

Wisconsin voucher system withstands legal challenge

US Supreme Court permits state subsidy to religious schools

Martin McLaughlin
11 November 1998

The US Supreme Court, in an 8-1 ruling issued without comment, refused to hear a legal challenge to the state of Wisconsin's policy of subsidizing tuition at private and religious schools in Milwaukee. The decision was a defeat for the groups challenging the school voucher plan, which included the National Education Association, the American Federation of Teachers and the American Civil Liberties Union.

The action fell short of a full-scale endorsement of the constitutionality of school vouchers, since the court merely decline to hear the appeal against a decision by the Wisconsin state Supreme Court upholding the voucher plan, rather than hear arguments and issue its decision. The result is that legal challenges to similar voucher plans in other states will continue through the court system, likely resulting in an eventual Supreme Court ruling at a later time. Such appeals are currently under way in Arizona, Maine, New Jersey, Ohio, Pennsylvania and Vermont.

This technical limitation in the ruling does not alter, however, its political significance. For the first time in US history the Supreme Court has permitted a state to subsidize religious education. Twenty-five years ago, in its last major ruling on the subject, the Supreme Court struck down a plan by New York state to provide tuition subsidies for private religious schools, on the grounds that it violated the separation of church and state. In 1998 the court has decided not strike down an equally flagrant violation of this constitutional doctrine.

The Milwaukee plan has been the focus of right-wing and religious groups seeking to attack the primacy of public education. Wisconsin's Republican Governor Tommy Thompson first introduced the plan eight years ago, presenting it as a means to assist low-income

parents in the state's largest city in finding a better education for their children. Initially the vouchers were limited to private nonreligious schools, but a 1995 amendment explicitly endorsed the use of the vouchers at religious schools, and since then use of the vouchers has quadrupled, with the bulk of the students going into Catholic parochial schools.

Currently some 6,000 students are making use of the vouchers, worth about \$5,000 apiece. The result is to funnel \$30 million from the budget of the Milwaukee school district into the coffers of the Catholic Church and other private school operators. If the program were fully utilized, 15,000 students could leave the system, cutting the funding of the public schools by \$75 million.

Thompson has been backed by a section of black Democratic Party politicians, led by state representative Annette Polly Williams, a favorite of the *Wall Street Journal*. The Republican Party nationally has taken up the issue of school vouchers as a way of pretending to aid poor and minority families while weakening and undermining public education.

The state of Wisconsin was supported at the Supreme Court by the Institute for Justice, a right-wing group which has been involved in court challenges to affirmative action plans.

Milwaukee Mayor John O. Norquist said that he hoped that the state legislature would now raise the income limits for participants in the voucher program, so that much larger numbers of families could participate. Currently the program is limited to families making under 175 percent of the federal poverty line, about \$26,000 a year for a family of four.

The effect of the decision will be to encourage similar

assaults on the separation of church and state in other parts of the country. In Michigan, right-wing groups are planning a petition drive to place the issue on the state ballot in 2000, seeking repeal of an amendment to the state constitution adopted in 1970, banning state aid to religious schools.

See Also:

Wisconsin court permits aid to religious schools:

The right-wing politics behind school vouchers

[24 June 1998]



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