

POSSIBLE QUESTIONS

Why go to court? Why not let the voters decide on this issue?

Because the title and summary for this question are misleading. Some voters will carefully study the proposal and determine the true meaning of Amendment 7, but many will look only at the title or the summary. Some voters may look just at the words “Religious Freedom” and think “I’m for that” and vote in favor. The ballot title and summary language adopted by the Legislature are misleading to voters on the true impact of Amendment 7. The ballot title “Religious Freedom” is misleading because it suggests Amendment 7 expands religious freedom. In fact, it promotes the spending of tax dollars to support religious institutions to which taxpayers may not subscribe. And by funneling more public money to these religious institutions, government becomes more involved in the organizations it is helping to fund.

Taxpayer dollars go to religious organizations that run hospitals, prison ministries and a variety of social programs. Why shouldn’t it apply to K-12 education?

School attendance is compulsory. And the Florida Constitution calls for a uniform system of public schools. By giving tax dollars to church schools, you’re financing two separate school systems: A public school system with standards and accountability mandated by the state and a private school system that has none of these state standards and accountability. Religious schools have as part of their mission, the inculcation of religious values. That is not true of the missions of other religiously affiliated institutions.

Proponents say the no-aid provision was modeled after the Blaine Amendment, which was fueled by anti-Catholic bigotry. Why should this be a basis for Florida law?

The no-aid provision of the Florida Constitution has been in effect for more than 125 years. The provision, which is in Article 1, section 3 of the Florida Constitution, protects the religious freedom rights of all Floridians by barring taxpayer-funded aid to religious institutions. And proponents are wrong on historical fact. Newspapers reports and legislative records from 1885, when Florida adopted its no-aid provision, contain no references to the Blaine Amendment and the language of the no-aid provision is substantially different than the language of the Blaine Amendment. There is no evidence of anti-Catholic bias in Florida at that time. In fact a Catholic, Stephen Mallory, was elected senator in 1897, winning both a statewide party primary and general election, and again in 1902. The no-aid provision in the Florida Constitution is similar to ones in other states. The first of these provisions was adopted by New Hampshire in 1792 and by the time the Blaine Amendment was first proposed, 19 states had adopted similar no-aid provisions. Florida’s no-aid provision was studied and readopted by voters in 1968, 1977 and 1997 without any evidence of religious intolerance. The text of the no-aid provision in the Florida Constitution does not discriminate against Catholics

or any other religious group.

Doesn't Amendment 7 just bring the Florida Constitution in line with the U.S. Constitution?

The language in the amendment goes further than any provision in the U.S. Constitution. Federal courts have rejected arguments that the U.S. Constitution prohibits governments from not providing public funding for religious institutions. The language in the proposed amendment would not make provisions in the Florida Constitution on religious beliefs "consistent" with the U.S. Constitution. In fact, federal courts have repeatedly held that the U.S. Constitution permits government bodies to decline to provide public funding to religious institutions.

What's wrong with the attorney general addressing any problems the court might find with this amendment?

Under the Florida Constitution, the Legislature may not delegate its expressed duties to another branch of government.

So if it's not about religious freedom, what's the purpose of this amendment?

The real goal of Amendment 7 is to give the Legislature the power to promote taxpayer-financed school vouchers that would require Floridians to subsidize private religious schools. Throughout the country, voters have consistently rejected plans to use taxpayer dollars to subsidize private religious education. The difference here is that the language in Amendment 7 doesn't clearly indicate that that is one of the main purposes for placing this amendment on the ballot. This is clearly a backdoor way of approving vouchers for all.

In your complaint, you say this amendment would require the state to fund religious organizations and institutions. How?

Were the amendment to become part of the Florida Constitution, it would create an unprecedented right for religious groups to receive government funding and other benefits. With this new legal entitlement, religious entities could demand the right to use taxpayer dollars to underwrite discrimination, religious indoctrination, and proselytization in a wide variety of government-funded social service programs.