

Although The Carson v Makin U.S. Supreme Court Decision Does Not Affect Ohio's EdChoice Voucher Case, It Is Another Heavy Blow To The Wall Of Separation Of Church And State

The roles of the church and the state are different. History has taught us that the two should be separated, as Jefferson stated, "by a wall of separation."

Jesus said His kingdom (church) is not of this world. The church must not dominate the government and the government must not dominate the church. Each must respect the role of the other.

The founders of our nation got it right—no church-state coalescence. The first amendment to the United States Constitution prevents the government from making laws that regulate the establishment of religion or prohibit the free exercise of religion.

The U.S. Supreme Court got it wrong in Carson and several recent cases involving church-state issues.

The Court's favorable emphasis on the free exercise clause to the denigration of the anti-establishment clause in recent years has nearly leveled the "wall".

Public Funds Public Schools elaborates.

STATEMENT FROM EDUCATION LAW CENTER AND PUBLIC FUNDS PUBLIC SCHOOLS ON U.S. SUPREME COURT'S CARSON V. MAKIN DECISION

Education Law Center and Public Funds Public Schools, a national campaign supported by ELC, the Southern Poverty Law Center, the SPLC Action Fund, and Tamerlin Godley, Esq., released this statement on the U.S. Supreme Court's decision forcing religion into Maine's public school system:

Today's decision by the U.S. Supreme Court in Carson v. Makin is an alarming blow to the vital civic institution of public education as guaranteed by state constitutions nationwide.

The Carson v. Makin decision issued by the Supreme Court this morning addressed Maine's exclusion of private religious schools from its longstanding program to deliver public education in districts with no public schools by allowing those districts to pay tuition to private schools that agree to provide secular education.

The Court's decision, authored by Chief Justice Roberts, holds that the tuition program violates the First Amendment's Free Exercise Clause because it denies a government benefit to certain private schools due to the fact that they provide a religious education.

PFPS's amicus brief to the Supreme Court supported Maine's decision to limit the tuition program to non-religious schools because it operates as an integral component of Maine's public education system.

"The Supreme Court's decision ignores the reality that the tuition program fulfills Maine's state constitutional duty to provide public education to students in rural areas who have no other publicly provided option," said ELC Executive Director David Sciarra. "This distinguishes Maine's policy from

private school voucher programs, including the voucher program at issue in Espinoza, on which the Court today relied.”

“Under a wealth of Supreme Court precedent, beginning with *San Antonio Independent School District v. Rodriguez* in 1973, Maine is well within its rights to limit the tuition program to private schools that meet the carefully designed criteria for providing a publicly funded education, including the requirement that these schools cannot provide a religious curriculum,” said Jessica Levin, ELC Senior Attorney and PFPS Director. “We’re dismayed the Court didn’t adhere to those precedents.”

The Supreme Court’s opinion means Maine taxpayers will have their funding for public education diverted to schools that teach religion.

“What’s especially concerning about the prospect of diverting funds to religious schools is that these schools can and do discriminate against students, parents and educators,” said Bacardi Jackson, SPLC interim deputy legal director. “The private schools in this case have threatened expulsion of LGBTQ+ students and have reportedly suggested students undergo harmful conversion therapy. We have also seen far too many cases of educators losing their jobs because of their sexual orientation or gender identity. So what’s really at issue is the public funding of discrimination.”

Now faced with no alternative, ELC and PFPS will be working closely with public school advocates to press the Maine Legislature to repeal the tuition program and ensure access to a public school for all Maine children.

The Carson lawsuit was brought by attorneys from the Institute for Justice, a group of pro-private school voucher lawyers behind numerous lawsuits attempting to break down constitutional barriers that separate state funding and delivery of public education from religious instruction.

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