

Wisconsin court permits aid to religious schools

The right-wing politics behind school vouchers

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The decision of the Wisconsin Supreme Court to uphold a program which openly provides state funding to private religious schools has far-reaching implications. The high court of the Midwestern US state rejected a legal challenge to the Milwaukee Parental Choice Program, which provides tuition vouchers that can be used in private and religious schools.

It was the first time that a state or federal court has found that state aid to pay tuition at a religious school does not violate the US Constitution's strict separation of church and state. By this 4 to 2 ruling, the state Supreme Court has joined forces with an array of right-wing tendencies seeking to undermine and ultimately dismantle public education.

Under the expanded program, originally litigated as the case of *Jackson v Benson* in 1995, approximately 15,000 students, less than 15 percent of the city's total student body, will receive up to \$4,400 each to be used to enroll in the private school of their choice. This marks a tenfold increase in the number of students eligible for the program, which has served as a model for similar efforts nationwide.

Other school voucher programs have been launched in Arizona, Ohio and Vermont. As in the Wisconsin case, the programs are simply put into operation before effective challenges can be mounted.

In what amounts to an "end run" around the Constitution, Chief Justice Donald Steinmetz characterized the voucher program as "neutral and indirect" because public funds, instead of being given directly to religious schools, are given to families intent on sending their children to these schools.

Steinmetz claimed: "A student qualifies for benefits

under the amended MPCP not because he or she is a Catholic, a Jew, a Moslem, or an atheist. It is because he or she is from a poor family and is a student in the embattled Milwaukee Public Schools."

The Chief Justice contrasted his ruling to the well-known US Supreme Court decision in 1973, which struck down tuition grants made directly to religious schools in the case of *Committee for Public Education and Religious Liberty v Nyquist*. The majority of the Wisconsin court contends that there have been a whole series of cases since *Nyquist* that validate the indirect funding of religious schools.

Proponents of the Wisconsin program, spearheaded by the Washington-based Institute for Justice, hailed the ruling as though the dismantling of public education was a step forward for inner-city children.

Clint Bolick, the Institute for Justice's chief litigator, gushed: "A bright new day just dawned for youngsters from low income families. The constitutional cloud over school choice is giving way to sunshine.... This ruling begins to make good on the promise of equal educational opportunities for all children."

The "cloud" referred to by Bolick is the separation of church and state, a fundamental conquest of the democratic revolutions of the eighteenth century in America and France. The conception that civil government should be divorced from church structures and that people should be free from any religious compulsion by the state was one of the greatest advances of the Enlightenment period.

The insidious character of the campaign for school vouchers is that it allows right-wing organizations like the Institute for Justice to manipulate the genuine concerns of many families over the crisis of public

education and undermine the public schools even more.

Voucher programs take funds away from already cash-starved school systems. With the MCPC program in place, the Milwaukee Board of Education will lose an additional \$100 million dollars of badly needed funding for the already dilapidated public schools.

Opponents of the ruling, including the National Education Association and the American Civil Liberties Union, correctly point out the damaging effect vouchers will have on the vast majority of public school children, who will experience the further deterioration of their schools. Yet their opposition is muted and defensive, and relies primarily on hopes of a favorable Supreme Court ruling once the dispute reaches Washington.

Robert H. Chanin, the general counsel for the NEA, said that backers of the plan who are chafing for an appeal to the Supreme Court are overly optimistic. “We’re not prepared to predict,” how the justices will rule, Chanin commented.

There is an increasing convergence between what used to be fairly isolated lobbyists for the far right, such as the Institute for Justice and the Cato Institute, and the political trajectory of official Washington, the Supreme Court included. Bolick, the principal organizer of the voucher drive in Wisconsin, established his political credentials as one of the leading opponents to Clinton’s nomination of Lani Guinier to the post of assistant attorney general for civil rights.

Along with the backing of right-wing political organizations, school voucher programs are receiving infusions of cash from the super-rich. Recently, New York City financier Theodore J. Forstman and John Walton, heir to the Wal-Mart fortune, have pledged \$100 million to launch a private school voucher program. Forstman specializes in leveraged buyouts, and is chairman of Empower America, yet another Washington-based organization committed to the destruction of public education.



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