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## PRESS RELEASE

For Immediate Release

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### SUPREME COURT URGED TO CONSIDER CASE FORTIFYING FAMILIES RIGHTS TO EDUCATIONAL OPTIONS *CER Joins in Filing Friend of the Court Brief to High Court*

(Washington, D.C. 4/18/03) The Center for Education Reform has joined an amicus (friend of the Court) brief submitted to the US Supreme Court by the Institute for Justice (IJ) concerning educational options. The brief requests the High Court accept a case challenging the constitutionality of the Blaine Amendment, a provision in Washington state law, that allows for discrimination against use of public funds at schools that are religiously affiliated. There are 37 such laws on the books, which date back to 19<sup>th</sup> century prejudices against Catholics, in particular.

The case started when Joshua Davey was awarded a scholarship to Northwest College, but was denied it when he chose pastoral ministries (i.e. theology) as his major. The funds that he was denied are available to all other students regardless of the schools they attend. The case was taken to the state Supreme Court which denied his petition, but overturned by the 9<sup>th</sup> Circuit. Now the State, in *Locke v. Davey* is asking the Supreme Court to overturn the earlier decision. The amicus brief filed on April 10<sup>th</sup>, asks the Court to accept and rule against the discrimination that is enforced by the Blaine Amendment.

This case has implications for school choice, because the Blaine Amendments are viewed state by state as the biggest impediment to allowing families to make choices other than public schools. This is the first case of its kind to reach the High Court since the 2002 ruling in favor of the Cleveland, Ohio school choice case. If the Court accepts the case and would rule in favor, states such as Massachusetts who have groups

challenging their statutes would be more likely to have success in ensuring equality of choices among all families under a school choice program.

“It is absolutely essential that the Blaine Amendments be thrown out of American public law for what they are — bigoted, hateful and harmful to our nation’s children and their opportunities, in particular,” says CER president Jeanne Allen. “We are delighted to join with our colleagues at IJ in this endeavor and we will pursue this case in the court of public opinion as well.”

To view the amicus, go to: <http://www.edreform.com/press/2003/blaineamicus.pdf>  
For background on CER’s school choice advocacy, go to:  
[http://www.edreform.com/school\\_choice](http://www.edreform.com/school_choice).

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*The Center for Education Reform is a national, independent, non-profit advocacy organization providing support and guidance to individuals, community and civic groups, policymakers and others who are working to bring fundamental reforms to their schools. For further information, please call (202) 822-9000 or visit our website at <http://edreform.com>.*