

Lawyers Samson Mason and Samuel Nash, delegates to the 1850/1851 Constitutional Convention clearly stated that public funds shall not support private religious schools.

As the Ohio judicial system considers whether or not the Ohio EdChoice voucher scheme is constitutional, the meaning of the words expressed by the delegates to the 1850/1851 Constitutional Convention must be given substantial consideration. Words of the delegates must be discerned; otherwise, the Constitution is rendered meaningless.

Regarding public support for religious schools, Samson Mason said: "The whole religious community in fact shall be forever excluded from any participation in the school fund of the state; and that because they are religious."

Simeon Nash stated: "Every citizen has, and will have a right to participate in the means of education; but the intention of the provision merely is, that no organized body of Christians, as such, shall be entitled to lay its hand upon the school funds of the state, and appropriate it to the furtherance of their own particular views . . . It means merely that neither Presbyterian, the Episcopalian, or the Catholic church shall have the power to seize upon the public funds and appropriate them to suit itself."

Those words meant the same in 1965 as they did in 1851, but Governor James Rhodes signed the Fair Bus Bill in 1965 requiring tax support for transporting private school students to parochial schools.

The meaning of those 1850's words did not change in the 1970s, 1980s and 1990s when auxiliary services, nonpublic administrative cost reimbursement, and private school vouchers were enacted into Ohio law. What parts of the English language do state officials not understand? The delegates to the 1850/1851 Constitutional Convention clearly stated that no public tax funds shall flow to religious schools. Article VI, section 2 states: The General Assembly shall make such provisions, by taxation, or otherwise, as, with the income arising from the school trust fund, will secure a thorough and efficient system of common schools throughout the State; but, no religious or other sect, or sects, shall ever have any exclusive right to, or control of, any part of the school funds of this State.(1851)

What part of this do state officials stumble over? In deciding the EdChoice voucher case, the trial court determined that the words in the Ohio Constitution forbid tax funds supporting EdChoice vouchers.