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## The governor's voucher stall

A Times Editorial

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The Florida Constitution says no money "shall ever be taken from the public treasury directly or indirectly in aid of any church ... or in aid of any sectarian institution." But Gov. Jeb Bush is still hunting a court that will find something other than the plain meaning in those words.

Three court decisions now have told Bush that his school voucher program, which sends children to church schools, violates the Constitution. But the governor is unmoved. After the full 1st District Court of Appeal ruled against Bush on Friday, his spokesman offered the standard political rejoinder: "The governor believes that we should honor the choice that these parents have made for their children."

The choice is one on which the governor has staked much of his political capital. In his first legislative session, in 1999, he made "Opportunity Scholarships" his highest single priority and never let the Constitution stand in his way. He has now invested five years in his attempts to avoid judicial finality. After a Leon circuit judge ruled against the vouchers, Bush opposed attempts to have the issue certified directly to the Florida Supreme Court. After a District Court panel ruled against vouchers, Bush again opposed direct appeal to the high court and instead asked for a full court opinion.

Under this cloud of what can be most charitably called legal uncertainty, the governor has been busy expanding the use of vouchers. When a Leon circuit judge first ruled vouchers unconstitutional, in March 2000, 52 students were using them. At the time, the governor insisted the court allow students to use the vouchers while the case was on appeal. Almost five years later, Florida has become the nation's largest dispenser of school vouchers. The 52 have now become roughly 26,500, bringing greater clarity to the governor's legal stall tactics. The educational stability of those 52 children was less important to the governor than the ability to expand the programs to such a degree that the courts would think twice about voiding them.

Bush also has had almost six years to appoint judges to appellate courts, and all three of his 1st District Court appointees dissented from Friday's opinion. But the District Court's majority ruling was as straightforward as those of previous judges.

"Courts do not have the authority to ignore the clear language of the Constitution, even for a popular program with a worthy purpose," Judge William Van Nortwick wrote for the majority. "If Floridians wish to remove or lessen the restrictions of the no-aid provision, they can do so by constitutional amendment."

Bush prefers instead to keep stalling, putting more and more children into limbo in the process. The state Supreme Court ought to see the value of expediting this case. Delay, at this point, serves only the interests of those who use uncertainty to their political advantage.

## **A Response to a Saint Petersburg Times Editorial**

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The Florida Constitution says no money "shall ever be taken from the public treasury directly or indirectly in aid of any church ... or in aid of any sectarian institution." But the 1st District Court of Appeal twists and

bends the plain meaning of those words to deny parents the basic right to decide how, when and where to spend the tax dollars set aside for their children's education.

The school voucher program Governor Bush and the Democratic League of Miami-Dade County supports does not violate the Constitution in any way, shape or form. But rogue judges are unmoved. The governor has earned the wholehearted support of fair-minded Floridians, regardless of their political party, for defending the basic right of parents to choose the schools they believe are best for their children.

Don't be fooled. The issue is not about public monies directly or indirectly aiding any church or sectarian institution. It's about who decides how our education tax dollars will be spent. Those who believe parents are should decide, support school vouchers. Those who believe government bureaucrats should decide, oppose vouchers. In the end, parental choice will prevail over bureaucratic control. Florida's school children and their parents will overcome the power-hungry government bureaucrats and their Stalinist-minded cronies on the bench, who have ludicrously attempted to block the entrances to Florida's schools.

Florida parents: Take control of your children's education, demand your school voucher!

Sara P. Espinoza

President

Eladio Jose Armesto

Chairman

Jose 'Pepe' Vera

Finance Chairman

Miriam M. Gonzalez

Secretary

DEMOCRATIC LEAGUE OF MIAMI-DADE COUNTY

\*\*\* Miami-Dade's Oldest Hispanic-Led Democratic Party Organization \*\*\*

POB 350751 // Jose Marti Station // Miami, Florida 33135-0751

E-mail: [Dadedemocrats@aol.com](mailto:Dadedemocrats@aol.com)

786-286-8787