

Legal Services

In furtherance of its purposes, *Educational Freedom Foundation* will pursue a variety of activities including:

- ◆ Participation and assistance in legal cases concerning educational freedom;
- ◆ Defense of legislation providing for greater equity in educational choice;
- ◆ Legal representation of individuals deprived of choice in education;
- ◆ Financial and technical support to local attorneys who undertake litigation on behalf of choice in education;
- ◆ Educational programs to increase awareness of how legal and economic barriers to full choice of schools deny equity and other constitutional rights including parental rights;
- ◆ Educational programs to increase awareness of how excessive regulation of public and private education and home education restricts choice in education;
- ◆ Legal and technical assistance to education leaders who seek to promote equity and choice in education;
- ◆ Drafting and review of legislation promoting equity and choice in education;
- ◆ Research, analysis, and dissemination of information on the legal and constitutional issues relating to choice in education.

Can public funds be used to pay for a public service for an individual in a private and/or religious institution?

The U.S. Supreme Court has ruled 6 times on this question, and always in the affirmative - never negative:

Bradfield Case (hospital)	- 1899
Quick Bear Case (Indian Education)	- 1908
Cochran Case (textbooks)	- 1930
Everson Case (busing)	- 1947
Allen Case (textbooks)	- 1968
Zelman/Simmons Case (Vouchers)	- 2002

Set America's Children Free!

What if all parents, regardless of family income, could afford to choose the best school - public, private, or religious - for their children?

What if "public education" meant ensuring that every child in America receives the very best education, whether through government or non-government schools?

Who would benefit?

Children would be released from "cookie cutter" approaches to education, which assume that every child has the same needs and will benefit from the same curriculum and methods of education.

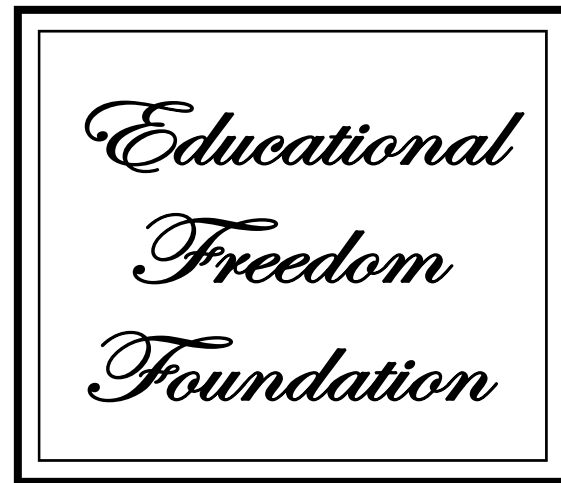
Parents would have the freedom to choose their children's schools based on the special physical and emotional needs of each child, the family's religious and moral convictions, and the family's unique heritage.

Teachers would be able to form their own school, teach according to their consciences, and escape the compulsory membership dues and pressures of the teachers' unions.

Principals could take control of their schools and compete for funds based upon their school's success and appeal to parents.

Business leaders would regain confidence in American education and save millions of dollars in remedial education programs for their workers.

Taxpayers would save about one-half of the education tax dollars spent per child in public schools today.



"Equal Rights in Education"

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Educational Freedom Foundation

was founded in 1963 by Daniel D. McGarry Ph.D., a professor of history at St. Louis University and first Research Director of *Citizens for Educational Freedom*.

The purpose of *The Educational Freedom Foundation* is to provide research assistance in association with *Citizens for Educational Freedom*, established in 1959. *The Educational Freedom Foundation* has been approved by the Internal Revenue Service (IRS) as a 501(c)3, tax-deductible organization which publishes journals and newsletters, and holds seminars, conferences, and forums on freedom in education. *The Educational Freedom Foundation* has also been approved by the IRS for legal action in defense of freedom of choice in education.

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Founded in 1963 as a nonprofit, tax-exempt organization to promote freedom of choice in education. IRS 501(c) 3. ID#52-6069637. All donations tax-deductible.

Why School Choice?

- ✓ Education is a function of the family - not of the state government. Parents, not the state, have a prior right to choose the kind of education that they believe is right for their own children.
- ✓ State government-controlled schools currently enjoy a monopoly on education funding. Monopolies cause expenses to increase and quality to decrease. Parents are excluded from receiving a share of education tax funds that would allow them to purchase private school education. Thus the public school monopoly of all education tax funds violates the parents' right to control the education of their own children.
- ✓ All tax-paying citizens deserve equal treatment under the law. Why should "public education" be restricted to government-controlled schools?
- ✓ Education is the only publicly funded program that is restricted to government facilities. Food stamps are not limited to government grocery stores. Medicare payments are not limited to government hospitals. College students use government aid at any institution.
- ✓ On average, private schools can educate children for about one-half the cost of today's public schools. Allowing children to attend private schools would greatly reduce the tax revenues needed for education. Competition would also cause public schools to cut their bureaucracies and other unnecessary expenses.
- ✓ Public schools that provide a quality education would not suffer under a system of parental choice. Only the inferior schools would go out of business, allowing children to escape from schools that fail to educate them.

The American Way : Freedom in Education

"The fundamental theory of liberty upon which all governments in this Union repose excludes any general power of the State to standardize its children by forcing them to accept instruction from public teachers only. The child is not the mere creature of the state; those who nurture him and direct his destiny have the right, coupled with the high duty to recognize and prepare him for additional obligations."

Pierce v. Society of Sisters, U.S. Supreme Court (1925)

"Parents have a prior right to choose the kind of education which shall be given to their children."

Universal Declaration of Human Rights
Article 26, Section 3 (1945)

"Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall be forever encouraged."

Northwest Ordinance, First U.S. Congress (1789)

"Government may neither compel affirmation of a repugnant belief, nor penalize or discriminate against individuals or groups because they hold religious views abhorrent to the authorities ... nor employ the taxing power to inhibit the dissemination of particular religious views ... It is too late in the day to doubt that the liberties of religion and expression may be infringed by the denial of placing conditions upon a benefit or privilege ... No State may exclude individual Catholics, Lutherans, Mohammedans, Baptists, Jews, Methodists, Non-believers, Presbyterians or the members of any other faith, because of their faith, or lack of it, from receiving the benefits of public welfare legislation.

Sherbert, U.S. Supreme Court (1962)

"The primary right, duty and responsibility for educating children belongs to parents. Their wishes should be heeded... We must recognize the rights of parents to have their children educated, publicly or privately, without unreasonable regulation or interference from State or Federal governments."

President Ronald Reagan, 1980-1988