

An Equal Playing Field for People of Faith

USCCB Fact Sheet

2017

In 2012, Trinity Lutheran Church applied for a grant from the State of Missouri to resurface the playground of the church's preschool. Missouri runs a program that allows schools and nonprofits to obtain recycled tire pieces, which provide a **safer playground surface for children**. The program also **benefits the environment** by recycling old tire scraps that would otherwise end up in landfills.

However, Trinity Lutheran's application was **denied**, despite its application scoring high enough to receive a grant. Why? Because it is affiliated with a church.

Trinity Lutheran filed a lawsuit based on the Free Exercise Clause of the First Amendment to the U.S. Constitution. Unfortunately, federal courts have so far upheld Missouri's discrimination against Trinity Lutheran, because Missouri's state constitution has a clause that **prohibits government aid from going to churches**. Now the U.S. Supreme Court is reviewing the case and has the opportunity to allow an equal playing field for church-affiliated playgrounds. The Court can find that Missouri cannot interpret its **state** constitution in a way that violates the **federal** Constitution.

People of faith should not be discriminated against when it comes to publicly available benefits like playground resurfacing. After all, everyone—including those who attend Trinity Lutheran—has to pay taxes. And taxes are what fund Missouri's scrap tire program.

The Supreme Court's decision in this case could affect more than just tire scraps and playgrounds. The Missouri provision at stake is one version of what is called a "Blaine amendment". Such provisions were mainly added to state constitutions back in the **1870s**, during a time of intense **anti-**

Catholic bias in the United States. Blaine amendments primarily sought to restrict state funds from going to Catholic schools.

The Supreme Court has the chance to chip away at Blaine amendments, which are present in over 30 state constitutions. A favorable decision could be cited by school choice advocates, whose efforts to allow low-income students to attend faith-based schools through scholarship assistance have been hampered over the years by Blaine amendments.

The Catholic bishops and many others filed a friend-of-the-court brief with the Supreme Court explaining that "Missouri's religious discrimination not only contravenes the First Amendment, it is profoundly demeaning to people of faith. Official discrimination based on religion is no less invidious or stigmatizing than discrimination based on other protected traits."

A decision from the Supreme Court is expected by the end of June 2017. Please pray that the Court would allow for an equal playing field for everyone—including people of faith!

Is our most cherished freedom truly under threat?

Among many current challenges, Blaine amendments like Missouri's state constitutional provision have the effect of excluding people of faith from participating in benefits that should be publicly available to everyone. Without religious liberty properly understood, all Americans suffer.

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