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LDF Media
212-965-2200 / media@naacpldf.org

LDF Responds to Supreme Court Ruling in Maine Education Funding Case

Today, the United States Supreme Court released its opinion in *Carson v. Makin*, a high-profile case with potential implications for the separation of Church and State and the right to an equal education. In a 6-3 ruling, the Court held that a Maine law banning recipients of tuition assistance from using the state-provided support to enroll in religious — or “sectarian” — schools is a violation of the U.S. Constitution’s Free Exercise Clause because, in the majority’s view, it discriminates against religion.

In response, [Legal Defense Fund](https://www.naacpldf.org/) (LDF) President and Director-Counsel Janai S. Nelson released the following statement:

“Although we would caution against drawing overbroad conclusions from this opinion, LDF shares the serious concerns about this ruling that were expressed by the Court’s dissenting opinions, as well as by many other observers of this case and this Supreme Court.

“Given LDF’s legacy as an advocate for equal education and against educational discrimination, we are particularly concerned that the logic of the *Carson* majority provides insufficient safeguards against directing taxpayer money toward educational institutions that, in the name of their religious beliefs, discriminate against individuals on the basis of gender, sexuality, race, religion, or economic station.

“Of course, the specific facts of the *Carson* case are unique; Maine is the most rural state in the U.S., for example, and its public education challenges are unsurprisingly different from those found in, for example, California. All the same, however, this ruling contains broader implications that should concern anyone who opposes the privatization of our schools and believes in the importance of providing quality public education to every child in this country. Simply put, this decision is part of a steady march toward the increased privatization of public education in America.

“Just recently, this nation celebrated the anniversary of the historic Supreme Court decision in *Brown v. Board of Education*, which was the result of a legal strategy and courtroom arguments devised in part by Thurgood Marshall, LDF’s founder and the first-ever Black Justice on the Supreme Court. That decision formally ended the shameful era of ‘separate but equal.’ What we should all remember, today, however, is that the arguments that underpinned the unanimous decision in *Brown* were themselves based on a shared conviction that public education is not only an individual right but a key interest to the country at large.”

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Founded in 1940, the [Legal Defense Fund](#) (LDF) is the nation's first civil rights law organization. LDF's Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the Legal Defense Fund or LDF. Please note that LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights.