



FACTS & OPINIONS

On Public Interest Issues

Quotes

Character determines the quality of leadership a candidate can bring to the presidency.

—Jeane Kirkpatrick

The American dream is not just about money and material advancement. It is about freedom.

—Alan Keyes

It is not an American belief that free government is inevitable, only that it is possible, and that its possibility can be realized only when the people as a whole are inwardly governed by the recognized imperatives of the universal moral law.

—John Courtney Murray

Taxes and increased spending by any other names still smell.

—Rep. Bill Archer,
R-Texas

Remembering That We Are A Constitutional People

Dr. Peter W. Schramm, Ashland University

September 17, 1998.
S Constitution Day. It was on this day two hundred and eleven years ago when the Constitutional Convention that had gathered in Philadelphia adjourned, the delegates having voted to recommend to their fellow citizens the Constitution they had spent the hot summer writing. This was seen as a momentous act. Some great deed had been accomplished, the likes of which had not been seen before. By 1789 enough states had ratified the Constitution to allow it to go into effect.

On this day in the contemporary world if the Constitution is mentioned at all it is mentioned only because some public opinion poll has learned that few people know anything about it. We are bombarded with statistics about the fact most people don't know who

their Congressman is; that most do not know that each state regardless of population, has two Senators; that most people can't identify "We the People of the United States, in order to form a more perfect Union. . ." as the beginning of the document. And we are reminded of other facts of which we are ignorant.

Yet, during these same days, we are trying to bring democratic government to countries from Haiti to China to Bosnia. And we think this is a good thing, even if done at the point of a gun. After all, isn't it true that if you ask any high school senior what form of government the United States has, he would invariably answer, we are a democracy?

It's bad enough that citizens do not know facts about the Constitution; what is worse is that they have almost no appreciation of its purpose.

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Remembering That We Are A Constitutional People

Dr. Peter Schramm

Dr. Peter Schramm is Director of the Ashbrook Center and is Professor of Political Science at Ashland University. Reprinted by permission.

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Probst

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What is the constitution for? After all, if we wanted a democracy, we could have instituted one. We could have had a simple regime in which the majority, ruling directly, would have governed. But we did not do that. And there are good reasons for this.

This day should remind us that majority rule (or democracy) is an incomplete understanding of what we ourselves are (and also of what we would like other countries to become). In fact we are more of a constitutional people than a democratic one.

We do not deny that the majority have a right to rule. We affirm that all human beings are born free and equal and have natural rights. But we think that this power of the people is limited: government, even when that government is based on the people's consent, has no rights to take away those rights that human beings have by nature. Government didn't give us those rights and government has no right to take them away. Indeed, we have established government so that those rights may be more secure.

The proposed Constitution of 1787, and the fact that it was ratified by the thirteen states, reflects well on the mind and character of the American nation. In ratifying the Constitution the people did nothing less than place formal limits on their own power. They did something

that they could have avoided doing. They could have willfully argued that because they had a right to rule, the majority could do whatever it wanted.

But they did not argue this. Indeed, both the proponents and the opponents of the Constitution argued that the government had to be limited. The majority — through the Constitutional provisions of separation of powers, checks and balances, and federalism — saw that it was necessary to make itself as reasonable and moderate as possible. The purpose was to create good government based on, in Hamilton's words, "reflection and choice" rather than "accident and force."

It is one of the most amazing facts in the history of the world that a people, calling themselves a nation since 1776, and having established their legitimate right to rule on universal grounds of right, should immediately limit their own power. They recognized that the rule of the majority should be made republican and constitutional else they would end up ruling only in its own interest. And they also understood that habits of self-government, guided by the formalities of the Constitution, had to be maintained if the people were to remain free.

We have forgotten much of this because we have been bombarded, unfortunately, over the span of this century with a strange ideological view

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Equal Treatment: How Best to Separate Church and State

Dr. Eugene Volokh

Dr. Eugene Volokh teaches free speech law, and religious freedom law, and church-state law at UCLA Law School. Reprinted by permission from Intellectual Amunition, a publication of the Heartland Institute.

The government should separate itself from religion by treating everyone equally regardless of religious affiliation.

The government should not give more benefits to religious school students than it gives to students at secular schools. But neither should it give anything less.

Imagine that your local fire department decided not to put out fires at synagogues and churches, or that the police decided not to answer their calls. “So sorry,” they’d say, “there is a wall of separation around your church, and we cannot cross it to help you. Hire your own fire protection. Hire your own security guards.”

Most of us would be outraged by such discrimination, and rightly so. While we agree that the government should not specially favor religious institutions, it should not discriminate against them either. The government should separate itself from religion by treating everyone equally regardless of religious affiliation.

It is no different at the intersection of state and school. For many people, education is the most valuable benefit the state provides. The government should not give more benefits to religious school students than it gives to students at secular schools. But neither should it give anything less.

The First Amendment does not require discrimination against religion; it simply bars laws “respecting an establishment of religion.” Equal treatment of everyone, without regard to religion, does not constitute an establishment of religion. That is why the GI Bill, which permitted soldiers to choose either a religious education or a secular one,

was perfectly constitutional. It is why the government may give scholarships or student loans to all students, whether they are attending UCLA or Notre Dame.

There is no “mixing of church and state” in any of these examples. The police, the fire department, and the government agencies that provide financial aid for students’ educations keep themselves separate from religion. The government treats the religious school exactly as it treats a nonreligious institution. Both separation and equality are thus scrupulously maintained.

Are religious schools helped when the government uses tax dollars to provide remedial education on the schools’ premises? Of course they are — just as they are helped when the government clears the snow on the street in front of the schools, or protects them against crime, or collects their trash, or provides disaster relief funds when they are ravaged by floods or tornadoes or other natural disasters.

We accept the fact that religious institutions benefit from government programs because such programs provide important public benefits to everyone, irrespective of religious affiliation or lack thereof. Public spending for school choice should stand on the same footing: So long as the government doesn’t specially favor religion, none of us

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Equal Treatment: How Best to Separate Church and State

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So long as the government gives no preference to religion, it does not matter where a paycheck or welfare check or scholarship ends up.

Equality for all. Special benefits for none. Discrimination against none.

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has any constitutional grounds for complaint.

Some choice opponents contend that, in effect, school choice programs are pro-religion because most funds in a school choice program are spent at religious schools. They may as well argue that putting out a fire at a church is pro-religion because the fire-fighters are helping only the church. If you consider education as a whole, or firefighting as a whole, you will find that the lion's share of the spending goes to non-religious institutions — in education, to government-run schools.

What about the argument that school choice scholarships might, if only indirectly, support the propagation of religious views? That, too, is no argument against school choice. The same thing happens when government employees, welfare recipients, or senior citizens on Social Security tithe at their church or synagogue. It happens when a blind student chooses to use vocational training funds to become a minister — something the Supreme Court unanimously held constitutional in the *Witters* case. So long as the government gives no preference to religion, it does not matter where a paycheck or welfare check or scholarship ends up.

My parents sent me to secular schools. If I have children, I will probably send them to secular schools, too.

But I know others may have a different preference. They pay their taxes just as I do. The government should provide services for their children on the same terms as it provides services for mine.

That is the true meaning of the Constitution, whether we are talking about police services, the fire department, the GI Bill, or elementary schools. Equality for all. Special benefits for none. Discrimination against none.

For more information on church-state issues and school choice, see also:

Positive Neutrality,
by Steve Monsma
(Grand Rapids:
Baker Book House,
1995)

School Choice:
Answers to the Most
Frequently Asked
Legal Questions
(Institute for Justice,
1994)

Or call the Institute for
more information

Academic Advisory Board Spotlight

Stephen Lazarus

Stephen Lazarus is a Research Analyst at Public Interest Institute.

Public Interest Institute is pleased to welcome three leading authorities in the field of economics to our National Academic Advisory Board. First, Dr. Richard Wagner has agreed to serve as Chairman of the Advisory Board. He will be joined by eleven other scholars in the fields of political science, public policy, and economics, including Dr. Peter Aranson of Emory University and Dr. Richard Vedder of Ohio University, both of whom are also profiled here.

For more information about the research of any of the scholars on the Institute's National Academic Advisory Board, or for a complete list of Members, contact Public Interest Institute at 319-385-3462.○

**Academic Advisory
Board Spotlight**

Stephen Lazarus

The Institute welcomes Dr. William Mitchell, Professor Emeritus, University of Oregon (photo not available) and Dr. Randy Simmons (below), Utah State University, to our National Academic Advisory Board.

**Dr. Randy Simmons,
Utah State University**

Focus on Iowa Wesleyan College

Stephen Lazarus

Stephen Lazarus is a Research Analyst at Public Interest Institute.

Do you have an idea or topic you'd like to see covered in FACTS AND OPINIONS? Let us know! See page two for information on how to contact us.

Shaeffer Pen Executive and Iowa Wesleyan Alumnus Louis (Ned) Bishop addresses 1998 graduates at May commencement ceremony.

Saturday, May 23 was a big day for Iowa Wesleyan College's (IWC) 159 graduates who received diplomas and entered a new chapter in REAL WORLD LEARNING. Highlighting the commencement ceremony was an address by honored IWC alumnus and business executive Louis (Ned) Bishop. For his topic Bishop chose "Cyberspace and Its Tools for the Future."

Bishop graduated from Iowa Wesleyan in 1975, earning a bachelor's degree in business administration. He pursued additional management training at Harvard University, which further prepared him for his career with the Shaeffer Pen Company. The speaker's entrepreneurial accomplishments were particularly inspiring to graduates preparing to enter the business world.

Bishop founded and served as president of Electronic Research Company in Overland Park, Kansas, which became one of the nation's foremost producers of electronic watches. When he sold the company to Textron, Inc., in 1971, he was named president of Textron's Shaeffer Pen Company in Ft. Madison, Iowa. In 1976 his managerial achievement with Shaeffer was recognized by the U.S. Commerce Department which gave the company its U.S. E-Star Award for outstanding achievement in export marketing and sales.

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**We Are A Constitutional
People** (*continued from
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of the Constitution that argues that it is a living, growing document; that it can become whatever we want it to become; that it can, and should, accommodate itself to the peculiarities and perversities of any particular age; this it is so flexible that it means nothing. The Constitution, thus runs the argument, just gets in the way of our will, interest, and passion. It is nothing but an inconvenience. It interferes with our democratic passions.

But James Madison, the Father of the Constitution, whom Thomas Jefferson in

1790 called “the greatest man in the world,” would disagree with us. He and the other Founding Fathers would ask us to reconsider our willfully ignorant ways, to remember the enduring purpose of the Constitution, and thereby to ennoble our civic lives immeasurably.○

ARE YOU MOVING?

***LET PUBLIC INTEREST
INSTITUTE KNOW
TO AVOID MISSING A
SINGLE ISSUE OF
FACTS AND OPINIONS.***