, cheat, and plunder to get what it wants. It was only a step from this to the totalitarian idea that the State is supreme in everything—including religion.

The Founding Fathers of our country had no such idea, of course. Good, God-fearing men, they phrased the Constitu-

tion so that it would insure freedom of religion and, since we have so many different churches in this country, they guaranteed equality of all churches before the law.

Hence it is that, Church and State, each has its own theatre of operations. As Leo XIII expressed it:

“The Almighty has divided the charge of the human race between two powers, the ecclesiastical and the civil, the one being set over divine, the other over human things. Each in its kind is supreme, each has fixed limits within which it is contained, limits which are defined by the nature and special object of the province of each, so that there is, we may say, an orbit traced out within which the action of each is brought into play by its own native right.”

Separation of Church and State?

To tell the truth, it's hard to fit any principle of “separation of Church and State” into this picture. That phrase has become a sort of slogan in the past few years, unchallenged and passing sometimes as “a great American tradition,”

sometimes as a "Constitutional principle." Actually, it is neither. And yet to question it is to lay oneself open to the suspicion of harboring some sinister plot or other against the welfare of our republic.

The result is that philosophers and jurists of every religion have lately been studying the matter, trying to justify it and make it fit, somehow, into the present-day pattern of American Government.

Thus in November, 1946, the American Council on Education declared that:

"The core of meaning in the doctrine of separation of Church and State we believe to be this: there shall be no ecclesiastical control of political functions; there shall be no political dictation in the ecclesiastical sphere, except as public safety or public morals may require it."

Dean Luther A. Weigle of Yale Divinity School says just about the same thing regarding the "principle," but he goes on to add that

"It does not mean that Church and State, being mutually free, may not cooperate with each other. And it does not

mean that the State acknowledges no God, or that the State is exempt from the moral law wherewith God sets the bounds of justice for nations as well as individuals.”

Hence, the United States Government, in recognizing the equality of all churches before the law, is not saying that one church is as good as another, or that religion is beneath its notice—or anything of the kind. If it made any sort of pronouncement at all on the quality of the various churches, individually or collectively, it would itself assume something in the nature of a church by issuing a religious pronouncement.

Further, the Separation-principle does not mean that the Government is forbidden to help religion, provided its help be impartial and offered to all churches equally.

Why Should Religion Be a Handicap?

If the Government stands ready to help the banking system with its Federal Deposit Insurance; if it could help business with its Reconstruction Finance Corporation and individuals with its

Home Owners' Loan Corporation; there is no reason why, when there is need of it, the Government should withhold assistance from a group of its citizens, merely because they belong to some particular church.

As a matter of fact, Wilfred Parsons, writing in *The First Freedom*,* gives many examples of tax-money going to activities connected with religion.

“Public funds have been distributed to church institutions through the NYA Act, the so-called G.I. Bill of Rights, the Mead Housing Act, the Lanham Act, the School Lunch Act; public funds go to chaplains in Army and Navy, to chaplains in Senate and House of Representatives, to such diverse institutions as the Carville Leprosarium and Howard University; state-paid policemen guard children at street-crossings, parochial schools have ordinary fire and police protection, medical aid, sewage and trash disposal, use of highways and sidewalks; religious and educational institutions enjoy a state subsidy in the form of tax exemption; some parochial-school chil-

*The Declan X. McMullen Co., New York, \$2.25.

dren ride free or at reduced rates on municipally owned traction lines; free text books and bus transportation are given them in some schools."

This shows clearly that there is not and never has been a principle of tradition forbidding the assistance of religious institutions by tax-funds provided those institutions are performing a public service. And yet there is a violent outcry from many quarters whenever it is proposed to help church schools with public funds—and not merely church schools, curiously, but any sort of non-public school. People who are indifferent to the cooperation of Church and State when it concerns practically any other phase of American life, will become indignant at the mention of State-aid to private schools. Why?

The Parochial School System

Doubtless there are those who think of the parochial school as nothing more than a series of catechism classes, glorified and spun out to last from Monday until Friday each week, where the children learn nothing more than their prayers and a little Bible-history.

But, actually, while the public schools are subject to Caesar, the parochial schools are none the less so. The big difference is that the parochial schools are subject also to God. The law of the land requires that every child be given an education up to a certain point. The law of God requires that every child learn his religion. Catholics can't satisfy God's law by putting their children in the public schools, and yet no mere catechism class would satisfy the law of the land. All they can do, then, is to operate schools that satisfy both God and Caesar — and that's precisely what they're doing.

Catholics are now supporting 2,432 high schools with a total enrollment of 506,397 students; and 8,248 grade schools counting 2,274,840 pupils.

This represents a staggering free-will contribution on their part to the public treasury, whereby they are relieving the public at large of the expense involved in educating those 2,781,237 youngsters according to the law of the land.

They are heating and keeping the roofs mended over 2,432 high-school

buildings and 8,248 grade schools. Apart from the salaries of the 10,680 janitors (at the least) required to tend the furnaces and brush out the rooms each night, they're supporting a full-time teaching staff of 101,944.

A \$400-Million Saving

It's been estimated that in 1946 it cost the State of Washington \$162.28 a year to put a child through elementary school, and \$240.59 per year to push him on through high school. Using that as a basis, we arrive at the fact that American Catholics are contributing to the public treasury an annual \$369,161,035.20 through their grade-school system, and \$30,682,594.23 through their high schools, making an annual sum-total of \$399,843,529.43!

In other words, Catholics are saving our American cities and townships \$400-million a year, while, at the same time, they're paying the same taxes as everybody else in support of a public-school system that, for the most part, they're not using.

Their schools are the equals of the public schools as far as education goes. The various public county and state boards see to that. Their children transfer without difficulty from a Catholic school to the corresponding grade in the public schools; or they leave eighth grade in the Catholic school and enter a public high school without the least trouble. If this weren't the case, their schools would have been closed by the public authorities long before this. But they haven't been, and hence they are recognized as acceptable units in our American system of public education.

And yet we read of school buses, supported by taxes, passing up children because they are Catholics fulfilling their duty to the law by acquiring an education—but in a school that satisfies their conscience. If they were not Catholics, they could go to the public school and ride the bus. But because they are Catholics, their conscience forces them to attend a private school—and so they are deprived of bus service. This is what one calls second-class citizenship.

A One-Sided Transaction

It becomes even more strange when we reflect on the Church's contribution towards citizenship. It is church-teaching that all authority comes from God and that good citizenship is a religious virtue. Good church-members always make good citizens.

And yet here, where the Church is making such a substantial contribution toward the interests of the State—it is precisely here that the State refuses to do anything in return and the whole thing becomes a one-sided transaction. In fact, it makes of church-membership practically a civil liability in the sense spoken of by the Mississippi Supreme Court:

“Useful citizenship is a servant and product of both the Church and the State, and the citizen's freedom must include the rights and benefits of each, and to import into each the ideals and training of the other. There is no requirement that the Church should be a liability to those of its citizenship who are at the same time citizens of the State. . . . Indeed, the State has made historical

acknowledgment and daily legislative admission of a mutual dependence, one upon the other. It is the control of one over the other that the Constitution forbids."

It's clear that the public-school system has no monopoly over education. In fascist and communist countries yes—but in a democracy, no.

It's also clear, as we have seen, that the parochial schools are accepted as legitimate units in the American system of public education.

Also, that tax-funds are often appropriated for activities connected with religion.

The Crux of the Debate

"This whole debate resolves itself into this dilemma," says Parsons: "Either the parochial schools perform the same function as the public schools in training children for American citizenship, or they do not. If they do, they are worthy of public support in return for the contribution they make to the State; if they do not perform the same function, then they should immediately be deprived of approval under State compulsory-education laws."

To sum it up legally, one can do no better than to quote Justice Alexander of the Mississippi Supreme Court in a decision on a textbook case:

“The religion to which children of school age adhere is not subject to control by the State; but the children themselves are subject to its control. If the pupil may fulfill its duty to the State by attending a parochial school, it is difficult to see why the State may not fulfill its duty by encouraging it ‘by all suitable means.’

“The State is under the duty to ignore the child’s creed, but not its need. It cannot control what one child may think, but it can and must do all it can to teach the child how to think. The State which allows the pupil to subscribe to any religious creed should not, because of his exercise of this right, proscribe him from benefits common to all.”



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