

Supreme Court rules for Lutheran church in playground funding case

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The Supreme Court ruled for a Missouri church that claimed religious discrimination after it was refused state funds to improve its playground.

Ruling 7-2, the court determined that the state had unfairly treated Trinity Lutheran Church in Columbia under the First Amendment's free exercise clause.

The state wrongly denied the church "an otherwise available public benefit on account of its religious status," Chief Justice John Roberts wrote in the majority opinion. "This Court has repeatedly confirmed that denying a generally available benefit solely on account of religious identity imposes a penalty on the free exercise of religion."

[The case pitted Trinity Lutheran Church against Missouri's Department of Natural Resources](#), which offered grants to help nonprofits pay for the resurfacing of playgrounds with recycled tires.

Justices Sonia Sotomayor and Ruth Bader Ginsburg dissented in the case, considered by many court watchers to be the highest profile ruling of the Supreme Court season, which runs from October through early summer.

"To hear the Court tell it, this is a simple case about recycling tires to resurface a playground. The stakes are higher. This case is about nothing less than the relationship between religious institutions and the civil government—that is, between church and state," Sotomayor wrote. "The Court today profoundly changes that relationship by holding, for the first time, that the Constitution requires the government to provide public funds directly to a church. Its decision slights both our precedents and our history, and its reasoning weakens this country's long-standing commitment to a separation of church and state beneficial to both."

Conservative advocates for religious freedom cheered the decision, released on June 26.

“The government should treat children’s safety at religious schools the same as it does at nonreligious schools,” David Cortman, senior counsel at Alliance Defending Freedom, said in a statement.

The ADF argued the case at the Supreme Court on behalf of the church, which runs a children’s learning center.

“The decision today affirms that commonsense principle and the larger truth that government isn’t being neutral when it treats religious organizations worse than everyone else,” Cortman continued.

On the same day that it handed down its ruling in *Trinity Lutheran v. Comer*, the Supreme Court agreed to hear a challenge from a Colorado baker who had lost lower court battles over his refusal to create a wedding cake for a gay couple. Like a New Mexico photographer three years ago, whose case the court declined to hear, the baker cited his religious beliefs. —Religion News Service; *USA Today*

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