



January 30, 2025

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. 292 and H.R. 817, 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.”<sup>1</sup>*

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 ruled<sup>2</sup> that Catholic families have a right to send their children to Catholic schools and cannot be forced to attend a government school.

The Educational Choice for Children Act protects this right by empowering parents with the financial resources they need to select the education environment that aligns to their values and works best for their children.

#### Anti-Catholic “Blaine Amendments” as an Obstacle to Education Freedom

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.<sup>3</sup> In 2017, the U.S. Supreme Court criticized Blaine amendments in its landmark religious liberty ruling, *Trinity Lutheran Church of*

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<sup>1</sup> Catechism of the Catholic Church, no. 2229 (emphasis added).

<sup>2</sup> *Pierce v. Soc’y of Sisters*, 268 U.S. 510 (1925).

<sup>3</sup> <https://www.usccb.org/committees/religious-liberty/religious-liberty-background-blaine-amendments>;

*Columbia v. Comer*, 582 U.S. \_\_\_\_.<sup>4</sup> 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.<sup>5</sup> And most recently, in *Carson v. Makin*, 596 U.S. \_\_\_\_ (2022), the Supreme Court 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.<sup>6</sup>

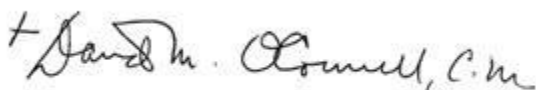
Nevertheless, opponents of parental choice continue to use Blaine Amendments to limit access to children's educational options. Amid ongoing litigation to resolve these issues in several states, there are still millions of children across the country who have no access to school choice. The Educational Choice for Children Act would provide much-needed resources to families who are currently cut off from school choice at the state-level due to Blaine Amendments.

#### Protections for Religious and Private Institutions

We support federal policy providing families in all fifty states access to the school of their choice, and We 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 opportunities for scholarships exclusively through individual or corporate philanthropy. This legislation 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.

We are 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,



Most Reverend David M. O'Connell, C.M.  
Bishop of Trenton  
Chairman, USCCB Committee on Catholic Education

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<sup>4</sup> [https://www.supremecourt.gov/opinions/16pdf/15-577\\_khlp.pdf](https://www.supremecourt.gov/opinions/16pdf/15-577_khlp.pdf).

<sup>5</sup> [https://www.supremecourt.gov/opinions/19pdf/18-1195\\_g314.pdf](https://www.supremecourt.gov/opinions/19pdf/18-1195_g314.pdf).

<sup>6</sup> [https://www.supremecourt.gov/opinions/21pdf/20-1088\\_dbfi.pdf](https://www.supremecourt.gov/opinions/21pdf/20-1088_dbfi.pdf).