

Good afternoon and thank you for the opportunity to comment.

My name is Greg Hughes, and I am a Friend of Vermont Public Education.

I have attended the last two meetings and have some concerns that nobody has suggested that the Commission review the relevant provisions of the Vermont Constitution. Specific clauses would include the Education Clause, the Common Benefit Clause and the Compelled Support Clause. In my own efforts to get up to speed on these issues I found two very helpful sources, one written by the Vermont Supreme Court and the other written by the Vermont Attorney General's Office.

Whatever this Commission recommends, it will need to follow the Constitution therefore, it follows that we should all have some background information.

The first helpful source is the Brigham decision, which we saw earlier.

In the Brigham case there is a section called the Right to Education in Vermont that I would encourage everyone to read. In this section:

- The VTSC reviewed the history of the right to education in Vermont, the significance of the Education Clause and the wisdom of our constitutional structure.
- The SC reviewed how Vermont's recognition of their obligation to educate our youth is manifested in the Education Clause in Vermont's Constitution of 1777.
- They review how two hundred and fifty years ago the framers of Vermont's first Constitution knew that virtue was essential to self-government, and that public education was the primary source of virtue.
- For the founders of the Republic public virtue was a necessity that would affect the survival of the new Republic. They believed that moral restraint, public responsibility and ethical values were essential to self-government.
- Because human nature was not viewed by the framers as being naturally inclined to virtue, education was viewed as the state's tool to ensure self-preservation.
- The strength of every free government is the virtue of the people; virtue grows on knowledge and knowledge on education.

- The SC also set forth the legal framework for evaluating claims under the Education Clause and Common Benefits Clause of the Vermont Constitution.
- The Common Benefits Clause is intended to ensure that the benefits and protections conferred by the state are for the common benefit of the community and are not for the advantage of persons 'who are a part only of that community.'

The second source I would recommend people read is a friend of the court brief filed by the Vermont Attorney General to the SCOTUS.

In 2021 the Vermont Attorney General's Office filed a brief for the State of Vermont as a friend of the court in the Carson v Makin case. In their brief the Attorney General's Office does the following:

- Establishes why providing public funds to religious schools may violate the Compelled Support Clause of our state's Constitution.
- Reviews Vermont's constitutional commitment to provide educational opportunities to all our children.
- Reviews the history of how secondary education evolved in Vermont and the role of private academies.
- Reviews the history of Vermont's tuitioning program which dates back to 1869 and how it is integral to how the state provides public education.
- It also reviews Vermont's historical and substantial interest in preventing public education funds from being used to support religious worship.
- They remind us that during the Summer of 1777 while Vermonters were drafting our constitution in Windsor, they were also fighting and dying for these rights in battles at Ticonderoga, Hubbardton, and Bennington.
- The brief introduces us to Jonas Fay, Secretary of the Convention and a future Vermont Supreme Court justice, who served at Bennington alongside his brother John, who was killed in battle.
- The brief points out that the fact that Vermonters included a prohibition against compelled support of worship in the constitution just days before fighting in critical battles underscores the historic interest Vermont has in ensuring that public funds are not used to support religious worship.

I would be happy to provide a link to both of these sources and I encourage everyone to do their homework. Thank you.