

The U.S. Supreme Court in the 1947 Everson v Board of Education Ruled That New Jersey Was Not in Violation of the “Establishment Clause” of the First Amendment by Using Tax Funds to Support Transportation of Private Parochial School Students—the Foot-in-the-Door

In the Everson case, the petitioner argued that it was a violation of due process (14th Amendment) for New Jersey to take his tax money to support student transportation to parochial schools. The petitioner also claimed that this transportation provision was a violation of the Establishment Clause of the First Amendment.

The Court rejected the violation of the due process claim. The Court also rejected the Establishment Clause claim, indicating that it would be a violation of the Free Exercise Clause to deny transportation assistance to parochial students when public school students receive such benefits.

Subsequent to Everson, the Court has been emphasizing the Free Exercise Clause over the Establishment Clause. Recent Court decisions seem to completely ignore the Establishment Clause.

In the late 1960's, Ohio enacted the “fair bus bill” to require public schools to transport private school students. Then came the auxiliary services, administrative cost reimbursement, and of course, vouchers. Now, the voucherists want a universal voucher scheme.

P.S. The EdChoice voucher in Ohio is in the state court (Franklin County), not the federal court, and the claims relate to the Ohio Constitution.