

Massachusetts Anti-Aid Amendment

Art. XVIII. Religious Freedom; Expenditure of Public Money for Certain Institutions Prohibited, Exceptions.

Section 1. No law shall be passed prohibiting the free exercise of religion.

Section 2. No grant, appropriation or use of public money or property or loan of credit shall be made or authorized by the Commonwealth or any political subdivision thereof for the purpose of founding, maintaining or aiding any infirmary, hospital, institution, primary or secondary school, or charitable or religious undertaking which is not publicly owned and under the exclusive control, order and supervision of public officers or public agents authorized by the Commonwealth or federal authority or both, except that appropriations may be made for the maintenance and support of the Soldiers' Home in Massachusetts and for free public libraries in any city or town and to carry out legal obligations, if any, already entered into; and no such grant, appropriation or use of public money or property or loan of public credit shall be made or authorized for the purpose of founding, maintaining or aiding any church, religious denomination or society. Nothing herein contained shall be construed to prevent the Commonwealth from making grants-in-aid to private higher educational institution or to students or parents or guardians of students attending such institutions.

Section 3. Nothing herein contained shall be construed to prevent the commonwealth, or any political division thereof, from paying to privately controlled hospitals, infirmaries, or institutions for the deaf, dumb or blind not more than the ordinary and reasonable compensation for care or support actually rendered or furnished by such hospitals, infirmaries or institutions to such persons as may be in whole or in part unable to support or care for themselves.

Section 4. Nothing herein contained shall be construed to deprive any inmate of a publicly controlled reformatory, penal or charitable institution of the opportunity of religious exercises therein of his own faith; but no inmate of such institution shall be compelled to attend religious services or receive religious instruction against his will, or, if a minor, without the consent of his parent or guardian.

Section 5. This amendment shall not take effect until the October first next succeeding its ratification and adoption by the people.

NOTES:

This article, in its original form, was adopted by the legislatures of the political years 1854 and 1855, and approved and ratified by the people May 23, 1855.

The present provisions of this article, with the exception of Section 2, were inserted by Art XLVI of the Amendments, which was submitted, by the delegates in convention assembled, Aug 30, 1917, to the people, and by them ratified and adopted Nov 6, 1917.

Section 2 of this article contains the text of Article CIII of the amendments, which was adopted by the General Court of the political years 1972 and 1973, and approved by the people Nov 5, 1974. Said Art. CIII of the amendments amended Section 2 of Art. XLVI of the amendments, which is Section 2 of this article.