



United States Conference of Catholic Bishops
Committee on Catholic Education

3211 FOURTH STREET NE • WASHINGTON DC 20017-1194 • 202-541-3132

March 20, 2019

The Honorable Ted Cruz
United States Senate
404 Russell Senate Office Building
Washington, DC 20510

The Honorable Bradley Byrne
United States House of Representatives
119 Cannon House Office Building
Washington, DC 20515

Dear Senator Cruz and Representative Byrne:

Thank you for introducing your respective bills, S. 634 and H.R. 1434, proposing Education Freedom Scholarships for American families. The Committee on Catholic Education is very happy to support the Education Freedom Scholarships and Opportunity Act.

Parents as First Teachers

The Catholic Church teaches that parents are the first teachers of their children and therefore have the right to select the best education environment for their children. Whether that is public, homeschool or private school, parents know the needs of their child.

*“[P]arents have the right to **choose a school for them** which corresponds to their own convictions. This right is fundamental,” and “[p]ublic authorities have the duty of guaranteeing this parental right and of ensuring concrete conditions for its exercise.”¹*

In addition to parents having the duty to educate their children, the Catholic Church also teaches that parents should have access to government resources to successfully meet the education needs of their children.

*“Parents who have the primary and inalienable right and duty to educate their children must enjoy true liberty in their choice of schools. Consequently, the public power, which has the obligation to protect and defend the rights of citizens, must see to it, in its concern for **distributive justice**, that public subsidies are paid out in such a way that parents are truly free to choose according to their conscience the schools they want for their children.”²*

Parental Rights Upheld by Courts

Since 1925, parental rights in education has been the law of the land in the United States. At a time when all “common schools” had religious instruction, Catholic families desired their own schools. After being required to attend common schools with Protestant religious instruction as a

¹ Catechism of the Catholic Church, no. 2229.

² *Gravissimum Educationis - the Declaration on Christian Education*, Pope Paul VI, 1965.

part of the daily curriculum, the U.S. Supreme Court ruled³ that Catholic families have a right to send their children to Catholic schools and cannot be forced by the government to attend a government school. Additionally, the high court has upheld the use of public tax dollars for tuition vouchers given to parents, even if they use the scholarship to send their children to a religious school.⁴

Anti-Catholic Blaine amendments

The Education Freedom Scholarships and Opportunity Act, which at the same time protects federalism, is vital for families across the country who have little to no access to school choice, in part, due to a history of anti-Catholic bigotry. Initiated in the 19th century, Blaine amendments are still found today in 37 state constitutions across the country, limiting students' access to private and religious schools.⁵ The U.S. Supreme Court recently rebuked Blaine amendments in its landmark religious liberty ruling, *Trinity Lutheran Church of Columbia v. Comer*, 582 U.S. ____ (2017), without fully revoking them.⁶ Therefore, opponents of parental choice continue to reference Blaine amendments in an effort to limit access to children's educational options, even when the choice is funded from a tax credit with no public appropriations.

Protections for Religious and Private Institutions

While I do support federal policy providing Catholic families in all fifty states access to the school of their choice, I applaud the protections in your bills: Education Freedom Scholarships do not infringe on states' rights, nor the rights of religious and private institutions, and states are not allowed to intrude into the religious identity or mission of a private school, nor are they allowed to dissuade private schools from participating altogether. These protections ensure that private and religious institutions can participate.

I am very grateful for your work on this legislation and your efforts to ensure the program is open to all students in all sectors. I am excited about the prospects of this legislation for Catholic families and for the expansion of educational options for all children.

Sincerely,

A handwritten signature in black ink that reads "+Michael Barber S.J." with a small dash above the name.

Most Reverend Michael C. Barber, SJ
Bishop of Oakland
Chairman, USCCB Committee on Catholic Education

³ *Pierce v. Soc'y of Sisters*, 268 U.S. 510 (1925).

⁴ *Zelman v. Simmons-Harris*, 536 U.S. 639 (2002).

⁵ <https://ij.org/issues/school-choice/blaine-amendments/>

⁶ https://www.supremecourt.gov/opinions/16pdf/15-577_khlp.pdf