

AMERICAN CONSTITUTIONALISM
VOLUME II: RIGHTS AND LIBERTIES
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Supplementary Material

Chapter 7: The Republican Era – Individual Rights/Religion/Establishment

Bradfield v. Roberts, 175 U.S. 291 (1899)

On June 4, 1897, the surgeon general of the United States and the directors of Providence Hospital made a contract that required the United States to pay a sum of money to the hospital. Joseph Bradfield, a resident of the District of Columbia, immediately filed a lawsuit asking a federal court to enjoin the Treasurer of the United States, Ellis Roberts, from paying any money to the hospital. Bradfield pointed out that the hospital was run by the Roman Catholic Church. For that reason, he contended, any payment of government money violated the establishment clause of the First Amendment. A lower federal court issued the injunction, but that injunction was overturned by the Court of Appeals for the District of Columbia Circuit. Bradfield appealed to the Supreme Court of the United States.

The Supreme Court sustained the ruling of the federal circuit court. Justice Peckham's opinion found no constitutional problem with the federal government's decision to give money to a hospital run by Roman Catholics. Peckham characterized as accidental that Providence hospital happened to be run by Roman Catholics. Is that a correct characterization? Does his opinion indicate any circumstances in which the federal government could not give money to a religious hospital? Did Bradfield simply refuse to discriminate against a religious institution or did the decision sanction government support of religion?

JUSTICE PECKHAM delivered the opinion of the Court:

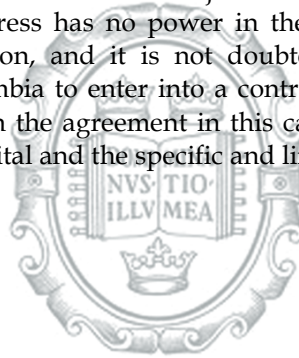
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... Nothing is said about religion or about the religious faith of the incorporators of this institution in the act of incorporation. It is simply the ordinary case of the incorporation of a hospital for the purposes for which such an institution is generally conducted. ...

The ... allegations in the complainant's bill do not change the legal character of the corporation or render it on that account a religious or sectarian body. Assuming that the hospital is a private eleemosynary corporation, the fact that its members, according to the belief of the complainant, are members of a monastic order or sisterhood of the Roman Catholic, and the further fact that the hospital is conducted under the auspices of said church, are wholly immaterial, as is also the allegation regarding the title to its property. The statute provides as to its property and makes no provision for its being held by anyone other than itself. The facts above stated do not in the least change the legal character of the hospital, or make a religious corporation out of a purely secular one as constituted by the law of its being. Whether the individuals who compose the corporation under its charter happen to be all Roman Catholics, or all Methodists, or Presbyterians, or Unitarians, or members of any other religious organization, or of no organization at all, is of not the slightest consequence with reference to the law of its incorporation, nor can the individual beliefs upon religious matters of the various incorporators be inquired into. Nor is it material that the hospital may be conducted under the auspices of the Roman Catholic Church. To be conducted under the auspices is to be conducted under the influence or patronage of that church. The meaning of the allegation is that the church exercises great and perhaps controlling influence over the management of the hospital. It must, however, be managed pursuant to the law of its being. That the influence of any particular church may be powerful over the members of a nonsectarian and secular corporation, incorporated for a certain defined purpose and with clearly stated powers, is

surely not sufficient to convert such a corporation into a religious or sectarian body. That fact does not alter the legal character of the corporation, which is incorporated under an act of Congress, and its powers, duties, and character are to be solely measured by the charter under which it alone has any legal existence. There is no allegation that its hospital work is confined to members of that church or that in its management the hospital has been conducted so as to violate its charter in the smallest degree. It is simply the case of a secular corporation being managed by people who hold to the doctrines of the Roman Catholic Church, but who nevertheless are managing the corporation according to the law under which it exists. The charter itself does not limit the exercise of its corporate powers to the members of any particular religious denomination, but, on the contrary, those powers are to be exercised in favor of anyone seeking the ministrations of that kind of an institution. All that can be said of the corporation itself is that it has been incorporated by an act of Congress, and for its legal powers and duties that act must be exclusively referred to. As stated in the opinion of the court of appeals, this corporation "is not declared the trustee of any church or religious society. Its property is to be acquired in its own name and for its own purposes; that property and its business are to be managed in its own way, subject to no visitation, supervision, or control by any ecclesiastical authority whatever, but only to that of the government which created it. In respect, then, of its creation, organization, management, and ownership of property it is an ordinary private corporation whose rights are determinable by the law of the land, and the religious opinions of whose members are not subjects of inquiry."

It is not contended that Congress has no power in the District to appropriate money for the purpose expressed in the appropriation, and it is not doubted that it has power to authorize the commissioners of the District of Columbia to enter into a contract with the trustees of an incorporated hospital for the purposes mentioned in the agreement in this case, and the only objection set up is the alleged "sectarian character of the hospital and the specific and limited object of its erection."

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