

SCOTUS Decision Supports Tax Credits for School Vouchers

Posted By [Duane Lester](#) On April 4, 2011 @ 2:37 pm In [The Blog](#) | [No Comments](#)

Today, the Supreme Court of the United States found that it is Constitutional for tax credits to be used as school vouchers, even if those vouchers are used to pay for education at one of those "religious" schools.

It's a [big win for school choice](#):

The decision, written by Justice Anthony Kennedy and joined by the court's more conservative members, preserves Arizona's school voucher program that is funded by tax credits offered to state taxpayers. Most of the students who use the voucher money attend parochial schools.

Opponents of the Arizona system filed a lawsuit claiming the \$500 tax credit violates the First Amendment's Establishment Clause that prohibits the government-backed endorsement of religion. The high court in 1968 said taxpayers could bypass the prohibition against lawsuits if they lodge an Establishment Clause claim.

But on Monday the court ruled that taxpayers could not sue based on a generalized First Amendment complaint but rather need to show specific individual harm to get into a courtroom. "The [Arizona] tax credit is not tantamount to a religious tax or to a tithe and does not visit the injury identified in [1968]," Kennedy wrote.

The distinction between a tax credit and an actual tax or appropriation from general income tax revenues was a key factor in the case, with Kennedy writing that "awarding some citizens a tax credit allows other citizens to retain control over their own funds in accordance with their own consciences."

Here's what that means, as far as I can figure. What the court is saying is, since the money used for the private school comes from the individual receiving the tax credit and not from taxes already collected by the state, other taxpayers cannot claim their taxes are being used to support religious schools, nor can they claim the state is violating the First Amendment.

That's what the consensus is at [Cato](#) too:

As Andrew Coulson [explained](#) in detail earlier, the Court ruled that education tax credits are not government funds, and the plaintiffs therefore have no standing to bring suit in the first place. They were not harmed because none of their money was collected and then disburse by the state.

The liberals on the court were, of course, against the proponents of school choice, citing, "Blah, blah, blah...collectivism" or something.

It's a big win for school choice and a great year for this ruling. With the increase in Republican legislatures and Republican governors this year, it would be an opportune time to start passing bills that increase school via tax credits while at the same time, decreasing the influence teachers unions and state bureaucrats have on education.

Win-win, really.

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