

# PAROCHIAL SCHOOL DEBATE EXPLODES

The debate over public funds for parochial schools exploded at the end of 1999 when the courts addressed the issue forthrightly.

The U.S. Supreme Court heard oral arguments in December in what may be a landmark decision. The case, *Mitchell v. Helms*, involves the question of whether the Constitution permits the use of public money to put computers and other “instructional equipment” in parochial school classrooms.

The case reached the Supreme Court via an appeal by a group of parochial school parents in Louisiana who, along with the Clinton administration, protested a federal appeals court ruling in 1998 that barred using federal money for anything other than textbooks in parochial schools.

Interestingly, one of those in the lawsuit who contends that Catholic schools should not receive any federal assistance is a Catholic, Marie Schneider. She sent the first of her seven children to a Catholic school but eventually enrolled all her children in public schools. Schneider, whose brother is a priest, had this to say of her decision: “I fell in love with the public schools. What I found in public schools that I did not find in parochial schools was a genuine attempt to educate all children. There was no selectivity or elitism.”

Schneider’s love for public schools, however, does not adequately explain her activism. Many parents, for instance, prefer public schools to parochial schools, yet few find it necessary to hire lawyers to stop Catholic schools from getting computers with public funds. No, there is something else at work here and that is why the Catholic League filed an amicus brief in this case defending the parochial schools. A

U.S. Supreme Court ruling is expected in the spring.

On December 13, the U.S. Supreme Court let stand a ruling by the Vermont Supreme Court, made in November, that prohibited state-tuition payments for children attending religious schools; state subsidies to private non-sectarian schools were declared constitutional. The Catholic League, which protested the decision, couldn't help but notice that the same Vermont court said on December 20 that gay couples were entitled to the same benefits and protections as married couples.

The league's news release read as follows: "In the eyes of the Vermont State Court judges, the faithful must pay for homosexuals to get the same benefits as a married couple, even though doing so means having to subsidize expressly immoral behavior that compromises their sincerely-held religious beliefs. In addition, they must pay for public schools that they cannot support in principle and are entitled to zero relief for electing to send their children to religious schools of their choice. Welcome to Vermont."

In a closely-watched case, a voucher program in Cleveland was struck down by Judge Solomon Oliver Jr. It was he who previously blocked any new students from entering the Cleveland voucher program until a final judgment on the case was reached; on December 20, he finished the job by declaring the entire program unconstitutional. As he did before, Judge Oliver criticized the program because it allegedly had "the effect of advancing religion through government-sponsored religious indoctrination."

It is hard to resist the conclusion that this decision, like so many others in this area, was motivated by an anti-Catholic animus. Our position, which is shared by Robert Bork, rests on Judge Oliver's continued reference to the Catholic schools. His objections centered less on the concept of school choice than on the expressed choice of Cleveland's parents: they overwhelmingly preferred Catholic schools.

It is not without significance that Judge Oliver previously served on the board of directors of the NAACP. The NAACP not only opposes vouchers, it formed a coalition with People for the American Way two years ago that provides joint resources for its war on school choice. The ultimate losers, of course, are the poor African American children whom both organizations claim to defend.

Joining the fray is the *Akron Beacon Journal*. The Ohio newspaper distinguished itself in December by writing some viciously anti-Catholic propaganda on the subject. It even went so far as to say that the Cleveland program has “become a subsidy to the Roman Catholic Church.” It would be more accurate to say, we pointed out, that public schools are currently being subsidized by Catholic parents who send their kids to Catholic schools but must nonetheless pay for a service they don’t want.

Finally, as the year ended, Hillary Rodham Clinton spoke before a group of New York’s Orthodox Jewish leaders and told them that while she opposes vouchers, she would back certain “constitutionally correct” ways for government to give tax credits to parents of parochial school students.

On December 17, William Donohue wrote to the New York senatorial candidate asking her to be more specific. That same day, her spokesman, Howard Wolfson, explained that this was not her position.