



## ***FACT SHEET Green v. Garriott***

### ***ABOUT Green v. Garriott***

The American Civil Liberties Union is attempting to do away with Arizona's corporate tax credit tuition program through a lawsuit alleging that it violates the so-called "separation of church of state." The major contention of the ACLU is that the program unconstitutionally allows tuition scholarships to be used at private religious schools. Attorneys with the Alliance Defense Fund filed a friend-of-the-court brief on behalf of School Choice Arizona, a non-profit student tuition organization, in defense of the program, which gives parents the freedom to choose which school, public or private, should receive the tuition scholarship for their children.

### ***CURRENT STATUS OF Green v. Garriott AS OF 9/16/08***

After the ACLU filed a lawsuit to stop the state's corporate tax credit tuition program, an Arizona trial court dismissed the case in March 2007, based on an earlier Arizona Supreme Court decision in *Kotterman v. Killian*, which found that donations made by individuals to non-profit student tuition organizations were constitutional and perfectly legal. In July 2007, the court denied School Choice Arizona's motion to intervene in the case, but allowed ADF attorneys to file a friend-of-the-court brief on SCA's behalf in October. Oral arguments are scheduled for Sept. 17.

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

The court's ruling will determine whether the state will allow special interest groups to undermine and relinquish parents' control of their children's education by banning a program that gives families the freedom to make the best school choice for students.

### ***CONTACT***

Greg Scott, National Media Relations Director

Phone: (480) 444-0020, ext. 18111 / E-mail: [gscott@telladf.org](mailto:gscott@telladf.org) / Web: [www.telladf.org/pressroom](http://www.telladf.org/pressroom)

### ***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 Gary McCaleb***

Gary McCaleb serves as senior counsel for the Alliance Defense Fund, having joined ADF in 2002. McCaleb leads a litigation team comprised of attorneys and support staff at offices in the District of Columbia, Arizona, Kansas, California, Louisiana, Georgia, and Tennessee. He has litigated religious liberty and free speech cases in federal and state trial and appellate courts throughout the United States. He graduated with honors from Regent University School of Law in 1997 and is admitted to the Arizona state bar.