

## **FACT SHEET**

### ***Arizona Christian School Tuition Organization v. Winn***

#### ***ABOUT Arizona Christian School Tuition Organization v. Winn***

In a lawsuit waged to challenge school choice in Arizona, the Alliance Defense Fund is representing the Arizona Christian School Tuition Organization, which is one of more than 50 non-profit 501(c)(3) corporations organized to distribute private donations in the form of scholarships to more than 27,000 students attending hundreds of private schools throughout the state. Arizona's program, like others across the country, allows state residents to claim a tax credit for donations to private organizations that provide scholarships to private schools. ADF attorneys argue that the program is constitutional because it involves individual, private choices and funding—not government action or money. The program also saves the state money and relieves burdens on overcrowded public schools. The existing structure of the program gives Arizonans a broad range of educational choices, as they are free to choose school tuition organizations that fund religious or non-religious private schools, and residents can even start such organizations on their own. Refuting claims made by the American Civil Liberties Union, ADF asserts that the program does not become unconstitutional just because religious schools are allowed to participate in the program on the same basis as non-religious ones. ADF submitted briefs to the U.S. Supreme Court, arguing that opponents lack legal standing to wage the suit, and that the program complies with the Establishment Clause.

#### ***CURRENT STATUS OF Arizona Christian School Tuition Organization v. Winn AS OF 10/29/10***

On remand from the U.S. Supreme Court, the U.S. District Court for the District of Arizona dismissed the suit in March 2005, affirming the program's constitutionality. Opponents appealed the decision to the U.S. Court of Appeals for the 9th Circuit, which thwarted the attempt to end the program in April 2009, but ADF attorneys appealed unfavorable parts of the ruling the following month. Last May, the U.S. Supreme Court agreed to hear the case once again. ADF filed its opening brief in July, asking that the suit be dismissed because the ACLU's clients have not proven that they have suffered any legal injury that would give them standing to sue over someone else's private donations. Oral arguments are scheduled before the U.S. Supreme Court on Nov. 3.

#### ***FOCUS OF HEARING – WHAT IS AT STAKE?***

- Parents' right to choose what schools are best for their own children.
- Private individuals' right to donate their own money to charitable causes of their choice and continue to receive charitable tax deductions and credits.
- The states' ability to offer school choice programs free from fear of attack by those who oppose parents' rights and school choice.
- Whether people who suffer no harm from the existence of school choice programs will be able to attack these constitutionally-sound programs in court.
- Negative ruling could eliminate school choice not only for 27,000 students in Arizona, but for hundreds of thousands of students nationwide, particularly those in Georgia, Indiana, Iowa, and Pennsylvania, which have similar programs.

#### ***CONTACT***

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#### ***ABOUT ADF***

ADF is a legal alliance of Christian attorneys and like-minded organizations defending the right of people to freely live out their faith. Launched in 1994, ADF employs a unique combination of strategy, training, funding, and litigation to protect and preserve religious liberty, the sanctity of life, marriage, and the family.

#### ***ABOUT David Cortman***

David Cortman serves as senior counsel with the Alliance Defense Fund at its Atlanta Regional Service Center in Georgia, where he heads litigation efforts to defend and reclaim the First Amendment rights of public school students across the nation. Joining ADF in 2005, Cortman is admitted to the bar in Georgia, Florida, and the District of Columbia. He has practiced law since 1996 and graduated *magna cum laude* from the Regent University School of Law. Cortman's notable media appearances include *Hannity and Colmes*, *Fox News*, *CNN Headline News*, *Court TV*, *MSNBC News with Brian Williams*, and *The Glenn Beck Program*.

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