

Ruling on public funds for church playground draws varied responses

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WASHINGTON—The U.S. Supreme Court ruled states sometimes must make public funds available to religious organizations, a decision some Baptists hailed as a victory for religious freedom and others saw as chipping away at the wall of separation between church and state that protects religious liberty.

In a 7-2 decision in [Trinity Lutheran Church v. Comer](#), the court ruled Missouri acted improperly when it denied public funds to a Lutheran church that sought assistance from a state program providing grants for playground improvements.

Writing for the majority, Chief Justice John Roberts said excluding Trinity Lutheran from a public benefit—for which it otherwise qualified—solely because of its religious character “is odious to our constitution.”

However, Roberts sought to limit the sweep of the opinion by adding a footnote: “This case involves express discrimination based on religious identity with respect to playground resurfacing. We do not address religious uses of funding or other forms of discrimination.”

Justice Sonia Sotomayor dissented, insisting the ruling “profoundly changes” the relationship between church and state by insisting the government is obligated to provide public funds to a congregation.

The [Missouri constitution](#) states, “No money shall ever be taken from the public treasury, directly or indirectly, in aid of any church, sect or

denomination of religion.”

ERLC applauds decision

Last year, the Southern Baptist Convention’s Ethics & Religious Liberty Commission filed a [brief](#) in opposition to the lower court rulings that upheld Missouri’s decision to deny the state grant to the church-based daycare.

“The case matters because the court here recognizes the difference between a government establishing a religion and a government choosing not to penalize a religion,” ERLC President Russell Moore wrote in an [online](#) article after the court issued its ruling.

Moore called the ruling “a win for religious freedom and for limits on the power of the state.”

Court ‘upends precedent,’ Baptist Joint Committee says

The [Baptist Joint Committee for Religious Liberty](#), on the other hand, filed a friend-of-the-court brief supporting the constitutional prohibition on state aid to churches.

In ruling against the Missouri prohibition on state aid to churches, the high court rejected “an important aspect of America’s history of protecting religious liberty,” said Holly Hollman, general counsel for the Baptist Joint Committee.

“By treating a state ban on aid to churches as a mark of discrimination, the court’s decision upends precedent and adds confusion to the law,” Hollman said.

“While claiming to stand up for churches, the court ignores their distinct nature as centers of religious exercise. ‘No aid’ provisions reflect the hard-fought battles of Baptists and other religious dissenters that abolished

government controls over religion and secured church autonomy.

“The decision does not create a free exercise right to government funding of religion, but it unnecessarily blurs the line that ensures religion flourishes on its own.”

Varied views on ‘common sense’

The Alliance Defending Freedom represented Trinity Lutheran, arguing the church should be eligible for the state grant because the playground materials are secular, and the congregation operates a preschool open to children in its area, regardless of their religious affiliation.

“The government should treat children’s safety at religious schools the same as it does at nonreligious schools,” said David Cortman, senior counsel for the Alliance Defending Freedom. “The Supreme Court’s decision today affirms that common-sense principle and the larger truth that government isn’t being neutral when it treats religious organizations worse than everyone else.

“Equal treatment of a religious organization in a program that provides only secular benefits, like a partial reimbursement grant for playground surfacing, isn’t a government endorsement of religion. As the Supreme Court rightly found, unequal treatment that singles out a preschool for exclusion from such a program simply because a church runs the school is clearly unconstitutional.”

Barry Lynn, executive director of Americans United for Separation of Church and State, in contrast, insisted the ruling “undermines the bedrock principle that no American should be forced to support a religion against his or her will.”

“The religious freedom protections enshrined in state constitutions are worth more than resurfacing a playground,” Lynn said. “Taxpayer-funded

religion is bad for churches, communities and citizens. ... This ruling threatens to open the door to more taxpayer support for religion, which is at odds with our history, traditions and common sense.”