



Educational Freedom Gets its Biggest Day in Court Yet

In *Espinoza v. Montana*, discrimination's loss will be students' gain

- Throughout the United States, 37 state constitutions currently have “Blaine Amendments” – named after 19th century House Speaker James Blaine – that only allow public dollars to aid some schools while restricting them from others
- These Amendments are a prime example of how the current system is failing to ensure academic success for students of every need and closing doors to education opportunities that we believe should be wide open
- CER agrees with countless legal scholars that, because of the Blaine Amendments’ discriminatory origin and intent – against schools with religious affiliations – they are not just unfair and harmful but *unconstitutional*
- The facts are sad but clear: each Blaine Amendment is a product of prejudice from a shameful chapter in American history – tragically still intact and putting countless students at risk
- When first written, Blaine Amendments were specifically designed to target, hurt, and coercively “assimilate” new immigrants to the U.S. who held non-Protestant religious beliefs
- Systemic, government-enforced religious discrimination is just as vile and unacceptable today as it was in the 1800s Know-Nothing era
- The *Espinoza v. Montana Dept. of Revenue* case was heard on January 22, 2020. The U.S. Supreme Court with their upcoming ruling has an opportunity to bury this “doctrine borne of bigotry” – as the Court has already called it – and prevent it from denying any more kids the education they need
- In accordance with Supreme Court precedent, if litigators can prove that religious discrimination was a motivating factor in the Blaine Amendment’s enactment (which history shows it certainly was!), then it cannot be considered constitutional and must be struck down
- If justice prevails and each state’s Blaine Amendment is eventually overruled, then tens of thousands of underserved students will be free to obtain and/or continue their quality education without fear of having it taken from them—which is sadly what happened in Montana
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