



United States Conference of Catholic Bishops
Committee on Catholic Education

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

January 27, 2023

The Honorable Bill Cassidy
United States Senate
520 Hart Senate Office Building
Washington, DC 20510

The Honorable Adrian Smith
United States House of Representatives
502 Cannon House Office Building
Washington, DC 20515

Dear Senator Cassidy and Representative Smith:

Thank you for introducing your respective bills, S. 120 and H.R. 531, the Educational Choice for Children Act. The U.S. Conference of Catholic Bishops' (USCCB) Committee on Catholic Education is pleased to support this legislation.

Parents as First Teachers

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

*“[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 educational 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*

¹ Catechism of the Catholic Church, no. 2229 (emphasis added).

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

Parental Rights Upheld by Courts

Since 1925, parental rights in education have 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 part of the daily curriculum, the United States 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 Educational Choice for Children Act 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. Thirty-seven state constitutions still have “Blaine Amendments” that prohibit public funding of religious schools, so-named after the nakedly anti-Catholic attempt by Sen. Blaine to amend the U.S. Constitution in 1875 to deny support to “sectarian” schools.⁵ In 2017, the U.S. Supreme Court criticized Blaine amendments in its landmark religious liberty ruling, *Trinity Lutheran Church of Columbia v. Comer*, 582 U.S. ____.⁶

Opponents of parental choice nonetheless continued to use Blaine Amendments to limit access to children’s educational options, even when the choice is funded from a tax credit with no public appropriations. Three years later, in *Espinoza v. Montana Department of Revenue*, 591 U.S. ____ (2020) the Supreme Court went a step further to say the application of the no-aid provision discriminated against religious schools and the families whose children attend or hope to attend them in violation of the Free Exercise Clause of the U.S. Constitution.⁷ And now, in *Carson v. Makin*, 596 U.S. ____ (2022), the Supreme Court has affirmed that the Free Exercise Clause protects against discrimination based not only on a school’s *status* as religious but also on its religious *use* of public funds.⁸

Protections for Religious and Private Institutions

I support federal policy providing families in all fifty states access to the school of their choice, and I applaud the design and protections in your bills. The Educational Choice for Children Act does not create a new federal education program, nor does it compel states to create a new program. Rather the act provides students opportunity for scholarships exclusively through individual or corporate philanthropy. The act does not infringe on states’ rights, nor the rights of religious and private institutions, and the government is not allowed to intrude into the religious identity or mission of a private school. These protections ensure that private and religious institutions can participate, including almost six thousand U.S. Catholic schools.

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

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

⁵ <https://www.usccb.org/committees/religious-liberty/religious-liberty-background-blaine-amendments>;

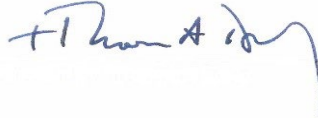
⁶ https://www.supremecourt.gov/opinions/16pdf/15-577_khlp.pdf.

⁷ https://www.supremecourt.gov/opinions/19pdf/18-1195_g314.pdf.

⁸ https://www.supremecourt.gov/opinions/21pdf/20-1088_dbfi.pdf.

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. The prospect of expanded educational choice for families will benefit American education and better serve our children.

Sincerely,

A handwritten signature in blue ink that reads "Thomas A. Daly". The signature is written in a cursive style with a large, sweeping flourish at the end.

Most Reverend Thomas A. Daly
Bishop of Spokane
Chairman, USCCB Committee on Catholic Education