



# House Joint Resolution 19

Proposed Constitutional Amendment

## Ballot Title:

Shall Washington's constitution be amended to permit governmental assistance for students of all educational institutions — limited by the federal constitution?

Vote cast by the members of the 1975 Legislature on final passage:  
HOUSE [98 members]: Yeas, 86; Nays, 10; Absent or not voting, 2.  
SENATE [49 members]: Yeas, 39; Nays, 8; Absent or not voting, 2.

NOTE: The ballot title and explanatory statement were prepared by the Superior Court under a procedure established by law. The complete text of House Joint Resolution 19 begins on Page 28.

## Statement for

### HELP ALL STUDENTS

HJR 19 would amend the state constitution to make it as strict but not stricter than the U.S. Constitution, which permits limited assistance to students whether they attend public or nonpublic colleges and schools.

### NO DIRECT AID TO NONPUBLIC SCHOOLS

It would **not** permit any direct aid to nonpublic schools, and would only provide public assistance to students to the degree already permitted by the Federal Constitution.

It simply corrects a constitutional inconsistency, giving Washington the freedom to decide whether or not to:

- (a) Make low-interest tuition loans and grants available to needy students attending nonpublic as well as public colleges and universities.
- (b) To include students of nonpublic elementary and secondary schools in limited but important services, such as health care, remedial help for disadvantaged and handicapped children, and other student services.

### SAME ASSISTANCE AS OTHER STATES

Such assistance is presently allowable under the U.S. Constitution and is available to students in most other states. Yet many Washington students are deprived of these opportunities because of highly prohibitive and discriminatory wording in the state constitution, which is among the most restrictive of all 50 states.

### CONTINUE THE DUAL SYSTEM OF EDUCATION

The need to continue the competitive system of education which offers a choice to students is now greater than ever.

America was made great and strong because of this kind of competition.

### SAVING OF TAX DOLLARS

HJR 19 would encourage student freedom of choice among all educational facilities, including nonpublic colleges and schools which save Washington taxpayers over \$100 million dollars during a biennium.

### IN LINE WITH FEDERAL CONSTITUTION

HJR 19 enables us to bring the state constitution in line with the U.S. Constitution.

## Rebuttal of Statement against

Public money will not go to private schools. This is prohibited by U.S. Constitution and U.S. Supreme Court. Nonpublic schools save taxpayers millions of dollars. Public schools are not weakened. Competition reduces costs. No problem of Church-State separation exists in 34 states providing assistance to college students, or 26 states furnishing services to other nonpublic school students. HJR 19 has nothing to do with private school independence; only student assistance.

### Voters' Pamphlet Statement Prepared by:

GORDON HERR, State Senator, Democrat; JOHN L. O'BRIEN, State Representative, Democrat; and A. J. PARDINI, State Representative, Republican.

Advisory Committee: WALT T. HUBBARD, Staff Member, Washington State Human Rights Commission; Dr. DAVID L. McKENNA, President, Seattle Pacific College; WILLIAM J. OLWELL, State Labor Leader; CARROLL O'ROURKE, Tacoma Business Executive; Dr. PAT SMITH, Former Administrator, Kontum Hospital.

## The Law as it now exists:

The Washington state constitution presently prohibits any public money or property from being appropriated for the support of any religious establishment. The state constitution also provides that all schools maintained or supported wholly or in part by public funds must be free from sectarian control or influence; and thirdly, it prohibits any gifts or loans of state or local governmental credit, funds or property to or in aid of any private individual, except for the support of the needy.

These provisions of the state constitution prohibit most forms of state or locally funded assistance for students attending private church-related schools, and to a lesser extent, for students attending other private schools and public schools as well. Specific programs which are presently unconstitutional include the use of public school buses to transport children to church-related schools, and the provision of financial assistance either directly or by means of state guaranteed loan programs for students attending either public or private schools, colleges or universities.

The First Amendment to the United States Constitution, by its "separation of church and state" provision, also restricts governmental assistance to students attending church-related educational institutions. The restrictions upon such aid resulting from this federal constitutional provision, however,

are less stringent than those now provided for by our state constitution.

It is lawful for our state constitution to be more restrictive in regard to governmental assistance for students than is the federal constitution.

## The effect of House Joint Resolution 19, if approved into Law:

This proposed constitutional amendment would authorize the legislature to provide such assistance as is permitted by the United States Constitution for students of public and private educational institutions, including those which are church related for the purpose of advancing their education. The amendment would exempt such assistance from all **state** constitutional restrictions.

## Statement against

HJR 19 will cost taxpayers more, weaken public education, violate church-state separation safeguards, and threaten private school independence.

### **Cost Taxpayers More**

HJR 19 will allow public money to go to private schools. This is inefficient use of tax money, as reliable studies show that subsidization costs more than absorbing students into public schools.

Private education is a valuable alternative, but that is not the issue. The question is: "Should private schools be financed by all taxpayers?" No. Public funds for education should be limited to public schools under public control.

### **Weaken Public Schools**

HJR 19 will weaken public education by diverting taxes to private schools through their students, at a time when public school seats are empty.

HJR 19 is open-ended. If it passes, can there be any doubt that there will be increased pressure for transportation aid, textbooks, "ancillary services," and direct support, with expensive law suits at each step?

### **Violate Church-State Separation**

Most private schools have a religious affiliation. Taxpayers will be forced to underwrite doctrines they do not agree with. We should not make exceptions in-constitutional principles to suit the needs of each special interest.

### **Threaten Private School Independence**

Private schools will be subject to more governmental control. This piper will increasingly call the tune.

Don't allow private schools to become part of the public tax load. Vote against HJR 19.

## Rebuttal of Statement for

We will not "save tax dollars" by spending more tax dollars subsidizing private schools. Health care, busing, remedial help, loans, grants, and other services for private schools will be a very expensive tax addition. Other states have allowed some support for private schools, at a great cost to the taxpayer and the **public** schools. This is why we must preserve our state constitutional guarantees. If HJR 19 passes, all taxpayers could be forced to subsidize specific religious teachings regardless of their own belief.

### **Voters' Pamphlet Statement Prepared by:**

GEORGE SCOTT, State Senator, Republican; JOE HAUSSLER, State Representative, Democrat; and MATTHEW W. HILL, Retired Justice, State Supreme Court.



**EXISTING  
CONSTITUTIONAL  
PROVISIONS**

**NOTE:** The proposed constitutional amendment which appears on this page repeals or modifies the effect of other provisions of the state constitution. These affected provisions are printed in the left-hand column of the page so that voters may readily compare them to the proposed changes, in the right-hand column of the page, and determine how the existing constitutional language would be affected.

**PROPOSED  
CONSTITUTIONAL  
AMENDMENT**



**THESE PRINCIPAL CONSTITUTIONAL PROVISIONS  
COULD BE AFFECTED BY HOUSE JOINT RESOLUTION 19:**

**Article I, Section 11**

**RELIGIOUS FREEDOM.** Absolute freedom of conscience in all matters of religious sentiment, belief and worship, shall be guaranteed to every individual, and no one shall be molested or disturbed in person or property on account of religion; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness or justify practices inconsistent with the peace and safety of the state. No public money or property shall be appropriated for or applied to any religious worship, exercise or instruction, or the support of any religious establishment: PROVIDED, HOWEVER, That this article shall not be so construed as to forbid the employment by the state of a chaplain for such of the state custodial, correctional and mental institutions as in the discretion of the legislature may seem justified. No religious qualification shall be required for any public office or employment, nor shall any person be incompetent as a witness or juror, in consequence of his opinion on matters of religion, nor be questioned in any court of justice touching his religious belief to affect the weight of his testimony.

**Article VIII, Section 5**

**CREDIT NOT TO BE LOANED.** The credit of the state shall not, in any manner be given or loaned to, or in aid of, any individual, association, company or corporation.

**Article VIII, Section 7**

**CREDIT NOT TO BE LOANED.** No county, city, town or other municipal corporation shall hereafter give any money, or property, or loan its money, or credit to or in aid of any individual, association, company or corporation, except for the necessary support of the poor and infirm, or become directly or indirectly the owner of any stock in or bonds of any association, company or corporation.

**Article IX, Section 4**

**SECTARIAN CONTROL OR INFLUENCE PROHIBITED.** All schools maintained or supported wholly or in part by the public funds shall be forever free from sectarian control or influence.



COMPLETE TEXT OF

**House Joint  
Resolution 19**

Proposed Constitutional Amendment

BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to the Constitution of the state of Washington by adding a new article to read as follows:

Article . . . . , Section 1. To the extent permitted by the Constitution of the United States, and notwithstanding any other provision of the Constitution of the state of Washington to the contrary, the legislature may provide assistance for students of public and private schools, and for students of public and private institutions for post secondary or higher education, for the purpose of advancing their education, regardless of the creed or religious affiliation of the students, or the creed or religious affiliation, influence, or nature of the educational entity which they attend.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.