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**COURT URGED TO LET PRIVATE SCHOOLS CONTINUE
RECEIVING COMPUTERS**
(Mitchell v. Helms, No. 98-1949)

The Washington Legal Foundation (WLF) filed a brief last week urging the U.S. Supreme Court to let private schools continue receiving federally-funded computers and other high-tech educational tools.

This case is a constitutional challenge to a federal school aid program administered in Jefferson Parish, Louisiana. Federal law gives state and local education agencies “block grants” to buy computers, videos, library books, and other educational materials. Under the law, states and local school districts receive federal aid based on the number of children attending elementary and secondary schools. In Louisiana, nearly three-quarters of such aid flows to public schools. But to ensure that every young American enjoys the educational benefits of modern technology, Congress wrote the law to extend the same assistance to private secular and religious schools, as well. These private schools receive federally-funded materials on loan, and the local school district reviews the list of equipment and materials and excludes any religiously-oriented items.

Nonetheless, a group of taxpayers in Jefferson Parish brought a suit in federal district court, claiming that the program in Jefferson Parish violated the Constitution. After an initial decision striking down the program, the district court ultimately found that it was constitutionally valid. The U.S. Court of Appeals for the Fifth Circuit reversed, ruling that the Jefferson Parish program offends the Constitution because it allows private religious schools to receive federally funded materials other than textbooks. The court reasoned that Supreme Court precedent allows the government to loan textbooks, but not other materials, to private religious schools.

In its brief filed with the U.S. Supreme Court, WLF argued that the Fifth Circuit’s decision unnecessarily discriminates between children attending public schools, who may “read about the latest in Mesopotamian archaeology on CD ROMs,” and children at private religious schools, who are reduced to using textbooks. WLF urged the Court to find that Congress need not discriminate against private religious schools to satisfy the Constitution, so long as such schools receive federal aid under the terms of a neutral government program.

“All American schoolchildren ought to have a high quality education,” said WLF Senior Counsel for Litigation Affairs R. Shawn Gunnarson. “Nothing in the Constitution prevents Congress from giving every young American—regardless of the school he attends—the opportunity to learn from computers and videos, as well as books and chalkboards.”

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