

Insight

Court Ruling Aids Students

By FR. JOHN P. BRADLEY

The United States Supreme Court recently upheld the decision of a three-judge federal court which ruled as constitutional certain financial aid programs funded by the State of North Carolina which benefit students attending Pfeiffer College and Belmont Abbey College. The case was initiated by Mr. Michael Smith, formerly a professor at Pfeiffer College. Mr. Smith was later joined in the suit by Americans United for the Separation of Church and State. The plaintiffs charged that the financial aid programs in question, which provide some direct aid for students attending Pfeiffer, a Methodist college, and Belmont Abbey College, a Catholic college, were in violation of the First Amendment of the United States Constitution (forbidding the establishment of religion or prohibiting the free exercise thereof).

The first intimation we had of this suit at Belmont Abbey College was in April 1976, when a United States marshal appeared on our campus and served us with papers. From then on, a great deal of the College's administration's time and energy was taken up with the seemingly endless legal processes required. After preliminary legal motions were determined by the court, an evidentiary hearing was held in Federal District Court in Charlotte before Judge James McMillan. This hearing lasted one full day, during which witnesses representing the State of North Carolina, Pfeiffer College, and Belmont Abbey College were questioned at length by the plaintiffs' and the defendants' attorneys. The next hearing took place before a three-judge federal court, and arguments pro and con were presented by the attorneys. When the opinions of the three judges were handed down, we learned that all three judges, basing their opinions on a previous ruling of the U. S. Supreme Court in the Roemer case -- a similar case involving State aid to several private colleges in Maryland -- decided that the financial aid programs in question were not in violation of the First Amendment. The plaintiffs promptly appealed this ruling to the U. S. Supreme Court, which decided by a six to three vote not to review the decision of the three-judge court. This was tantamount to an affirmation of the decision of the three-judge court.

The foregoing is, of course, a very brief account of the entire proceedings, and perhaps one has to become personally involved in such proceedings to appreciate the great amount of time, expense, work, and worry exacted by the entire process. Now that the case has been decided--in our favor, thank God--I felt it might be useful to record some of my reflections on it and express my opinion on the implications for Catholic higher education.

A practical reflection comes to mind at once: our gratitude to those church-related colleges in North Carolina which contributed to a legal defense fund established to help Pfeiffer and Belmont Abbey with legal costs. Appreciation, too, for the competent legal defense conducted by Mr. Joseph Grier and Mr. William Rikard of a Charlotte law firm, and also for the constant assistance and expertise of Mr. Basil Whitener, Belmont Abbey College's attorney. Of more widespread interest, however, particularly to Catholics, is the question: Did you water down your Catholic identity in responding to the plaintiffs' charges? So let me address myself specifically to this aspect of the case.

The Catholic Identity of Belmont Abbey College was, no doubt, of great interest to the plaintiffs: a college in which so many priests "with that long black religious garb" work as teachers and administrators; a college that has "religious symbols" throughout its entire campus. From the plaintiffs' point of view it made much sense to include us with Pfeiffer in their suit. I was not, therefore, surprised when their attorneys concentrated on our Catholic identity when I took the witness stand in the first hearing. In their questioning, they focused strongly on a section of Belmont Abbey College's official statement of identity, goals and purposes, which maintains that if a Catholic college or university is to be true to its identity, the following four characteristics must be present:

1. A Christian inspiration not only of individuals but of the college community as such;
2. A continuing reflection in the light of the Catholic faith upon the growing treasury of human knowledge;
3. Fidelity to the Christian message as it comes to us through the Church;
4. An institutional commitment to the people of God

and of the human family in their pilgrimage to the transcendent goal that gives meaning to life.

Before answering the attorneys' questions on this, I asked Judge McMillan's permission, which he readily gave, to make what I regarded as a necessary clarifying statement on the essential role of any college or university, Catholic or otherwise. Briefly, the points I tried to make are these: if an institution intends to conduct itself as a college or university, it must seek its educational goals through methods that are proper for that kind of institution. These methods must include such educational approaches as analysis, criticism and questioning. Indoctrination, which is an acceptable method for other kinds of institutions, simply is not an appropriate method for a college or university. If indoctrination is what people want, then I believe they ought to set up some other kind of institution, but not a college: nor should they call it a college. Provided a college such as Belmont Abbey adheres to its proper methodology, there are many suitable ways in which it can implement its Catholic identity. It is my contention that Belmont Abbey College conducts itself in this way: that it strives to implement its Catholic identity through a methodology proper for a college and in other suitable ways, and so, as previous decisions of the United States Supreme Court seem to indicate, its North Carolina students should not be barred from benefiting from State or Federal funds.

The position I applied throughout in answering the long and persistent questioning on the four essential characteristics of a Catholic college endorsed by Belmont Abbey College's official statement of identity, goals and purposes. Incidentally, we incorporated these characteristics in our statement from a document issued by the Second Congress of Delegates of Catholic Universities of the World which met in Vatican City in 1972. Reading over the transcript of my testimony, I noticed that at one point in the questioning I told the attorney that if he sought to have me deny or dilute in any way Belmont Abbey College's identity as a Catholic college, he just would not succeed. I said this because I am convinced that if Belmont Abbey College cannot operate as a Catholic college in ways proper for a college, I feel sure that the Board of Trustees would decide to close it down, and rightly so, in my opinion.

Reflecting on this phase of the case, it strikes me as interesting that the position of the plaintiffs was that if we are a Catholic college, we ought to indoctrinate our students (many of whom, by the way, are not Catholic); in other words, operate like a seminary or some other form of non-college institution. I find this interesting because this seems precisely to be the position of numerous Catholics also, and so, it seems to me that because of the failure of many people to understand clearly the fundamental nature of an institution of higher education, the Catholic college is assailed on all sides. The fact of the matter is, however, at least at Belmont Abbey College, no one--students, staff, faculty, administrators, trustees--has any doubt whatsoever that we are indeed a Catholic college and that our philosophy of education insists that moral and spiritual growth are just as important as intellectual development.

Furthermore, I believe that Catholic educators working in the field of higher education today would agree with me that if a Catholic college is true to its identity and expresses this identity in all the ways that are possible and suitable for an institution of higher learning, it can be most effective in leading young people in our time to gain for themselves a mature appreciation of their faith and also a grasp of sound moral values consonant with their faith. Needless to say, in times such as these when our young people are constantly exposed in our culture to deep confusion about the meaning of life and to many values that oppose or undermine Christian teaching, a Catholic college that has some success in battling such a deluge of rubbish performs a most important task, not only for its students, but also for our society.

I believe that this kind of education, so critically needed by college-age students in our times, is what a Catholic college can and should do well. It seems to me that this is what Pope Paul VI had in mind when, in a letter to the Rector of the Catholic University of Milan, he described the work of the Catholic college as "irreplaceable and urgent," and in an address to Catholic educators from all over the world pledged his

strong support and asked for similar support from Catholic bishops everywhere for what he beautifully described as the Catholic university's "pastoral ministry of thought." The Holy Father's support was echoed in a letter I received from Cardinal Garrone, Prefect of the Sacred Congregation for Catholic Education, to whom I had sent a copy of Belmont Abbey College's statement of goals and purposes. The Cardinal wrote: "We want to say to you and your collaborators and associates that we deeply admire those who give so much of their lives and resources to the precious apostolate of Catholic higher learning. To maintain and develop a university-level institution that is truly updated and modern while penetrated with the Catholic faith and guided by Catholic truth is not an easy task in face of the uncommon difficulties, opportunities, and challenges of our time."

In the light of the foregoing, it would seem to me that the implications of the favorable decision of the U.S. Supreme Court, not only in the case of Belmont Abbey College but also in various other cases involving Catholic colleges in other parts of the country, are most important. As I see it, this means that Catholic colleges and other church-related colleges which conduct themselves as colleges and at the same time strongly implement in suitable ways their denominational identity, can do so without rendering their students ineligible for State funds. Theoretically, I see no reason why public funds which go to the student who then chooses to attend a church-related college should threaten that college's independence, for these funds go not to the institution but to the student. Nevertheless, in practice, I believe a church-related college should avoid excessive reliance even on those public funds that are given not to the institution but to their students.

That caution being entered, I believe that the availability of a certain amount of State funds for a student who chooses to attend a church-related college furnishes two important benefits for our society. First, there are today many thoughtful people who understand that our kind of society can only be viable if a certain minimal reservoir of sound values are accepted and shared by the American people, and they rightly worry about the serious erosion of these values in our times. Church-related colleges, in virtue of their history and tradition, are in a position to reinforce these values in a way State colleges and universities are not so able to do, and hence, church-related colleges which seriously pursue their mission have much to contribute to the well-being of our society.

Secondly, a relatively small amount of financial help from the State to our students can enable church-related colleges to share more of the load of higher education which is borne in great measure nowadays by the tax-supported State institutions. Particularly in these inflationary times, it is clearly a great benefit, for instance, to the North Carolina taxpayers to find constitutional ways of curbing the ever-increasing costs of education paid for by the State, especially since the State's education budgets are already so burdensome. This situation can be helped by making it possible for a North Carolina resident to choose to attend an independent college rather than a State institution, and this is precisely why the State Legislature in North Carolina enacted the programs recently declared constitutional by the U.S. Supreme Court. For instance, this year every student attending a State university in North Carolina had his or her tuition costs subsidized by the State in an amount exceeding \$2,400. If a student by receiving from the State \$300, for example, chooses to attend Belmont Abbey College or another private college in North Carolina rather than a State university, the taxpayers are thereby saved something over \$2,100. This figure takes into account only tuition costs and prescinds entirely from the enormous capital costs required by the State university system, costs that are also, of course, borne by the taxpayers.

A final reflection on the implications of the case focuses on a particularly Catholic point of view. When the pioneer Benedictines came to North Carolina over a hundred years ago to establish here a Catholic college, surely their hopes of survival must have been largely based on faith, for even today North Carolina has the lowest percentage of Catholics of any state in the nation.

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