



Jim Broadway's Illinois School Policy Updates

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Suit does not imperil school construction

By Jim Broadway, Publisher, State School News Service

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Although it has been somewhat under-reported, you may have learned by now that Illinois' most famous atheist, Rob Sherman of Buffalo Grove, has [sued Gov. Pat Quinn](#) and other state officials to stop them from using last year's capital construction bill for what he sees as unconstitutional purposes.

Sherman is a township committeeman of the Illinois Green Party. The lawyer representing him in the case, filed April 7, is Rich Whitney of Carbondale, the Greens' candidate for Governor this year. It was a temptation for me to render this commentary in my often lame style of humor.

But the suit is a serious matter of profound constitutional importance.

Most importantly for the public schools of Illinois, [Sherman's complaint](#) challenges only 176 line items of a 996-page capital construction bill. All the challenges relate either to the constitutionality of expending public funds to [support religious institutions](#) (or organizations whose policies explicitly exclude atheists from participation) or to the separation of powers issue.

Sherman does not seek to enjoin the state from funding any projects for public schools or for any other units of government. This suit would not impede them at all. Of the \$31 billion in capital construction authorized in [Public Act 96-039](#), Sherman questions only about \$2.3 billion worth.

In my view, the separation of powers challenge is by far the more interesting. But let's take a look first at the question of state support of religious organizations. Here's what the Illinois Constitution says:

"Neither the General Assembly nor any county, city, town, township, school district, or other public corporation, shall ever make any appropriation or pay from any public fund whatever, anything in aid of any church or sectarian purpose, or to help support or sustain any school, academy, seminary, college, university, or other literary or scientific institution, controlled by any church or sectarian denomination whatever; nor shall any grant or donation of land, money, or other personal property ever be made by the State, or any such public corporation, to any church, or for any sectarian purpose."

How much more unambiguously can it be said? Sherman's complaint quotes Quinn saying he does not object to funding religious organizations "if the appropriation is for a secular purpose." But there is no such leeway in the language above. Quinn is wrong. Sherman is right.

I've quoted this paragraph of the Constitution in the past. It is from Article X, the Education Article of our state's basic governance document. How could the policymakers violate it so flagrantly for so long after having sworn an oath to uphold it? My guess was because no one challenged them. Now someone has.

What about the separation of powers issue? We'll look at that in Monday's Update.

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