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GOVERNMENT AID AND PARENTAL RIGHTS IN EDUCATION

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Elsewhere in this issue, Rupert Ederer outlines Catholic social teaching as it applies to the question of the relationship between Church and State and to religious freedom. That article provides a suitable background for Theresa M. Crem's presentation, below, of the merits of governmental aid to private education. Dr. Crem takes up the principles defined in the Church's social teachings and applies them concisely to the current academic and political scene. She concludes that Catholic parents have the right to expect their government to assist them in providing for the education of their children.



MUCH HAS BEEN SAID AND WRITTEN RECENTLY ABOUT THE NEED FOR GOVERNMENT aid to private education. But this issue has been approached almost exclusively from a pragmatic point of view, and little notice has been given to the principles involved. I believe that the reason for our failure to obtain tax credits for parents of children in private schools is that we have not convinced people, not even those within the Catholic community, that government aid to private education is a right, not a hand-out.

PAPAL TEACHING ON EDUCATION AND GOVERNMENT

In order to understand this, it is necessary to reflect upon the rights and duties of parents regarding the education of their children. In his encyclical, *Christian Education of Youth*, Pope Pius XI made a number of points which are still relevant today and applicable even to the pluralistic society of the U.S. He quoted St. Thomas Aquinas who held that because parents bring the child into the world and because nature intends not merely the generation of offspring but also its development and perfecting, parents are by nature the primary educators of their children.

The same teaching can be found in Vatican II's *Declaration on Christian Education*: "Since parents have conferred life on their children, they have a most solemn obligation to educate their offspring. Hence, parents must be acknowledged as the first and foremost educators of their children."

This does not mean that civil society has no rights or duties with regard to the education of its citizens. As Pope Pius XI and Vatican II taught, the purpose of civil society is to promote the common welfare in the temporal order. Therefore, in view of the common good, it pertains to the state to promote the education of youth. The state has the right to set educational standards in order to ensure that its citizens will acquire the necessary knowledge to enable them to function in society. Furthermore, because the family's resources are limited, the state should assist parents and should supplement the educational mission of the family, just as it should promote the family's well-being in other areas. For the family has a priority of nature and therefore of rights over civil society. Hence, the state exists for the well-being of individuals and families, and not the reverse.

In the U.S., the state has exercised its educational responsibility primarily through public schools, which in the past have indeed made an outstanding contribution to the education of our population. However, the increasing secularization and disorder in society has left its mark upon public schools, not only in the moral sphere, but even intellectually through the lowering of standards. We are all familiar with the ever-increasing concern of parents with regard to the academic insufficiency of some of these schools and to the moral and even physical dangers that their children often encounter.

These problems have led many parents to conclude that public schools no longer meet their needs and to turn to private schools. However, here they are faced with escalating tuition resulting primarily from the inflationary pressures of the economy and, in Catholic schools, also the decrease in numbers of teaching Religious.

When faced with the double burden of private school tuition and increasing taxation to support public schools, many families find to their dismay that they have no alternative but to send their children to public schools. This means that for a large segment of our population, public schools constitute a monopoly.

But such a monopoly violates parental rights. According to Pope Pius XI, “unjust and unlawful is any monopoly, educational or scholastic, which, physically or morally, forces families to make use of government schools, contrary to the dictates of their Christian conscience, or contrary even to their legitimate preferences.” We find the same thought expressed by the Vatican II *Declaration*: “The state must keep in mind the principle of subsidiarity, so that no kind of school monopoly arises. For such a monopoly would militate against the native rights of the human person, the development and spread of culture itself, the peaceful association of citizens, and the pluralism which exists today in very many societies.” Proponents of government aid to private education emphasize the necessity of government aid to ensure the survival of an alternative to public education. Opponents claim that such aid would lessen support of the public school system and cause it to deteriorate. They add that since public schools are available to all, justice is served, and those who want something more or different should pay for it. Also, it is often said that government aid to Church related schools would violate the principle of the separation of Church and state, and hence would

be unconstitutional.

Many people, including Catholics, find these arguments convincing. However, they are implicitly based upon a false concept of the state as primary educator. According to this paternalistic notion, it is the state’s prerogative to determine and provide what is educationally suitable. At most, the people could work through existing structures in order to have input into these decisions.

But since parents are the primary educators, it is their prerogative to determine the kind of education they desire for their children, and it is the obligation of the state, within the context of the common good, to assist them in obtaining it. Public schools are only one means whereby this obligation is fulfilled. For those whose needs are not met by such schools, the state should, according to the demands of distributive justice, provide a suitable alternative. As the Vatican II *Declaration* states:

Parents, who have the first and the inalienable duty and right to educate their children, should enjoy true freedom in their choice of schools. Consequently, public authority, which has the obligation to oversee and defend the liberties of citizens, ought to see to it, out of a concern for distributive justice, that public subsidies are allocated in such a way that, when selecting schools for their children, parents are genuinely free to follow their consciences.

AID TO FAMILIES, NOT SCHOOLS

In a pluralistic society such as ours, the alternative cannot consist in government support of Church related schools. This kind of assistance would be undesirable for two reasons: it could be construed as a violation of the principle of separation of Church and state, and it would inevitably lead to government control of private education. The only solution is to provide government assistance to families rather than to schools. This could be done by tax credits or better still, by a voucher system.

But what about the objections raised by the opponents? Will such aid be detrimental to the public school system? Is it unconstitutional? On the contrary, I believe public schools would be greatly improved by the competition. If their clients had the choice of taking their business elsewhere, public schools would become more responsive to the needs of students and parents. If parents had the opportunity to exercise a real choice in their

children's education, many who are now apathetic might become more interested in their rights and responsibilities.

Moreover, it is difficult to understand the position which maintains that tax credits or a tuition voucher system are unconstitutional, especially since contributions to churches and other religious organizations are tax deductible. The only provision made by the Constitution is in the First Amendment: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

In a study called "Religion and Politics", Michael J. Malbin of the American Enterprise Institute for Public Policy Research claims that modern Supreme Court decisions have almost reversed the original understanding of the First Amendment. From his analysis of the debates on freedom of religion in the First U.S. Congress, Malbin concludes that the First Amendment's authors did not intend to prohibit non-discriminatory aid to religion, but rather, to prevent Congress from preferring any particular religious sect or group of sects over others and from harming religious establishments. In fact, Malbin contends that the First Congress intended that government should provide support for religion providing that it be done in a non-discriminatory way, and he cites the example of land grants given to church schools.

The basic principles regarding the rights and duties of parents in education taught by Pope Pius XI and Vatican II were reiterated by Pope John Paul II on October 30, 1978, in his address to the Third International Congress on the Family. In accordance with these principles, the Catholic leadership in the U.S. has worked diligently to obtain government aid to private education, but the most effective means to achieve this end has been neglected, namely, the education of the Catholic population as to their rights in this matter. Such education should come from the pulpit, the Catholic press and other media, and Catholic organizations. Only in this way can the political power of Catholics be mobilized to obtain recognition of these rights.

From the response of several key politicians to this issue, it is evident that they will not cooperate until they see it as affecting their own political careers. When campaigning for the presidency, Jimmy Carter clearly indicated he favored government aid to private education. In a telegram to the Chief Administrators of Catholic

Education on the occasion of their annual meeting in October 1976, he stated:

During my years as governor I supported, and the voters authorized, annual grants for students attending non-public colleges. We must develop similar supportive programs at the national level for non-public elementary and secondary schools if we are to maintain a healthy diversity of educational opportunity for all our children.

Nevertheless, since his election President Carter has done all in his power to oppose the very legislation he had promised to support. Although the breaking of campaign promises by politicians is very common-voters have notoriously short memories-we can still ask why this about-face on the part of the President. Arizona Congressman John B. Conlon claims that Carter has given in to pressure from the Department of Health, Education and Welfare bureaucrats and national public school teachers' unions who see government aid to private education as a threat to their control over education. Others, including Senator Moynihan, co-author of the Senate tax credit bill, accuse federal officials of anti-Catholic bigotry. It is clear that this kind of political pressure has to be neutralized by pressure from those who see such aid as a basic right. Catholics constitute approximately a quarter of the population of the U.S., and in certain important areas, a far greater proportion. Therefore, the potential for such pressure exists.



The problem is that many Catholics do not understand their rights in this matter. Not only is HEW Secretary Joseph Califano a Catholic and strongly opposed to government aid to private education, but of the 14 Catholic Senators, 6 voted against the tax credit bill. This is an indication of a communication failure on the part of the Catholic community.

A PROBLEM FOR NON-CATHOLICS AS WELL

Nor is this merely a "Catholic" issue. Twenty-five percent of private elementary and secondary schools are non-Catholic, and the proportion of non-Catholic students attending Catholic schools is on the increase, especially in inner-city schools. Obviously, then, an alternative

to public education is recognized by many non-Catholics as invaluable, and such people might join forces with Catholics if the latter presented their position in a clear and convincing manner.

One obstacle which must be overcome is the false image of private schools in the minds of many people. They are envisioned as expensive, elitist, segregated academies which cater primarily to the wealthy. This image can be seen reflected in statements made by opponents of government aid to private education, such as Secretary Califano. In an interview with NC News Service he said that such aid had a low priority because of other more pressing needs, such as health care and education for very poor people. He then continued:

I don't think that the lawyers and the doctors and the corporate executives in this country who send their children to expensive private schools at the elementary and secondary level, when there are public school systems at both those levels, should be permitted to have the American taxpayer, whose average income is about \$14,000 a year, pick up part of the tab. That's a choice they make.

But Secretary Califano seems to be ignorant of the basic facts. According to a 1975 study by the National Center for Educational Statistics, only 17.5% of children in private elementary schools came from families with incomes of \$15,000 and over, whereas 34.4% came from families with incomes under \$7,500 (in terms of 1967 dollars). Furthermore, the 1975 census data showed that 5.1 % of the total U.S. private school enrollment was black. According to the National Catholic Education Association's Data Bank, in 1976-77 the proportion of black students in Catholic schools was 7.2%. This is remarkable when we consider that few blacks are Catholics, and that blacks comprise only 11 % of the total population.

Therefore, government aid to private education is not aid to the wealthy, as Mr. Califano seems to imply. The wealthy will always have a choice of schools whether or not government aid is available. It is the average taxpayer, and even more so, the very poor who would benefit from such aid. Mr. Califano and others do not seem to realize that the most effective way of helping the poor to escape from the cycle of poverty is to offer them quality education. Public schools, especially those which the poor are forced to attend, simply do not provide this.

And the number of scholarships which private schools can offer to the poor is severely limited by their own financial problems. Therefore, refusing to provide government aid to private education is tantamount to denying the poor quality education.

A final argument which must be considered surrounds the question of cost. This matter is especially important given what is now sometimes called "the taxpayer's revolt." People are understandably exasperated at the proliferation of government programs, and the unequivocal message they are communicating to public officials is to cut back, not to expand. But whenever there is a question of instituting economy measures, one must take the long view.

Even Mr. Califano admits that private schools lift a "tremendous burden" from the public schools. What if private schools were forced to close? Many already have, and inflationary pressures are likely to increase rather than decrease. Since few private schools are in fact elitist academies catering to the wealthy, most private schools have serious financial problems. What the taxpayer must realize is that it is generally less expensive to educate a student in a private school than in a public school. A number of studies have established this, including one in 1971 which indicated that the yearly per pupil cost in Chicago Catholic schools was \$260.70 or 60% of the public school cost (\$436.20). Therefore, it is in the taxpayer's best interest to ensure the survival of private schools.

In conclusion, we may consider Jimmy Carter's own statement to the Chief Administrators of Catholic Education prior to his election:

Throughout our nation's history, Catholic Educational Institutions have played a significant and positive role in the education of our children. Millions of Americans of every income level, race, background and religion have reaped the benefits. Indeed, in many areas of the country parochial schools provide the best education available. Recognition of these facts must be part and parcel of the consciousness of any American President.

The right of millions of Americans to choose a religious education for their children lies at the core of America's diversity and strength. It is a right we dare not lose.

Catholics, as well as the President, need to be reminded of these facts.