

Choice Drives Quality in Education

School vouchers give families access to an education regardless of income or zip code

By [BOB BEHNING](#)

April 12, 2013

Bob Behning is a Republican representative from Indianapolis and chairman of the Education Committee.

A high-quality education system is imperative for the future of our country. Providing parents with the opportunity to choose the best environment for their children to learn and excel in is not a choice, it is a moral obligation. For the past two decades, I have fought for families to have a choice when it comes to their child's education.

Public schools serve the vast majority of students and are critical to the educational success of our nation. Educational choice doesn't diminish the role public schools play in preparing students for post-academic life. However, if a school – public or private – is not meeting a child's needs, then other options should be accessible. Typically they are, but at a cost.

In fact, they should be available to students regardless of income or zip code.

The Choice Scholarship Program is a tool that allows parents additional options to make sure their children receive the education that fits their needs. Nationally, our educational system has fallen behind countries like China, South Korea, Finland, Singapore and Canada. This should serve as a wake-up call given the global dynamics of the 21st century marketplace. Are we doing enough to prepare American students for future success? Or, is a new model needed to restore gains in achievement and learning?

[\[Read Teresa Meredith: Voucher Schemes Don't Help Students\]](#)

When compared to 34 other industrialized countries, the U.S. ranked 14th in reading, 17th in science and 25th in math, according to scores from the 2009 Program for International Student Assessment. I firmly believe that American students, parents and teachers should have all the resources available to them to be leading the way.

Choice programs and charter schools were designed to inject competition in education systems because competition produces innovation and advancement. I have heard from countless parents who use the Choice Scholarship Program and describe it as a godsend for their child. Their son or daughter may have been a victim of bullying or learned in a different way, or perhaps they needed a school that fit their special needs. Different schools offer different solutions. However, there are thousands of families who are still unable to access the best option for their children.

[\[See a collection of political cartoons on the budget and deficit.\]](#)

Both, the Indiana Supreme Court and the U.S. Supreme Court, have ruled that vouchers are constitutional. The Indiana Supreme Court unanimously found that vouchers do not violate the state's prohibition against public funding of religious institutions because parents and children are the primary beneficiaries. Just as a college student can use public funds to attend a private university, a K-12 student should be able to use public funds to attend a private school.

Currently, 255,000 students nationwide attend private schools of their parents' choice through a voucher or tax-credit program, in addition to 2.3 million students who are enrolled at public charter schools, according to the Friedman Foundation for Educational Choice. Indiana currently has 30,000 students in charter schools and approximately 9,400 students receiving vouchers.

Our goal is to have all schools achieve excellence. All children deserve to have the same opportunities to excel academically regardless of their family's financial circumstances. Indiana's program provides students from low- and middle-income environments additional options, so their academic needs can be met. The power of parents to choose and to be engaged in their children's education is critical to the long-term success of our state and country.

- [Don't Teach to the Test](#)
- [Read the U.S. News Debate: Is There a Need for Parent Trigger Laws?](#)
- [Check out U.S. News Weekly, now available on iPad](#)

Tags: [school vouchers](#) , [elementary school](#), [education](#), [teachers](#)



OPPOSE SCHOOL VOUCHERS

The Government Should Not Spend Taxpayer Money on Private Schools

Open and non-discriminatory in their acceptance of all students, American public schools are a unifying factor among the diverse range of ethnic and religious communities in our society. Public schools are the only schools that must meet the needs of all students. They do not turn children or families away. They serve children with physical, emotional, and mental disabilities, those who are extremely gifted and those who are learning challenged. Vouchers undermine these goals by taking taxpayer money out of the public school system and funneling it to private schools.

Vouchers Do Not Improve Academic Achievement

According to multiple studies of the District of Columbia,¹ Milwaukee,² and Cleveland³ school voucher programs, students offered vouchers do not perform better in reading and math than students in public schools. In 2011, the Wisconsin Legislative Audit Bureau released a five-year longitudinal study,⁴ which concluded that students in Milwaukee using vouchers to attend private and religious schools perform no better on standardized tests than their counterparts in public schools. Similarly, the U.S. Department of Education studied the D.C. voucher program for five years and found the program produced no statistically significant improvements overall in educational achievement. Voucher programs also fail to offer participating students greater educational resources. In fact, the Department of Education studies of the D.C. voucher show that students participating in the program are actually *less* likely to have access to ESL programs, learning support and special needs programs, tutors, counselors, cafeterias, and nurse's offices than students not in the program.

Vouchers Do Not Improve Opportunities for Kids from Low Income Families

Voucher payments often do not cover the entire cost of tuition or other mandatory fees for private schools. Thus, only families with the money to cover the cost of the rest of the tuition, uniforms, transportation, books, and other supplies can use the vouchers. In Cleveland, the majority of families who were granted a voucher but did not use it cited the additional costs as the reason they could not use the voucher. A 2003 study of the Ohio program concluded: "For many families, the financial burden of paying even the relatively small portion of their children's private school tuition is more than they can bear."⁵ In the end, the families most likely to use a voucher are the ones who could already afford to send their kids to private schools.

Students Who Accept Vouchers Lose Important Rights and Protections

Vouchers deprive students of the rights and protections they are awarded at public schools. Despite receiving public money, private schools that participate in voucher programs are not subject to all federal civil rights laws, and do not face the same public accountability standards that all public schools must meet, including those in Title VI, Title IX, the Individuals with Disabilities Education Act (IDEA), and the Elementary and Secondary Education Act (ESEA). Private voucher schools usually do not have to comply with the same teacher standards, curriculum, and testing requirements as the public schools. And, students who attend private schools with vouchers are stripped of their First Amendment, due process, and other constitutional and statutory rights offered to them in public schools. Unfortunately, many parents and students are not even aware that they will lose rights and protections when they accept a voucher.

¹ U.S. Dep't of Ed., *Evaluation of the D.C. Scholarship Program: Final Report* (June 2010) (Though the 2009 study showed a marginal gain for some students in reading (but notably, not for the program's targeted group, students from schools in need of improvement), the 2010 Final Report said "[t]here is no conclusive evidence that the [program] affected student achievement" and earlier findings of modest gains "could be due to chance" and were no longer statistically significant.); U.S. Dep't of Ed., *Evaluation of the D.C. Scholarship Program: Impact After 3 Years* (Apr. 2009); U.S. Dep't of Ed., *Evaluation of the D.C. Scholarship Program: Impact After 2 Years* (June 2008); U.S. Dep't of Ed., *Evaluation of the D.C. Scholarship Program: Impact After 1 Year* (June 2007).

² Witte, Wolf, et al., *MPCP Longitudinal Educational Growth Study Third Year Report* (Apr. 2010); Witte, Wolf, et al., *MPCP Longitudinal Educational Growth Study Second Year Report* (Mar. 2009); Witte, Wolf, et al., *MPCP Longitudinal Educational Growth Study Baseline Report* (Feb. 2008); Witte, *Achievement Effects of Milwaukee Voucher Program* (Feb. 1997); Witte, et al., *Fifth Year Report Milwaukee Parental Choice Program* (Dec. 1995).

³ Plucker, et al., *Evaluation of the Cleveland Scholarship and Tutoring Program, Summary Report 1998-2004* (Feb. 2006); *Evaluation of the Cleveland Scholarship and Tutoring Program, Executive Report 1998-2002* (Feb. 2006).

⁴ Legislative Audit Bureau, *Test Score Data for Pupils in the Milwaukee Parental Choice Program (Report 4 of 5)*, 17 (Aug. 2011) ("The project's five-year longitudinal study shows no significant difference in the performance of Choice and similar MPS pupils after four years of participation.")

⁵ Metcalf, *Evaluation of the Cleveland Scholarship and Tutoring Program: Exploring Families' & Educational Choices: Technical Report*, 162 (Dec. 2003).

**The National Coalition
for
Public Education**

The **National Coalition for Public Education** is comprised of more than 50 education, civic, civil rights, and religious organizations devoted to the support of public schools. Founded in 1978, NCPE opposes the funneling of public money to private and religious schools through such mechanisms as tuition tax credits and vouchers.

Vouchers Do Not Allow Parents to Make Better Education Choices

Under most voucher bills, a private school could take taxpayer money and also deny admission to any student it chooses. Depending on the enacting law, private voucher schools may discriminate against a student based on his or her gender, disability, religion, national origin, economic background, academic record, English language ability, or disciplinary history. Also, voucher programs often do not provide parents with the necessary or accurate data needed to make informed educational choices. Though parents would have the power to remove students from the private school, the school is not required to give parents the information necessary to determine that the school would meet the needs of their child, such as standardized test scores (which the schools may not even administer to all their students), curriculum used by the schools, or teacher qualifications. But, even where legislatures have tried to set up accountability standards for parents, it has not worked. According to a 2008 U.S. Government Accountability Office study, the D.C. voucher program “did not collect or omitted or incorrectly reported some information that would have helped parents evaluate the quality of participating schools.”⁶ The “misleading,” “inaccurate,” and “incomplete” information was provided in spite of an explicit statutory requirement that the District provide certain information to parents.⁷

Vouchers Fail Students with Special Needs

Programs tailored to students with disabilities also do not work. Students using vouchers lose many rights granted by the Individuals with Disabilities Education Act (IDEA) and may not have the protection of an individualized education plan (IEP) in private schools. Furthermore, a 2008 study of the Ohio Autism Scholarship concluded that vouchers are “a poor model” that “should not be emulated in other states.” The study explained that the voucher is not “sound education policy” and that it “exacerbates inequality.”⁸ Likewise, a 2007 study of Florida’s McKay Scholarships for Students with Disabilities similarly found that the McKay voucher was “seriously flawed” and created “[m]ore [p]roblems [t]han [s]olutions.”⁹ Students with special needs often cannot even find a private school that can serve them: The final Department of Education report on the D.C. voucher showed that a significant number of students had to reject their vouchers because they were unable to find a participating school that offered services for their learning or physical disability or other special needs.¹⁰ In Milwaukee, researchers’ observations during site visits to voucher schools confirmed findings in the policy literature that “most private schools lack the incentives, personnel, protocols, and organizational culture that lead public school systems to label students with disabilities as requiring special education services.”¹¹

Vouchers Harm Religious Liberty

One of the most dearly held principles of religious liberty is that government should not compel any citizen to furnish funds in support of a religion with which he or she *disagrees*, or even a religion with which he or she *does agree*. Voucher programs, however, violate that central tenet: they use taxpayer money to fund primarily religious education. Indeed, approximately 80% of the students participating in the D.C. voucher program attend religious schools. Parents certainly may choose such an education for their children, but no taxpayer should be required to pay for another’s religious education.

Vouchers Cost, Rather than Save, Taxpayer Money

Vouchers do not decrease education costs. Rather, tax money that would ordinarily go to public schools would instead pay for vouchers, thus limiting the capacity of public schools. A 1999 study of Cleveland’s program showed the public schools from which students left for private voucher schools were spread throughout the district. The reduction in students, therefore, was negligible at the individual schools. Thus, the public school district lost state funding to pay for vouchers without being able to cut overall operating costs.¹² In Milwaukee, which has been disproportionately burdened in a statewide voucher funding scheme, the city has had to raise property taxes several times in order to ensure adequate funding for the city’s schools.¹³

⁶ U.S. Gov’t Accountability Office, GAO-08-09, *District of Columbia Opportunity Scholarship Program: Additional Policies and Procedures Would Improve Internal Controls and Program Operations*, 36 (Nov. 2007).

⁷ *Id.* at 21, 36, 44.

⁸ Policy Matters Ohio, *Analyzing Autism Vouchers in Ohio* (Mar. 2008).

⁹ Sara Mead, *Information Underload: Florida’s Flawed Special-Ed Voucher Program*, Education Sector 1 (June 2007).

¹⁰ U.S. Dep’t of Ed., *Evaluation of the D.C. Scholarship Program: Final Report* (June 2010).

¹¹ Wolf, et. al., *Special Education and the Milwaukee Parental Choice Program (Report #35) (2012)*.

¹² KPMG, LLP, *Cleveland Scholarship and Tutoring Program: Final Management Study* (Sept. 1999).

¹³ Borsuk, “MPS Property Tax Levy Expected to Rise 14.9%,” *Milwaukee Journal Sentinel*, July 4, 2008.; Richards, “MPS blames voucher program for tax levy increase,” *Milwaukee Journal Sentinel*, October 31, 2012.

Americans United

Legislative

Choice Charade: Senators Host Pro-Voucher Event On Capitol Hill

Jul 31, 2013 by [Vanessa Wolbrink](#) in [Legislative](#) |

With no one on any of the panels there to offer opposing views, the panelists cited several misleading facts and only told one side of the story about private school vouchers.

On Tuesday, U.S. Sens. Rand Paul (R-Ky.), Mitch McConnell (R-Ky.), Lamar Alexander (R-Tenn.) and Tim Scott (R-S.C.) hosted an event called "Success for Our Children: A Roundtable Forum on School Choice."

The forum included three one-sided panels in favor of so-called "school choice." Although the discussion did include a lot of talk about charter schools, the senators and panelists also strongly pushed private school vouchers.

The first panel included voucher proponents who claimed that school choice is "raising the standard of education in D.C.," with representatives from several charter schools, the secretary for education for the Catholic Archdiocese of Washington, and a representative from the Alliance for School Choice, a voucher front group. The second and third panels included parents and children who participated in the D.C. voucher program. With no one on any of the panels there to offer opposing views, the panelists cited several misleading facts and only told one side of the story about private school vouchers.

I sat through the whole thing. Here are some pertinent facts that were overlooked:

Vouchers Are Not True Choice: In his introductory remarks, Paul emphasized the importance of parents' ability to choose their child's school. With private school vouchers, however, the parents **don't** have the ultimate choice – the schools do. Private voucher schools usually are allowed to discriminate against students (and teachers, for that matter) based on gender, ability, religion or sexual orientation of the students or their parents.

Parents of students with special needs have even less of a choice. Students in private voucher schools forfeit many of the protections that come with the Individuals with Disabilities Education Act (IDEA), and private schools are typically less equipped to teach students with special needs. A 2010 Department of Education [report](#) on D.C. vouchers showed a significant number of students had to reject their vouchers because they were unable to find a participating school that offered services for their learning or physical disability.

The panels of parents and students included only success cases that were sure to appeal to the emotions of the audience. But these anecdotes can't overcome the studies that show that the experiences these students have had are not the norm in the D.C. program. The panel should have had the disclaimer used by most dieting gimmicks --"results not typical." There were no examples of children with special needs not receiving adequate services or children with behavioral problems, same-sex parents, or low test scores being kicked out of voucher schools on a whim.

the money to [send his two daughters] to Sidwell Friends....It's unfair to tell a poor inner-city kid that he can't choose to go to a suburban school. Preferably, the more choices, the better."

The implication that the D.C. voucher could help most students attend a school like Sidwell Friends – a pricey Quaker school in the D.C. area – is far-fetched, to say the least. The average D.C. school voucher is \$7,500, which is not likely to help a child in poverty afford the \$35,000 the prestigious private school charges. Religious schools are traditionally less expensive than secular private schools, so that's where 80 percent of DC vouchers end up being used.

The Post article also notes that "Paul shrugged off findings by The Washington Post about quality and oversight problems at some of the 52 private schools where D.C. parents have enrolled their children at a cost of \$133 million to the federal government since 2004." The fact that even the administrator of the program said that accountability was a "blind spot" in the program doesn't appear to concern him.

Vouchers are a serious threat to church-state separation: The problem with vouchers and church-state separation didn't come up in the panel, but religious schools did. Tom Burnford, the secretary for education of the Catholic Archdiocese of Washington, stated that 824 students are using the D.C. voucher to attend 20 Catholic Schools. A mother on the panel also talked about how she sent her child to a "Christian-based" school with her D.C. voucher.

Yet, when McConnell stated he was perplexed about why anybody would oppose school choice, nobody on the biased panel pointed out the one of the obvious reasons: **taxpayer money paying for religious indoctrination is constitutionally suspect**. The lack of standards in religious schools often leads to bad science lessons including teaching creationism as science and claims that the Loch Ness Monster proves evolution is false.

Vouchers are a threat to public education: In June, Paul and Scott proposed an amendment to the Elementary and Secondary Education Act to turn Title I funds into vouchers, diluting Title I funds and hurting the struggling schools and children in poverty it was meant to help. Fortunately this amendment did not pass, but it will likely be proposed again, as Scott hinted at a future hearing on the topic.

Alexander expressed his intent to expand vouchers even further. He actually suggested taking the **entire \$60 billion federal education budget for elementary and secondary education and turning it into a giant voucher, providing \$2,200 for every student in the U.S.**

This destruction of the education system certainly would not help improve public schools, which the vast majority of children (90 percent) in the United States rely on for instruction. Taxpayer money should not be taken away from public schools when they are in such dire need of funding only to be used in schools that promote religious agendas and lack academic accountability, regulation and civil rights protections.

These senators claim they want to improve education of all children, but their propagandistic forum shows otherwise. If they really want to help our children, they'll stop ignoring the plain facts about vouchers.

P.S. Learn more about the problems with vouchers by reading [this Americans United fact sheet](#).

Issues:

[Creationism & Evolution](#), [Other Issues regarding Religion in Schools and Universities](#), [Vouchers](#), [Tuition Tax Credits and Deductions](#), [Outside the Workplace: Discrimination, Exemptions & Religious Practice \(including in the Military, Prisons, Housing, Healthcare, etc.\)](#)

Wall Metaphor

[Home](#)[Up](#)[Join](#)[Contents](#)[Search](#)

First Amendment Advocate, Special Issue January 2006
The Newsletter of the Oklahoma Chapter of Americans United

The Original Intent of the First Amendment

The Origin of the "Wall" Metaphor for Church/State Separation

"The church of the Jews under the Old Testament in the type and the church of the Christians under the New Testament in the antitype were both separate from the world; and when they have opened a gap in the hedge or wall of separation between the garden of the church and the wilderness of the world, God hath ever broke down the wall itself, removed the candlestick, and made his garden a wilderness."

— Roger Williams

As quoted in Perry Miller, Roger Williams: His Contribution to the American Tradition. Atheneum, 1962, p. 98.

Roger Williams and Religious Liberty for Persons of All Faiths

Roger Williams's definition of "conscience" is in a letter he wrote about the persecution of three Baptists in Boston. He said,

"I speak of conscience, a persuasion fixed in the mind and heart of man, which enforceth him to judge (as Paul said of himself a persecutor) and to do so and so with respect to God, His worship.

This conscience is found in all mankind, more or less in Jews, Turks, Papists, Protestants, pagans."

Williams, a strict Separatist Protestant, insisted that no one was to violate the "consciences of the Jews, nor the consciences of the Turks, or Papists, or pagans themselves."

As quoted in William Lee Miller, The First Liberty: America's Foundation in Religious Freedom. Expanded and Updated. Georgetown University Press, 2003, pp. 170-71.

On the influence of Roger Williams, William Lee Miller writes,

"The crotchety, disorganized, and insistently Christian writings of Roger Williams were not the sort of thing Thomas Jefferson was likely to read, but John Locke clearly had read them. When one reads Locke's letter (on toleration), one finds many echoes of Williams as anticipations of Jefferson. Even in Jefferson's Virginia Statute (Establishing Religious Freedom) one might find some echoes from Rhode Island's charter." (p. 176)

 **SEE THE INNOVATIONS THAT HELP AMERICANS LIVE LONGER.** [Have a look.](#)

0240411-00001-00



This Dolphin Remembers His Aunt's Birthday

Why Sleep Deprivation Makes You Fat

How to Cure a Bubble Boy

When Being a Suffragette Was Adorable

[Politics](#) | [Business](#) | [Tech](#) | [Entertainment](#) | [Health](#) | [Sexes](#) | [National](#) | [Global](#) | [China](#) | [Video](#) | [Magazine](#)
 Special Reports | In Focus | Events | E-books | Newsletters

John McCain Is America's Last Best Hope for Forging Fiscal Deal *Norm Ornstein*

Constitutional Myth #4: The Constitution Doesn't Separate Church and State

GARRETT EPPS | JUN 15 2011, 1:15 PM ET

2.3k

[Like](#)

627

[Tweet](#)

23

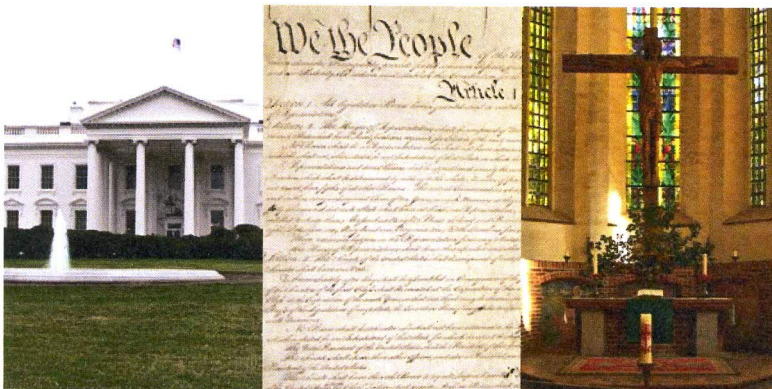
VIDEO



What Happens to Fire in Space

"Strange flames" on the International Space Station

America's Founding Fathers may not have included the phrase, but the history is clear--they never wanted a Christian nation



Wikimedia Commons

Christine O'Donnell died for the far right's constitutional sins.

In the fall of 2010, the dilettante-witch-turned-Tea-Party-Senate-candidate [sneered](#) at her opponent, Democrat Chris Coons, when he pointed out in a debate that the First Amendment to the Constitution prohibits "an establishment of religion."

O'Donnell: Let me just clarify: You're telling me that the separation of church and state is found in the First Amendment?

Coons: Government shall make no establishment of religion.

O'Donnell: That's in the First Amendment?

O'Donnell paid with a thumping repudiation at the polls even in a year of far-right victories. But her mistake was not a random one. As Rush Limbaugh explained in defense of O'Donnell, "She was incredulous that somebody was saying that the Constitution said there must be separation between church and state. Those words are not in the Constitution." In 2006, Michelle Bachmann warned a Christian group that public schools "are teaching children that there is separation of church and state, and I am here to tell you that is a myth." This year's right-wing pinup, amateur historian David Barton, devotes his book *Original Intent: The Courts, The Constitution, and Religion* to the proposition that separation of church and state is "a relatively recent concept rather than ... a long-standing constitutional principle."

The attack on separation of church and state involves twisting words and reading history backwards, and it involves making an inconvenient part of the Constitution disappear. Most ardently espoused by loud foes of "big government," the attack aims to place government in charge of Americans' spiritual lives.

John Adams signed the 1797 Treaty with Tripoli, which reassured that Muslim nation that "the Government of the United States of America is not, in any sense, founded on the Christian religion."

The idea is that the Framers desired a Christian nation, in which government oversaw the spiritual development of the people by reminding them of their religious duties and subsidizing the churches where they worship. "Establishment of religion," in this reading, simply means that no single Christian *denomination* could be officially favored. But official prayers, exhortations to faith, religious monuments, and participation by church bodies in government were all part of the "original intent," the argument goes.

Because the *words* "separation of church and state" do not appear in the Constitution, the argument runs, the document provides for *merger* of the two.

It's bosh: ahistorical, untextual, illogical.

Patriots like Thomas Jefferson, John Adams, and James Madison were profoundly skeptical about the claims of what they called "revealed religion." As children of the 18th-century Enlightenment, they stressed reason and scientific observation as a means of discovering the nature of "Providence," the power that had created the world. Jefferson, for example, took a pair of scissors to the Christian New Testament and cut out every passage that suggested a divine origin and mission for Jesus. In their long correspondence, Jefferson and John Adams swapped frequent witticisms about the presumption of the clergy. ("Every Species of these Christians would persecute Deists," Adams wrote on [June 25, 1813](#), "as soon as either Sect would persecute another, if it had unchecked and unbalanced power. Nay, the Deists would persecute Christians, and Atheists would persecute Deists, with as unrelenting Cruelty, as any Christians would persecute them or one another. Know thyself, Human Nature!") As president, Adams signed (and the U.S. Senate approved) the [1797 Treaty with Tripoli](#), which reassured that Muslim nation that "the Government of the United States of America is not, in any sense, founded on the Christian religion."

POWER IN DATA: PRESENTED BY IBM
Turning Facts Into Discoveries

SOCIAL BUSINESS: THE POWER OF DELIVERING EXCEPTIONAL CUSTOMER EXPERIENCES



SOCIAL

Online Communities Are The New Water Cooler

THE SOCIAL BUSINESS BLOG



Reaching the Multi-Tasking Consume...

As consumers become more dependent on mobile devices

JOIN THE CONVERSATION @IBMSOCIALBIZ



IBM Social Business @IBMSocBiz
Live chat 7/26 on #DigitalExp - 9am-1pm ET w/ Chris Crummy
<http://t.co/AZHThBYml> #IBM #SocBiz



IBM Social Business @IBMSocBiz
What difference has social business made to your customer? answer here

INSIGHT FROM IBM.COM

> [Why Social Business Works](#)

PRESENTED BY IBM.

WRITERS

Up

- **Conor Friedersdorf**

How Secrecy Has Already Corroded Our Democracy in Concrete Ways 9:01 AM ET

- **Derek Thompson**

The Giant Assumption Behind the Entire Entertainment Business: Cable TV Is Invincible 8:45 AM ET

- **James Fallows**

Mapping Your 'American Futures' Suggestions 1:22 AM ET

James Madison, the father of both the Constitution and the First Amendment, consistently warned against any attempt to blend endorsement of Christianity into the law of the new nation. "Who does not see that the same authority which can establish Christianity, in exclusion of all other Religions," he wrote in his *Memorial and Remonstrance Against Religious Assessments* in 1785, "may establish with the same ease any particular sect of Christians, in exclusion of all other Sects?" Unlike the Articles of Confederation, the Constitution conspicuously omits any reference to God.

The words "separation of church and state" are not in the text; the idea of separation is. Article VI provides that all state and federal officials "shall be bound by oath or affirmation, to support this Constitution; but *no religious test shall ever be required* as a qualification to any office or public trust under the United States." The First Amendment's Establishment Clause (which Christine O'Donnell had apparently not read) provides that "Congress shall make no law respecting an establishment of religion"--meaning that not only no church but no "religion" could be made the official faith of the United States. Finally the Free Exercise Clause provides that Congress shall not make laws "prohibiting the free exercise" of religion. (These prohibitions were extended to state governments by the Fourteenth Amendment, whose framers in 1866 wanted to make sure that the states maintained free, democratic systems instead of the old antebellum slave oligarchies that spawned the Civil War.)

If government can't require its officials to support a church; may not support a church itself; and may not interfere with the worship or belief of any church, is there a serious argument that church and state are *not* separate?

The attack on separation began as an attack on a [letter by Thomas Jefferson to the Danbury Baptist Association](#), dated Jan. 1, 1802. Jefferson assured the Baptists that "I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should 'make no law respecting an establishment of religion, or prohibiting the free exercise thereof,' thus building a wall of separation between Church & State." In 1985, then-Justice William Rehnquist [wrote](#) that "unfortunately the Establishment Clause has been expressly freighted with Jefferson's misleading metaphor for nearly 40 years."

But this argument ignores a historical fact. It's not Jefferson's metaphor. Even in 1802, separation was already deeply rooted in American religious history. In 1644, the American theologian Roger Williams, founder of the first Baptist congregation in the British New World, [coined the phrase](#) to signify the protection that the church needed in order to prevent misuse and corruption by political leaders: "The church of the Jews under the Old Testament in the type and the church of the Christians under the New Testament in the antitype were both separate from the world; and when they have opened a gap in the hedge or wall of separation between the garden of the church and the wilderness of the world, God hath ever broke down the wall itself, removed the candlestick, and made his garden a wilderness."

It is this concept--that use by political leaders of religion for their own ends was a danger both to the faithful and to the peace of society--that the Constitution embodies. James Madison wrote that government involvement with the church "implies either that the civil magistrate is a competent judge of religious truth; or that he may employ religion as an engine of civil policy. The first is an arrogant pretension falsified by the contradictory opinions of rulers in all ages, and throughout the world: the second an unhallowed perversion of the means of salvation."

The current right-wing drive to harness the power of government to bring souls to Christ is dangerous and un-American. As no less conservative a figure than

• **Alexis C. Madrigal**

Luvit.Me: Bitly Lets You Tell People How You Really Feel About Links You Post Aug 7, 2013

• **Megan Garber**

A Trip Through a 3D-Modeled Brain Aug 7, 2013

• **Garance Franke-Ruta**

Everlasting Realities of the Bohemian Lifestyle Aug 7, 2013

• **Olga Khazan**

What It's Like to Be an American Who's Still in Yemen Aug 7, 2013

• **David A. Graham**

Obama's Bill Clinton Moment: 'We Don't Have a Domestic Spying Program' Aug 7, 2013

• **James Hamblin**

How Sleep Deprivation Makes Us Want to Eat Fat Aug 7, 2013

• **Kasia Cieplak-Mayr von Baldegg**

How Do We Use Energy at Home? Aug 7, 2013

• **Rebecca J. Rosen**

Revealed: A Book the Size of a Ladybug Aug 7, 2013

Down

Matt Schiavozza
MORE IN NATIONAL

's Latest, Greatest Drug Scapegoat



For James O'Whitey Bulger, a Lifetime of Bad

Karma Comes Back Around

Christopher Orr

ANDREW COHEN



...rts Speak Aug 7, 2013

...r, a Lifetime of Bad Karma Comes

The Confessions of Innocent Men

MARC BOOKMAN

...t of the



...ast-Food Workers Are Raising a

Steve Clements

The Washington Post and the End of the

Golden Age

...the Muslim Brotherhood Believe in Voting

...ONCHERBERSDORF

IN FOCUS

Matthew O'Brien



...in 2

...ping

The Little Group Behind the Big Fight to Stop Immigration

FROM THIS AUTHOR

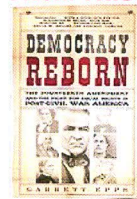
3arkhorn

...on the Cover of the New Yorker: A Complete

...6, 2013

Kornhaber

To-Day and Ice-Cream in the Hyphen Graveyard



Sandra Day O'Connor wrote in 2005: "Those who would renegotiate the boundaries between church and state must therefore answer a difficult question: why would we trade a system that has served us so well for one that has served others so poorly?"

Garrett Epps's Full Constitutional Myth Series:

- Myth #1: [The Right Is 'Originalist,' Everyone Else Is 'Idiotic'](#)
- Myth #2: [The 'Purpose' of the Constitution Is to Limit Congress](#)
- Myth #3: [The 'Unitary Executive' is a Dictator in War and Peace](#)
- Myth #4: [The Constitution Doesn't Separate Church and State](#)
- Myth #5: [Corporations Have the Same Free-Speech Rights as Individuals](#)
- Myth #6: [The Second Amendment Allows Citizens to Threaten Government](#)
- Myth #7: [The 10th Amendment Protects 'States' Rights'](#)

359

[Jump to comments](#)

2.3k 23

[Recommend](#) [Tweet](#) [reddit](#)

[Email](#)
[Print](#)

PRESENTED BY
Atlantic
GET A FREE ISSUE



GARRETT EPPS, a former reporter for *The Washington Post*, is a novelist and legal scholar. He teaches courses in constitutional law and creative writing for law students at the University of Baltimore and lives in Washington, D.C. His new book is *Wrong and Dangerous: Ten Right Wing Myths About Our Constitution*.

[ALL POSTS](#) | [BOOKS](#) |

Try 2 Free Issues!

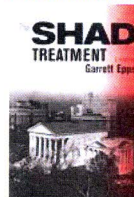
Go

SUBSCRIBE
RENEW
GIVE A GIFT
DIGITAL EDITION

Democrat Heather Horn
The Fourteenth Amendment and the Fight for Equal Rights in Post-Civil War America
Next Time, Try Not to Compare Huma Abedin to the Taj Mahal, 2013

immer
FREEDOM OF SPEECH
al to Hungry Americans: You're on Your Own

Freedom of the Press: The First Amendment



The Shad Treatment

MOST POPULAR

- 1 [Red Bull Illume Photo Contest 2013](#)
- 2 [The Giant Assumption Behind the Entire Entertainment Business: Cable TV Is Invincible](#)
- 3 [Coffee, the Viagra of the Seventeenth Century](#)
- 4 [Everlasting Realities of the Bohemian Lifestyle](#)
- 5 [26 Years of Growth: Shanghai Then and Now](#)
- 6 [Escape From LA, Today: How a 1996 Sci-Fi Thriller Imagined the Year 2013](#)
- 7 [How Sleep Deprivation Makes Us Want to Eat Fat](#)
- 8 [Meaning Is Healthier Than Happiness](#)
- 9 [Soccer Isn't for Girly-Girls? How Parents Pick the Sports Their Daughters Play](#)
- 10 [How Secrecy Has Already Corroded Our Democracy in Concrete Ways](#)

More Video

Your System Status

WE'RE SORRY!

You need to update your Flash Player.

Get ADOBE FLASH PLAYER

IMPORTANT: After installing the required upgrade please reload this browser window to view the video player.

[How Do We Use Energy at Home?](#)

[Like](#) [Tweet](#)

The Washington Post and the End of the Golden Age

CONOR FRIEDERSDORF AUG 6, 2013

Chick Lit Remixed: The Simple Brilliance of Gender-Flipping

EMILY MATCHAR AUG 7, 2013

Elsewhere on the web(Sponsored Links)

- [14 Vintage Girls Names: Unique Names You Don't Hear Anymore \(Mommy Noire\)](#)
- [18 Things You Can Get Rid of Today \(FamilyCircle\)](#)
- [Five Popular Myths You Should Not Believe \(Reader's Digest\)](#)
- [Popular Baby Names From 100 Years Ago \(Fit Pregnancy\)](#)
- [You Are Divine - Whispers From Your Soul \(Drayton Boylston\)](#)

JUST IN

- [John McCain Is America's Last Best Hope for Forging Fiscal Deal](#)
NORM ORNSTEIN
- [How Secrecy Has Already Corroded Our Democracy in Concrete Ways](#)
CONOR FRIEDERSDORF

Vouchers would promote religion

In his June 19 Commentary piece ("School choice, vouchers, would improve R.I. education"), James A. Sheil touts vouchers. Some of us see vouchers as a threat to public education by siphoning funds that are badly needed.

In places where vouchers are used, I understand that the largest percentage is spent in religious schools. This makes Mr. Sheil's support of vouchers very understandable since he is the president of the Rhode Island Catholic School Parents Federation.

I oppose vouchers because I do not want any of my tax dollars used to promote religion.

David Kelso McConnell
Newport

School choice, vouchers, would improve R.I. education

JAMES A. SHEIL

Expanding school choice and competition is one of the most important actions we can take to improve Rhode Island's schools.

School choice is a common-sense idea that gives all parents the freedom and power to choose their child's school education, while encouraging healthy competition among schools to better serve students' needs.

School choice lets the parents of a student choose among a public school, a charter school or a private school, regardless of their residence and location.

It is immoral that a child's schooling and the quality of a child's education are based on the location of his or her home. School choice gives parents the freedom to choose a school based on its quality and their child's needs,

not their street address.

Most people can't afford to pay twice for education, once in taxes and again in private-school tuition. School choice gives parents the financial resources and the flexibility to use public funds set aside for education to send their children to the school of their choice — public or private, religious or secular, near or far, whatever works best for their children.

In every part of our country, children are assigned to a public school based on where their parents live. School districts, in nearly every case, control local monopolies that dictate the terms and conditions of education for students and schools. School choice gives parents the freedom to choose a school for their children. School choice forces all schools, public and private, to compete and innovate in order to offer the best education

possible to attract and retain students.

School choice and competition are good for America's and Rhode Island's schools. These are reasons I support school choice. I believe school choice will improve the education level of our students and assist in attracting people into Rhode Island from neighboring states to take advantage of the improved educational environment.

House Bill 6131, the Parental Choice Scholarship Program Act, is co-sponsored by state Representatives Elaine Coderre and Arthur Corvese, both Democrats. The House Finance Committee held a hearing on the legislation June 11. We urge all parents to contact their legislators now to tell them that they support this bill.

James A. Sheil, of Providence, is president of the Rhode Island Catholic School Parents Federation.

Power to the parents should help schools

STEVEN FRIAS

The greatest responsibility anyone could have is to be a parent. All parents know that the best way to ensure the well-being of their child is a good education. However, government makes it difficult for parents to choose what they think is the best school for their child. Parents who want to send their child to a private or parochial school must pay taxes to support the public school system while paying their child's school tuition.

To address this problem, a bill was recently introduced in the Rhode Island General Assembly to create a school-voucher program. Under it, the parents of approximately two-thirds of public-school students would be eligible to receive a voucher based on their income to assist in paying their child's tuition to any school. Like charter schools, school-voucher programs enable parents to exercise educational choice.

As one would expect, the foes of educational choice raised objections over the potential impact on public schools, and the use of public funds for parochial schools. This is not the first time in Rhode Island that supporters of educational choice had to face fierce opposition.

Back in 1963, legislation was proposed that required public-school textbooks to be loaned free of charge to children who attended private or parochial schools. Opponents of the bill argued that this violated separation of church and state, and they complained about fiscal impact to the public school system. One opponent claimed that it would be "the death knell of adequately supported public education in Rhode Island."

Nevertheless, the General As-

sembly passed the legislation and Gov. John Chafee signed it, saying, "It is important that all our children get the best possible education." Subsequently, the American Civil Liberties Union filed a lawsuit, but eventually the U.S. Supreme Court upheld the constitutionality of textbook loan programs. Public education in Rhode Island did not come to an end.

In 1979, a bill was filed that let parents claim a deduction on their state income taxes for their children's private and parochial-school expenses. The opposition was led by the teachers unions, which sent platoons of lobbyists to the State House to defeat the bill. The president of Rhode Island's NEA called the legislation "frightening." Nonetheless, the bill became law.

The teachers unions joined with the ACLU to file a lawsuit, but the U.S. Supreme Court upheld the tax-deduction program. The Rhode Island public school system continued on. (The deduction law expired in 1986.)

Most memorably, in 1968, a ferocious battle was waged over a plan to implement a school-voucher program providing tuition grants to parents whose children attended private and parochial schools. Parents said that these grants would let them exercise their right to choose the best school for their child.

Although prominent elected officials, including Gov. John Chafee, supported the legislation, virulent opposition using overheated rhetoric gained the upper hand. The chairman of the Rhode Island ACLU said it would lead to the "demise of the public educational system." Another opponent claimed it was a "threat to the very fabric of our society." One state representative called it the "most dangerous" bill "to our way of life" he

had seen in the state legislature. The bill died in committee.

Although that school-voucher effort failed here in Rhode Island, about a half-century later educational choice has prevailed elsewhere. The Supreme Court has ruled that school-voucher programs are constitutional. Twelve states now have school-voucher programs, and they have remained popular.

A number of studies have shown that school-voucher programs have academically benefited students. Other studies have shown that school-voucher programs have saved taxpayers money because the cost of a voucher is less than the average cost of educating a child in a conventional public school.

Instead of trying to protect a government-managed school system, politicians should focus on enabling parents to make the educational choice they think is best for their children. Competition usually produces better results than monopoly, especially a government-run monopoly. America's higher-education system already reflects vibrant competition among private, parochial and public universities, and it is regarded as one of the best in the world.

According to the Gospel of John, Jesus said that there is no greater love than that of someone who would sacrifice his or her life for others. Parents show this kind of love every day in the sacrifices they make for their children. Some do so by, among other things, sending their children to non-public schools. Why not ease the burden on these parents who bear this cross?

Steven Frias is an attorney, Rhode Island's Republican National Committeeman and the author of "Cranston and Its Mayors: A History."

Vouchers make school systems better

MICHAEL CHARTIER

The Ocean State has tested the waters with school choice for six years. As other states leap ahead of Rhode Island in the educational opportunities provided to families, it appears Rhode Islanders are ready to dive in. And they should.

In 2006, Rhode Island lawmakers enacted a school-choice program that gives state tax credits for corporate donations made to nonprofits that, in turn, provide private-school scholarships. Rhode Island is one of 13 states to offer such a program. However, its plan is one of the most restrictive in the country.

To participate, a child's family income cannot exceed 250 percent of the poverty level (\$57,625 for a family of four) and the overall limit on available credits is \$1.5 million — a key factor in why just 382 students participated last school year. By comparison, Georgia's tax-credit scholarship program has no income restriction and the overall funding cap is \$58 million, giving 11,292 children the ability to receive scholarships.

But there are programs even bigger than Georgia's, and Rhode Islanders support heading in that direction.

A poll commissioned by my organization — reflecting the statewide composition of registered voters — found 56 percent of Rhode Island voters supported vouchers; 33 percent opposed them. Vouchers are similar to tax-credit scholarships in that they afford families the ability to choose private schools. Where they differ is the funding: Vouchers use a portion of the existing state public-education dollars re-

served for a participating child.

And it's no wonder voters support giving families access to vouchers. Rhode Islanders think very highly of the private schools near their homes. When asked what letter grade they would give those schools, 31 percent gave private schools an A, and 35 percent gave private schools a B. By comparison, just 9 percent of those voters gave public schools an A, with 34 percent giving them a B.

That's not meant to be a slight on the state's public schools. Rhode Island has many public schools that are serving families well. Still, for whatever reason, some students' needs are better met in different learning environments. Vouchers let their parents find and use those options.

Today 13 states have voucher programs, the largest of which is in Indiana. There, more than 60 percent of all families — specifically low- and middle-income households — are eligible for vouchers. In the program's third year, more than 20,000 parents applied for vouchers. And because vouchers are funded with just a portion of a student's existing state education funds, Indiana's program returned savings worth \$4.2 million to local school districts in its first year, which will grow as voucher enrollment climbs.

Critically, those savings redistributed to Indiana's public schools provide a win-win for both the students who used vouchers and the public schools affected by them. Empirical research on vouchers corroborates the benefits for both.

Of the 12 random-assignment studies — considered the "gold standard" of social-science research — on voucher students, 11 found some or all

participants made academic gains because of the school choice policy. Just one found no effect, and none concluded there was a negative effect from vouchers.

As for public schools, 23 empirical studies have examined the academic impact vouchers have on students who remain in public schools affected by school choice. Of those, 22 showed there were academic gains for those public schools, one found no effect, and none established a negative impact.

The reasons for the improvements are simple. Families can find schools where their children have a stronger likelihood of success. Meanwhile, that choice places a healthy incentive — not more tests or regulations — on schools to provide the best possible service to enrolled families, or else they could leave.

Such evidence is why, this past legislative session, Rep. Elaine Coderre (D-Pawtucket) introduced what would be one of the largest school-voucher programs in the nation, making it available to a majority of Rhode Island families. Some might have concerns with the size of such a program, but they shouldn't.

Existing — and smaller — school-choice programs have produced benefits for participants, public schools and taxpayers. Those positive outcomes would only be amplified with a larger plan. And remember, families don't have to use vouchers; they're just an option.

Also, Rhode Island voters support making that option available to all families. According to our survey, 62 percent agree, while 33 percent disagree, with making all families eligible for vouchers. By comparison, just 32 percent support a program based on financial need.

Although Representative Coderre's proposal did not have the backing to advance this year, it is expected to be considered again in 2014. That plan is not a threat to the existing schooling system but rather a proven plan to make it even better. Rhode Island voters are ready for this ship to set sail.

Michael Chartier is the Rhode Island state programs director for the Friedman Foundation for Educational Choice, the legacy foundation of Nobel laureate Milton Friedman. The "Rhode Island K-12 and School Choice Survey" is available at edchoice.org/RIpoll.

