

A Win for Religious Liberty — SCOTUS and Trinity Lutheran

Nate Jackson · Jun. 26, 2017



The Supreme Court had a busy day Monday, issuing one important ruling after another. One of the more satisfying decisions was in the case of Trinity Lutheran, a religious school in Missouri that was denied state funds for a playground *solely because* it's a church. In April, our Allyne Caan noted that the issue was whether Missouri can discriminate against religious institutions in public aid programs. Caan gave the background: "In 2012, the Missouri church, which also runs a daycare center and preschool program, applied for a grant through a state program that helps non-profits install rubber playground surfaces. The church's application ranked fifth out of 44 submissions, yet Trinity was disqualified from receiving one of the 14 grants. The reason? The state claimed giving the church funds would violate the state constitutional provision against providing public funding for religious organizations." If funding is going to be public, it should be available to everyone. Yet more than 30 states have what are known as Blaine Amendments that prohibit state funding of religious organizations, including schools. Those laws are now on shaky ground.

In reversing a lower court ruling in Missouri's favor, Chief Justice John Roberts wrote, "Trinity Lutheran is not claiming any entitlement to a subsidy. It instead asserts a right to participate in a government benefit program without having to disavow its religious character. The 'imposition of such a condition upon even a gratuitous benefit inevitably deter[s] or discourage[s] the exercise of First Amendment rights.' *Sherbert*, 374 U. S., at 405. The express discrimination against religious exercise here is not the denial of a grant, but rather the refusal to allow the Church —solely because it is a church — to compete with secular organizations for a grant. ... In this case, there is no dispute that Trinity Lutheran is put to the choice between being a church and receiving a government benefit. The rule is simple: No churches need apply." Roberts concluded, "The exclusion of Trinity Lutheran from a public benefit for which it is otherwise qualified, solely because it is a church, is odious to our Constitution ... and cannot stand."

It's worth noting too that only Justices Sonia Sotomayor and Ruth Bader Ginsburg dissented. Religious liberty wins are great and important. Winning them 7-2 is even better!