

This Nation Under God

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BOOK REVIEWS

THIS NATION UNDER GOD
by *Joseph Costanzo, S.J.*

Herder and Herder, New York, New York, 1964. Pp. 448. \$7.50.

Reviewed by
ALEXANDER HOLTZOFF*

Father Costanzo's work on "This Nation Under God" is a valuable and constructive contribution to discussions of the clauses of the First Amendment of the Constitution of the United States relating to religious liberty. The author deals in an analytical manner with the scope and interpretation of these constitutional provisions and the limitations surrounding them. In addition, he discusses in considerable detail the effect of these provisions on the constitutionality of federal pecuniary aid to education, and more particularly to private schools, many of which are maintained by religious organizations and include religious instruction in their curriculum. The great majority of these schools are, of course, parochial schools. Father Costanzo presents a strong and cogent argument in support of the proposition that the first amendment does not ban federal aid to parochial and other religious schools.

The author devotes considerable attention to demonstrating the inaccuracy of

the metaphor found in one of Thomas Jefferson's letters—that the first amendment was intended "to erect a wall of separation between church and state." Jefferson was a prolific and brilliant letter writer. Ordinarily, a person is not as precise and accurate in the language of his informal correspondence as he necessarily is in formal utterances. Figures of speech have a proper place, for they often embellish an otherwise prosaic and unadorned discussion. It is at times dangerous, however, to accept them in their literal meaning. The author indicates that reference to Thomas Jefferson's picturesque phrase has given rise to considerable confusion in discussions of the topic of separation of church and state.

All too often the precise phraseology of the pertinent clauses of the first amendment is ignored or forgotten. In dealing with the subject, it is necessary to bear them in mind at all times. They read as follows:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof. . . .

Thus, the first amendment insofar as it

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relates to religious liberty has two aspects. Taking them up in reverse order, one bars Congress from enacting any law that would prohibit the free exercise of religion. In other words, it guarantees religious freedom to the individual. It accords to everyone the right to have such religious beliefs as he chooses, or to have none at all. Supreme Court decisions have properly indicated that there are limitations on the manner of worship in that acts of worship must not come in conflict with the criminal law.

The first part of the constitutional provision is somewhat more difficult of definition. It was intended to bar the creation of an established church, such as the Church of England, and such as was the Protestant Episcopal Church in Virginia in colonial days and the Congregational Church in Massachusetts. As constitutional provisions must be given a broad construction, it would follow that Congress may not indirectly defeat the intent of this clause by giving preference to one religion as against another, as by subsidizing one and declining similar assistance to others.

On the other hand, one might well ask whether this provision would be violated if all religions received financial support from the Government on an equal proportionate basis. In one sense all churches have received indirect financial assistance from the Government in the form of exclusion from taxation. Aid of this type is an accepted feature of American life.

That a complete separation of church and state, or religion and state, was neither intended by the framers of the first ten amendments nor is carried out in practice, is easily demonstrated. From the early days there has been a Chaplain Corps in the armed forces of the United States. Both Houses of Congress have official chaplains.

Chapels are maintained by Government installations, such as army bases and naval stations. The author calls attention to the little known fact that from 1789 until 1900 Congress financially supported Christian missionaries on Indian reservations. The author epigrammatically defines religious liberty as "the right to believe and the right not to believe." He also states: "The Constitution forbids a state religion. There is nothing in it to forbid a religious state." The author persuasively argues that auxiliary services, which are supplied by the Government to public schools, should be extended to parochial and other religious schools. Dictates of humanity alone would seem to support his contentions. To accord free lunches, free bus transportation, free textbooks on secular subjects, and the like, to pupils of public schools, and to deny them to pupils of parochial schools, would seem to be baseless discrimination. So, too, Father Costanzo demonstrates that there is no logical basis for a distinction between aiding higher education and assisting elementary education. This reviewer has never been able to discern any differences between the two from a logical and reasonable standpoint. The author expressly states that he does not advocate "across the board grants or loans to all schools, but only subventions for specific purposes."

Father Costanzo's book is a timely and constructive contribution to a subject that is receiving a great deal of attention at the present and is of great importance to the people of this country. It contains a wealth of valuable material on the subject with which it deals. The book will constitute interesting and enlightening reading to all those who have occasion to deal with the problems of the relation between church and state.