

In order to determine why it is unconstitutional for the federal government to be involved in education, it is important to consider three things: the governing documents that were in place at the time the Constitution was written, the meaning of the Constitution itself, and early decisions concerning the constitutional role of government in education.

At the time the Constitution was written, there were two key documents already in place: the Land Ordinance of 1785 and the Northwest Ordinance of 1787. The Land Ordinance indicated how the land of the Northwest Territory was to be divided and what was to be done with it. According to this ordinance, the land was to be divided into townships containing thirty-six sections, each of which was one mile square. Of the thirty-six sections, four were to be reserved for the federal government, thirty-one were to be made available for private purchase, and one, the sixteenth, was dedicated to "the maintenance of public schools within the said Township." This gift to education has never been surpassed. Obviously, the Founding Fathers regarded education as a high priority. Why was education so important to them? The answer lies in a quote from the Northwest Ordinance which states, "Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall ever be encouraged." Education was considered not only a source of knowledge, but also of religion and morality, which the Founders believed were essential both to good government and to happiness. It was for these reasons that education was understood by the Founding Fathers to be of the greatest importance.