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Drummond: Approval of Catholic charter school drove a stake in the heart of religious liberty

Gentner Drummond Guest columnist

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The recent decision by the Oklahoma Statewide Virtual Charter School Board to approve the application for what would be the nation's first publicly funded religious charter school is cause for serious concern.

Sponsors of the proposed new school declare that it will be “Catholic in teaching, Catholic in employment and Catholic in every way.” Supporters hail the approval as a victory for religious liberty.

It is the exact opposite. The board's vote drove a stake in the heart of religious liberty.

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Religious liberty is among our most fundamental freedoms. Europeans fled the Old World so they could worship in the manner of their choosing without the state sanctioning or limiting their choices. Today, religious liberty allows us to worship according to our faith and to be free from any duty that conflicts with our faith. Forcing Oklahomans to fund religious teachings with their tax dollars is not religious freedom — it is state-sponsored religion, which violates the first clause of the First Amendment.

Today, the school seeking approval happens to be a widely followed branch of the Christian faith. Tomorrow, the school may be sponsored by a mosque wishing to teach Sharia law, or some other faith that most Oklahomans would find deeply offensive.

The state of Oklahoma would not be free to pick and choose which religions receive state funding. If we fund one religion, we are legally bound to fund them all.

Some supporters of the new religious charter school are unconcerned about this slippery slope. Gov. Kevin Stitt, in a February news conference, plainly said he would be happy to force

Christians in Oklahoma to fund non-Christian religious schools. “Am I supportive of the Catholics choosing and going out and setting up a Catholic charter school? 100 percent, I think it’s great,” the governor said. “Just like if the Jewish community wanted to set up a charter school, or the Muslim community.”

I couldn’t disagree more. The clear result of this approach is to compel Muslim Oklahomans to fund Christian and Jewish schools, force Jewish Oklahomans to fund Christian and Muslim schools, and mandate that Oklahomans of no faith must fund religious schools for all faiths. There is no “religious freedom” in compelling Oklahomans to fund religions that may violate their own deeply held beliefs. The framers of the U.S. Constitution and those who drafted Oklahoma’s Constitution clearly understood how best to protect religious freedom: by preventing the state from sponsoring any religion at all.

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I have a solemn obligation as attorney general to uphold those founding documents. The establishment of a public school that teaches Catholicism, or any other faith, infringes on the rights of all taxpayers of all faiths and clearly violates the U.S. Constitution and the Oklahoma Constitution. The law simply does not allow for a religious school to be funded with public dollars.

Presently, Oklahomans of every faith, and those who profess no faith, are asking the same question: What happens now?

There is likely to be a great deal of litigation. This may prove costly for the state, as well as for the individual board members who violated their oath in voting to approve a religious public school not authorized by law.

The question of whether governments are permitted to fund religious public schools ultimately will be answered by the U.S. Supreme Court.

Until then, I will continue fulfilling my duty to the people of Oklahoma by upholding the law and defending the Constitution. The protection of religious liberty depends on it. My oath requires it.

Gentner Drummond is Oklahoma's attorney general.