

HOW THE ROMAN CATHOLIC CHURCH WOULD CHANGE THE CONSTITUTION

American Catholic leaders frequently claim that even if the majority of the American people become Catholic, they would not in any way change the First Amendment to the Constitution which guarantees religious freedom and the separation of church and state. What does this language mean? Non-Catholics are frequently deceived because they do not realize that Catholic leaders are using the word "church," the word "state" and the word "separation," in a kind of doubletalk which distorts the meaning of the Constitution while still claiming to accept it.

We submit below written proof that when the Catholic Church tells non-Catholics that it supports the First Amendment, it is actually opposing the Supreme Court's interpretation of that amendment. If the wall of separation between church and state is to be preserved, this erosion by deception must be exposed. In the left column, we have published the statement from the *Catholic Lawyer*, described as a "correct explanation of the First Amendment," in the issue for the Winter of 1960. Under this interpretation of the Constitution unlimited public funds could be paid both to Catholic schools and to the Catholic Church itself. Also, preferential treatment would be considered constitutional "short of according it monopolistic recognition." Under this interpretation, also, non-believers would have no claims under the Constitution for freedom of non-belief.

In the right-hand column we have published, with legal citations, what the Supreme Court of the United States actually says about preserving religious freedom and the wall of separation between church and state. These conflicting interpretations by the Catholic Church and the U. S. Supreme Court concern the same First Amendment which reads: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; . . ."

THE CATHOLIC POSITION

1. The idea of the separation of church and state as a "wall of separation" between the church and the state is only a metaphor, a figure of speech, a slogan, or a shibboleth which is not a part of the American tradition of constitutional history.

2. The First Amendment was not intended to divorce religion from government or to impose government neutrality between believers and disbelievers but to meet in a practical manner the problems raised by a multiplicity of sects by prohibiting Congress from adopting any one religion.

3. There was no intent on the part of the drafter to bar a general support of religion by the federal government, and therefore the limitation does not prohibit the non-preferential expenditure for religious purposes of funds raised by federal taxes.

4. The First Amendment does not bar preferential treatment of a particular religion or sect short of according it monopolistic recognition.

Thus, since the constitutional provisions were only for equality among believers, the Constitution does not in any way guarantee freedom of nonbelief. (*Catholic Lawyer*, Winter, 1960, p. 65.)

THE SUPREME COURT'S POSITION

The "establishment of religion" clause of the First Amendment means at least this: Neither a state nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. Neither can force nor influence a person to go to or to remain away from church against his will or force him to profess a belief or disbelief in any religion. No person can be punished for entertaining or professing religious beliefs or disbeliefs, for church attendance or non-attendance.

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. Neither a state nor the Federal Government can, openly or secretly, participate in the affairs of any religious organizations or groups and vice versa. In the words of Jefferson, the clause against establishment of religion by law was intended to erect "a wall of separation between Church and State." (*Everson vs. Board of Education*, 330 U. S. 1)

Separation means separation, not something less. Jefferson's metaphor in describing the relation between Church and State speaks of a "wall of separation," not of a fine line easily overstepped. . . . "The great American principle of eternal separation"—Elihu Root's phrase bears repetition—is one of the vital reliances of our Constitutional system for assuring unities among our people stronger than our diversities. It is the Court's duty to enforce this principle in its full integrity. (Concurring opinion of Justice Felix Frankfurter in *McCullum vs. Board of Education*, 333 U. S. 203)