

THE DANGER OF GOVERNMENT FUNDING OF THE CHRISTIAN SCHOOL

by David Engelsma

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This article is the text of a speech given for the Minikota Principal's Club at Rock Valley, Iowa on April 19, 1980. The Minikota Principal's Club is made up of Christian School principals from Iowa, Minnesota, and South Dakota. I express my indebtedness to South Holland, Illinois attorney, James Lanting, for making available to me the decisions of the Supreme Court of the United States concerning government funding of Christian education.

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Two main reasons are given for the Christian School's seeking and accepting government aid. First, this is just, since Christian School supporters pay the taxes that the State uses for education and are entitled to their fair share of the money. Second, this is necessary, since without this aid the Christian School cannot exist. On the one hand, the taxes of the Christian School people keep rising, strapping them for the money needed for the Christian School. On the other hand, the public schools, having unlimited access to State funds, will outstrip the Christian Schools in quality of education.

These reasons, and the urgency of the matter, are expressed by Dr. Marion Snapper in a pamphlet entitled, "Should the Government Support Our Christian Schools?": "Simply stated, our reason for saying yes to government support is that justice demands it, and the Christian schools need it." He begins the pamphlet with the statements: "It is a pleasure to deal with so urgent an issue. At stake here is the future of our Christian schools."

Accompanying these reasons for government aid is the belief that such help is benign, that it will not entail the loss of control over our schools or the sacrifice of the Christian character of the instruction.

I confess that I am not untouched by these reasons. That the Christian School people pay for the education of their own children in full and for the education of the children of others is unjust on the face of it. As the oldest of 12 children put through the Christian School from first grade through high school, and myself helped in attending a Christian College, by a father who was a laborer in a factory, I have seen and felt the pinch of the financial hardship involved in Christian education. As the pastor, in time past, of a small, country church whose members maintained a little Christian grade school, I saw several teachers working for wages that should have made the angels weep (or sing). As the parents of 8 children, 6 of whom are in Christian grade school and high school, my wife and I are paying several thousands of dollars in tuition annually.

But it is my studied and firm conviction that the receiving of State support by the Christian School is dangerous, dangerous to the very essence of Christian education and the very existence of the Christian School. Indeed, I am convinced that the acceptance of government aid is wrong on principle. The practical dangers are nothing but the necessary consequences of the violation of a principle. As Christians, and especially as Reformed Christians, we are concerned about principles. We know well that "principles work through."

This conviction, I will demonstrate.

At the outset, I should indicate that by "government funding," or "State aid," I mean both state and federal monies, or other help. Also, I have in mind government money for payment of the main expenses of Christian education—teachers' salaries, buildings, and the like. I refer to government help for "tuition." Now, I know that some defend government help for milk, lunches, and textbooks, but reject government help for

tuition. Nevertheless, I think it correct to refer to government help for the major expenses for the following reasons. First, a strong movement is afoot among supporters of the Christian School to get parochial aid, or a voucher system, or some other form of full government support of the Christian School. This movement is not content with a few dollars for milk. Second, acceptance of the lesser help implies the propriety of the greater help. Third, the grounds put forth for receiving government help in any form, namely, justice and necessity, certainly apply to help for the main expenses of the schools.

The Objection of Principle

The principle that is violated by State aid is this: our children are ours, under God; their education is our privilege and duty, as a demand of the covenant that God has made with us believers and our children; accordingly, in the Christian School, we must oversee the instruction and support it financially. Holy Scripture teaches this truth in Deuteronomy 6; Psalm 78; the entire book of Proverbs; Ephesians 6:4; and many other passages. This truth is precious to Reformed parents, not only on account of the natural bond, but also because of the covenant. Our children are dear to us as the little ones of Christ. Our educational task is precious to us as the work by which they are reared to be men and women of God. On behalf of this work, we willingly give of ourselves and our money.

Our children are not the State's; the State does not have the duty to educate them; the State is not required to support their education financially. The State has, in fact, taken the education of the children of its citizenry upon itself. We have all but forgotten that the public school system is fairly recent in our country, dating from about the middle of the 19th century. It is little regarded that by doing so the State has transgressed the bounds set for government by God in Scripture. But we see all too clearly that the result is a vast system of godless education; a training in immorality; a most expensive and wasteful institution; and a pronounced failure to educate, in many instances.

With the takeover of education by the State goes the notion that the children belong to the State. Both the State and the parents suppose this to be the case. Maybe, the children belong to the State and to their parents; but they do belong to the State. And the rights of the State override the rights of the parents. This notion is law in the totalitarian countries such as Russia and in the liberal countries such as Sweden (which recently forbade

parents to spank their children—a decree that may stand as a monument to the lunatic folly and grasping tyranny of political liberalism). But this notion makes headway in our land also. The Educational Code of the State of Ohio can state: “The natural rights of a parent to custody and control of...children are subordinate to the power of the state to provide for the education of their children.” Various state authorities can and do threaten, fine, imprison, and otherwise harass parents, whose only offense is that they educate their children, refusing to give their children over to the State for their education. Although the Supreme Court, in *Pierce v. the Society of Sisters* (1925), acknowledged the rights of parents, there are today, even on the federal level, ominous efforts towards viewing the children as wards of the State.

A Religious Issue

In keeping with the principle that the Christian School is the believing parents' instruction of their children according to the demand of the covenant, the education in the Christian School is, through and through, religious, i.e., Christian; even as the education in the public school is, through and through, irreligious, i.e., anti-christian. True, the Christian School is bound to give a good, liberal arts education; instructs the children in every aspect of God's creation; develops their abilities; prepares them for life in our country; and even provides an “informed electorate.” But in all this, the instruction of the Christian School is religious. It is based on Holy Scripture, as interpreted by the Reformed Creeds. ¹ It is permeated by the Reformed doctrines of the sovereignty of God, the total depravity of man by nature, redemption of the Church by the cross of Christ, the antithesis, the return of Christ to judgment, and the like. It has as its goal the glory of the Father of Jesus the Christ. The Christian School is itself, in its entirety, service of Jehovah God and is devoted to Reformed thinking and Reformed life in the world; this is its purpose with the students. The fear of Jehovah is the beginning of the wisdom and knowledge of the school.

This is at stake in the acceptance of government money. The State has decided that it will help only secular schools, or secular instruction in religious schools. The cost of receiving government money is the secularization of the instruction in our schools.

Because the Christian School is religious, it is constitutionally unable to accept much of the State aid that is available.

To accept the aid, the Christian School would have to deny itself. The Supreme Court of the United States has decided, on the basis of its interpretation of the First and Fourteenth Amendments to the Constitution, ² that State money may not be given to religious institutions for the purpose of religious instruction. The Court expressed this in *Everson v. Board of Education* (1947), a case involving New Jersey's reimbursement of parents for expenses incurred in busing their children to parochial schools:

No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion.

The Supreme Court's own interpretation and application of this stand are instructive. In many cases of aid to Christian schools by the states, the Court has struck down the state statutes as unconstitutional on this ground, namely, a violation of the establishment of religion clause of the First Amendment and a violation of the due process clause of the Fourteenth Amendment. A case in point is *Lemon v. Kurtzman* (1971). In 1968, the Pennsylvania legislature authorized state aid to non-public schools for teachers' salaries and other expenditures. The law was drawn up in the form of a contract by which the State of Pennsylvania purchased "secular educational services" from non-public schools. The legislation specified that the aid applied solely to courses in secular subjects, namely, math, modern foreign languages, physical science, and physical education. It explicitly excluded "any subject matter expressing religious teaching or the morals or forms of worship of any sect."

The Supreme Court ruled this law unconstitutional. Certain remarks by the Court are most significant:

We simply recognize that a dedicated religious person, teaching in a school affiliated with his or her faith and operated to inculcate its tenets, will inevitably experience great difficulty in remaining religiously neutral. Doctrines and faith are not inculcated or advanced by neutrals.

Justice Douglas remarked that "secular instruction cannot be separated from the religious teaching." Besides, the Court noted that the Pennsylvania law would necessitate "a comprehensive, discriminating, and continuing state surveillance."

In certain other cases, the Court has permitted State aid to Christian schools, specifically in the form of government funds

for college buildings. However, it has done so under a condition that makes it impossible for a Christian School to take the aid. The condition is that the building be used exclusively for the purpose of secular education. The case in which the Court decreed this stipulation was *Tilton v. Richardson* (1971), concerning Title I of the Higher Education Facilities Act of 1963, which provides construction grants for buildings and facilities "used exclusively for secular educational purposes." H.E.W. had granted money to Roman Catholic colleges, and tax-payers appealed. In a divided decision, the Court upheld the grant; but the argument of the Court is significant:

(The) federally subsidized facilities would be devoted to the secular and not the religious function of the incipient institutions.
(The) facilities . . . would be used for defined secular purposes, (and it is) expressly prohibited (that the buildings be used) for religious instruction, training, or worship.

Chief Justice Burger wrote that:

there was no evidence that religion had seeped (sic!) into the use of any of the facilities financed in part with the aid of the federal grant.

He continued:

religious indoctrination is not a substantial purpose or activity of these church-related colleges and universities.

The Christian School could not accept funds with such a stipulation. This would be to compromise Christian education fatally. We have no secular and no neutral education, into which the truth of Christ has not "seeped." Every building and every brick of every building is consecrated to the Lordship of Jesus Christ (and to the pulling down of the strongholds of secularism and neutrality). We would cry out in pain were the Chief Justice of the United States to declare about us that there is no evidence that religion had "seeped" into the use of some of the facilities.

Justice Brennan was correct in his dissent, when he deplored the secularizing impact of public assistance on church schools: by accepting government funds, the Christian school teachers "surrender the right to teach religious courses" and promise not to inject religion into their secular courses.

On principle, we may not accept government funding: our schools are covenantal, religious schools, giving religious instruction to our children.

To be able to give this instruction, freely and fully, we must remain completely in control of the schools; and this leads us to the practical aspect of the matter of government funding.

The Practical Objection

Opponents of State aid warn that aid necessarily involves State control. This is challenged by those who advocate State aid. Dr. Snapper writes, "Those who fear that control follows support never offer a shred of evidence from the field of education in the U.S." (cf. his pamphlet, "Should the Government Support Our Christian Schools?"). The Citizens for Educational Freedom (C.E.F.) dismiss the fear of government control this way:

A large, unmeasurable amount of intelligent discussion is also foreclosed voluntarily by the emotional response that 'we don't want aid—it means state control.' (This objection to State aid to Christian schools is merely) the bare personal psychology of fear of control. (cf. William D. Valente, "Freedom in Education")

Let us see.

First, the wisdom of common sense teaches that with State aid to our schools will come State control of the schools: Whoever pays the fiddler calls the tune.

Second, the Supreme Court itself has warned private and parochial schools that State aid will certainly be accompanied by State control. One of the main reasons for striking down laws that give aid is "excessive entanglement" of the State and the Christian School. By permitting the aid, the State would be committing itself to significant involvement in the Christian School, in order to exercise oversight of the use of the money. This, the Court says, must be avoided.

In its decision in the case of *Lemon V. Kurtzman* (see above), the Supreme Court declared:

A comprehensive, discriminating, and continuing state surveillance will inevitably be required to ensure that these restrictions are obeyed and the First Amendment otherwise respected. Unlike a book, a teacher cannot be inspected once so as to determine the extent and intent of his or her personal beliefs and subjective acceptance of the limitations imposed by the First Amendment. These prophylactic contacts will involve excessive and enduring entanglement between state and church.

In *Walz v. Tax Commission* (1970), concerning tax exemption of religious property in New York, the Supreme Court stated:

Obviously a direct money subsidy (to religious organizations—DE) would be a relationship pregnant with involvement and, as with most government grant programs, could encompass sustained and detailed administrative relationships for enforcement of statutory or administrative standards. . . .

What about other forms of State aid than direct aid to the schools themselves?

First, there is the proposal of State aid for tuition that would be given to the parents and children, rather than to the schools. The parents would then cash in the aid at the school of their choice. This is the "voucher plan." Such a system of aid to the Christian School would not avoid State control, if indeed a voucher plan is ever approved. We may consider the plan that was to be presented to California voters in June of 1980, the plan known as "The Initiative for Family Choice." The chief architect of the plan is John E. Coons. In an article in *Phi Delta Kappan* (September, 1979), "Of Family Choice and 'Public' Education," Coons describes this voucher plan and its implications for the schools that participate:

A curriculum with political or religious content could be required, but no profession of belief or participation in ideological ceremony could be demanded of the student.

Each new school would be required to disclose relevant information about itself, including curriculum and teaching methods, the qualifications of its teachers, and its use of resources.

Mr. Coons argues for his plan by stating that all schools subsidized by the State would be regulated by the State and that one of the rules for all participating schools would be that the schools are open to all students. It is plain that, whatever the merits or demerits of the voucher plan, State control of the schools is part of the package.

In the recent Grove City (Pennsylvania) College case, H.E.W. insisted upon government authority in the college, even though the school takes no federal aid. This agency of the federal government took this position on the ground that the *students* attending Grove City College received government grants (Basic Educational Opportunity Grants and loans through the Guaranteed Student Loan program). H.E.W. demanded signed compliance with Title IX by the college, concerning the school's not practising sex discrimination or discrimination on the basis of race or religion. In March, 1980, a U.S. Federal District Court judge ruled against H.E.W., but in such a way as to suggest that government grants to students *is* aid to the college and does indeed warrant government control (cf. *Christianity Today*, April 4, 1980, pp. 48, 49). This case demonstrates that the State is bent on getting control of Christian, or private, schools and that its means for getting control is financial aid to the school, whether direct or indirect.

Then, there are several kinds of aid to parents who support

Christian education that have been approved by the courts: milk; lunches; bus transportation; textbooks; and special education. Courts have upheld these kinds of aid. Does not this aid come with "no strings attached"? By no means, but there is good reason to fear State influence and control by means of this aid.

Take the matter of textbooks under Title IV. In the case, Board of Education of Central School District No. 1 v. Allen (1968), the Supreme Court upheld a law of New York loaning textbooks to students of private schools. The Court pointed out that only "secular textbooks" may be loaned to the students of private schools and noted that "this Court has long recognized that religious schools pursue two goals, religious instruction and secular education." The Court expressly disagreed "with appellants . . . that all teaching in a sectarian school is religious."

Can a Christian school accept textbooks under such a view? Should a Christian school desire secular textbooks? Ought we not have Christian textbooks? Was not Justice Black correct in his dissent, when he wrote, "Books are the most essential tool of education;" and Justice Douglas, when he wrote, "The textbook goes to the very heart of education in a parochial school"?

Further, in Illinois, textbooks may be loaned only to students enrolled in a school that complies with Title VI of the Civil Rights Act of 1964, which reads (in Section 601 and the first part of Section 602):

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, is authorized and directed to effectuate the provisions of section 601 with respect to such program or activity by issuing rules, regulation, or orders of general applicability which shall be consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken.

Now it is likely that the Christian School, by its own nature, complies with this regulation; but is it not a dangerous thing to subject ourselves to the State's authority in this matter and especially to some bureaucrat's conception of how this is to be effectuated?

In the January, 1979 issue of *The Education Digest*, in an

article entitled, "Uncle Sam's Heavy Hand in Education," Roger A. Freeman writes, "Many of the new laws and regulations appear quite sensible and unobjectionable as written, though their enforcement is not."

That the officials of the State do in fact view these seemingly innocuous forms of aid as coming to the Christian School with strings attached appears in a quotation of an Iowa State Senator in *The Sioux City Journal* of May 5, 1978. The issue was a provision of the Iowa House to permit religious schools to discriminate in hiring teachers. ("Discriminate" is the State's word. The reference, of course, is the right of the Christian School to hire whom it will. Clearly, the issue is one that is fundamental for the Christian School.) The Iowa Senate struck out the provision, and one Calvin Hultman remarked: "Earlier this year we gave \$400,000 in textbooks to parochial schools; we give them transportation. If they are willing to take public money, they ought to live under the law of the land."

The Arabs have a proverb, "If you want to keep the camel out of your tent, keep his nose out. Time-tested wisdom advises, *obsta principiis*—resist the beginnings. At a conference of the Illinois Advisory Committee on Non Public Schools held on October 10 and 11, 1977, at the Center for Continuing Education of the University of Chicago, Attorney David Gibbs, who has defended Christian schools and Christian School supporters against the heavy hand of Ohio, said:

People, when they ask me if they should take aid, I give them one of two answers. I say take none or take it all; because when you take it, you have sold your rights to run your school and you might as well get a good price. (This, because) a court said if you are going to take aid, the government has a right to control that which they finance. (**Whose Child is This?**, p. 13)

This also enters in, that State aid is like a narcotic—once on it, it is hard to get off it; and there is the need for more and more, and stronger, doses, until finally the school is dependent on it. Then, there is no giving it up, regardless of the State's conditions and demands.

These are the aspects of the control that the State will exercise, wherever it gives aid. It will require secular instruction. It will demand acceptance of students without regard for their convenantal position, their religion, their church, or their behavior. It will insist on the school's hiring teachers without regard for their faith or lack of it. It will interfere with the standards, discipline, and required behavior in the school.

Our fear of governmental control is not due to some

personal, psychological disorder; but it is a fear that takes into account the stark realities of life in the U.S. today. Government as such is a good institution of God. The Reformed believer honors the State as servant of God. But the State is always tempted to overstep its God-ordained bounds and to usurp power in every sphere. This is taking place in our country. And the power it exercises in the sphere of education is not a friendly power towards God, His Law, and Christianity. It is hostile: it banishes God and His Word; it promotes evolution and immorality; its religion is the religion and worship of man. This is Anti-Christ.

Keep it at bay!

It is wrong that everybody today stands with his hand out for money from the State; this is ruining our country. It is financially foolish to approve a system of education in which we send away a dollar to the State in order to get a quarter back. But more importantly, our Christian School is at stake. Nor should we allow ourselves to be thrown off guard by the apparent sincerity of the State in helping us. We do well to remember the dictum of Justice Brandeis: "Experience should teach us to be most on our guard to protect liberty when the government's purposes are beneficent."

The Solution

There is injustice in the system of education in our land, and this injustice creates financial hardship for the supporter of the Christian School and for the School itself. I do not believe, however, either that this will cause the Christian School to go under or that the inequity will mean that public education will outstrip the education of the Christian School in quality. There have been hard times for the Christian School in the past, but it did not die. The idea that vast expenditures of cash, elaborate buildings, and the latest equipment mean better education is fallacious; and the public school system of Chicago provides eloquent proof of this.³

But it is unjust that the State forces us to support the public schools, when we are educating our own children. It is unjust that we must pay twice. But not only this; it is unjust that we must support the religion of the public schools. This is unconstitutional, a violation of the First Amendment. The First Amendment arose out of the "Virginia Bill for Religious Liberty," originally written by Jefferson, Madison, and Henry. The preamble reads, in part:

...to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves is sinful and tyrannical.

The statute itself reads:

That no man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief.

In the taxation for public education, we are compelled to finance a religion opposed to the God of the Bible and devoted to the god of humanism.

What action can we take?

We call the State to get out of education.

Failing in this, we can petition for tax relief, inasmuch as we educate our own children. Those citizens who educate their own children, or support Christian schools, should be relieved of their tax-burden on behalf of public education.

This, however, is not the main solution.

The response of those who love Christian education must be that we bear the injustice patiently, that we be renewed by the grace of God in our zeal for His covenant, and that we give ourselves and our all to the work of the instruction of God's children.

I am concerned about the encroachments of the State. I am more concerned about the understanding and zeal of Reformed people with regard to the Christian School. At the present time, no one takes our schools away from us; but we may be giving them up. Do we understand the work as a covenant responsibility? Do we have the heartfelt zeal for Christian education that our fathers did in harder times? Is Christian education conviction with us—the conviction of faith?

If this is true for us, we will *sacrifice* for the Christian School. "Sacrifice"—a strange word today, and a rarer reality. I am painfully aware that there is truth to the remark of teachers that when people call for sacrifice in the work of Christian education, they often mean sacrifice by the teachers. But this does not take away from the fact that sacrifice is the law of the Kingdom of Christ, the Kingdom of Him Who loved us and gave Himself for us; and Christian education belongs to the Kingdom.

Footnotes:

1 I was speaking as a Reformed man to Reformed administrators and Reformed teachers.

2 These two Amendments to the Constitution of the United States are of special importance in the controversy over State aid to Christian schools. The First Amendment reads, in part: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof..." The Fourteenth Amendment reads, in part: "...No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." Roughly, the argument of the foes of State aid to the Christian School is this: State aid for the Christian School supports a certain religion, thus violating the "establishment of religion" clause of the First Amendment; and the use of tax-money for the Christian School deprives citizens of their property on behalf of this religion, thus violating the "due process" clause of the Fourteenth Amendment.

3 At the conference of the Illinois Advisory Committee on Non Public Schools held in Chicago in 1977, the Rev. George Edgar Riddeck, staff Vice President of Operation Push, commented on the failure of the public schools, despite their access to vast sums of money. Having referred to an article in the *New York Times* which stated "that though we were spending almost 75 billion dollars for the public education process, we were getting very little in return," Riddeck remarked that "money has not produced in any sense and any wild sense of the imagination in terms of correlation, the kinds of results that we had expected it to produce in the public schools." He cited a national assessment on educational progress that reported that "21% of our urban students are functionally illiterate." He asserted, concerning Chicago, that "between 29% and 55% of the time in classrooms is spent on issues of discipline or the question of unassigned homework or homework that is assigned and not turned in, one or the other" and that "of children who go to school over a 12 year period may be expected to lose upwards of 10 I.Q. points (cf. *Whose Child is This?*, pp. 20-24).

Since making this speech, I have noted Russell Kirk's indictment of American public school education, in the December 31, 1980 issue of *National Review*: "From kindergarten through graduate school, American education is an extravagant failure."

Surely the cause of the Christian School must never allow itself to be discouraged by its exclusion from the public treasury.