

The “Wall of Separation” Myth

By Bishop Victor Galeone

The last week of January marks Catholic Schools Week. I wish to take this opportunity to commend two groups in particular: first, our dedicated teachers for willingly accepting salaries lower than their public-school counterparts; and second, the parents of our students, who often endure great financial burdens to send their children to a Catholic school.

Several states have initiated voucher programs to help pupils who are attending failing public schools. Our own State of Florida had a modest voucher program until our state high court struck it down in January 2006.

Some states - “ like Pennsylvania - “ help private and parochial school pupils with books and bus transportation. Court challenges by the ACLU against this type of aid have failed. What I find particularly distressing is litigation challenging aid to religious-affiliated schools on the grounds of the breach of separation of church and state. In my opinion, the First Amendment is one of the most misinterpreted in our Constitution. Let’s examine the historical record:

- In 1795, President Washington approved a federal grant of \$1,000 to build a church for the Oneida Indians.
- In 1803, Congress and President Jefferson approved a grant of \$100 for seven years to a Roman Catholic priest to evangelize the Kaskaskia Indians, and \$300 to build them a church.
- In 1819, Jefferson with state funds set up the University of Virginia that included a department of Divinity, and he declared that students would be expected to attend religious services.”
- In 1833, Congress and President Jackson approved a grant of \$3,700 to build a church and a mill for the Kickapoo Indians.

In contrast, recent Supreme Court rulings have banned a simple prayer at graduation or placing a nativity scene on public property as violations of the First Amendment. How can today’s Supreme Court come to these conclusions, while the men who wrote the First Amendment saw no constitutional problem in subsidizing religious groups with federal or state funding?

The case that changed the meaning of the First Amendment was *Everson v. Board of Education* in 1947. This case was the first to cite “the separation of church and state” clause in interpreting the First Amendment.

How did this “separation” language originate? In 1802, Thomas Jefferson wrote a letter to a Baptist congregation in Connecticut, which feared he was planning to establish a national church, similar to the Church of England. To assure them that such was not the case, in his letter he cited the words “the wall of separation between church and state” from a Baptist preacher, Roger Williams, a signer of the Constitution. He agreed with William’s idea that the church should be defended from government interference by means of a one-way “wall” of protection. Jefferson wanted to protect the church from the government, not vice versa! *

What I find strange, almost amusing, is that England, which was once strongly anti-Catholic, subsidizes 92 percent of the costs of operating private, and even Catholic schools on the elementary and high school levels. England figures that the other eight percent of the funding should come from the parents of the students for the religious component of the curriculum. Most of the countries comprising the former British Commonwealth do the same. In fact, the United States is one of only a half-dozen developed nations that give no subsidy to private schools for the education of children who are bound by mandatory education laws up to age 16. Others in the group include Russia, North Korea, China and Cuba. Strange company for us!

Last November, Milton Friedman, “the master of free-market economic theory,” died at the age of 94. Ten years before his death, he started a foundation to promote school choice as a means of freeing students from failing government schools. (See <http://www.staugcatholic.org/archives/html/2007/january/www.friedmanfoundation.org>)

In an op-ed piece the week after Friedman’s death, Cal Thomas noted: “Opponents of school choice are the teachers unions and white liberal politicians who receive their campaign contributions. They mostly send their children and grandchildren to private schools, while condemning minority children to poorly performing government schools.”

Wouldn’t it be great if we had a constitutional amendment to the effect, “Nothing in the First Amendment shall be construed to prohibit the government from defraying the costs of secular education in nonpublic schools?”

* For most of the information in the previous four paragraphs I am indebted to Geisler and Turek, *Legislating Morality*, Bethany House (1998) pp. 81-84.

Gratefully yours in Our Lord,
Bishop of St. Augustine