

**AUSTRALIAN COUNCIL FOR THE DEFENCE OF GOVERNMENT
SCHOOLS
PRESS RELEASE 703#**

**Trump, DeVos and Supreme Court Justice Neil Gorsuch:
Will they Demolish Wall of Separation Between Church and State in
America?**

On April 19, the Court heard arguments in *Trinity Lutheran Church of Columbia v. Comer*, and the decision could deeply erode the principle of church-state separation, the foundation of religious freedom. If Trinity Lutheran wins, state and local governments will be *required* to give taxpayer funds to churches, synagogues and mosques.

That's why Americans United, along with other religious and civil-rights organizations, submitted a [friend-of-the-court brief](#) in this case. On April 13, however, Missouri's governor announced that he will give taxpayer funding to churches, exactly what Trinity Lutheran asked for in its lawsuit. Because the governor has provided the remedy that the church requested, the case should end now: There's no longer anything to ask of the Supreme Court.

On April 18, Americans United [asked](#) the Supreme Court to dismiss the case. It went ahead however, and the result could open the gates to State Aid with vouchers. How?

Facts of the Case

Trinity Lutheran Church sought money from the Missouri state legislature Supreme Court Justice Neil Gorsuch to resurface its playground. State officials denied the church's application for funding because the state constitution's no-aid provision ensures taxpayer dollars do not fund churches. The church then claimed that this provision violates the U.S. Constitution. These no-aid provisions, some of which have existed for a century or two, were designed to protect religious freedom, because religion and belief are stronger without government support. We submitted a [friend-of-the-court brief](#) to explain how important these longstanding provisions are and to defend the principle of church-state separation.

There has been continual pressure in America in the last twenty years on the Supreme Court to open the flood gates of State Aid to religious organisations and schools. But to date, the erosion of the principle of separation of religion and the State has been minimal. America has not yet following Australia to the extraordinary position we are in today.

History of Vouchers in America

Twenty years ago, Betsy DeVos and her husband were the primary funders of an [effort to strip](#) the Michigan Constitution's no-aid clause – the provision that ensures the government doesn't funnel taxpayer dollars to religious institutions, including private religious schools. Their goal: remove the constitutional barrier to implementation of a private school voucher program. Their effort failed miserably when in November 2000, [69 percent](#) of the voters chose to keep the state's religious freedom protections in place. The people of Michigan knew that freedom of belief for taxpayers and freedom for faith communities was at stake.

In the 1999 case *Zelman v. Simmons-Harris*, the U.S. Supreme Court held that an Ohio private school voucher program does not violate the First Amendment of the U.S. Constitution. But, because the constitutions in three-quarters of the states have no-aid provisions, they provide another avenue to challenge voucher programs that fund religious schools. In fact, AU has successfully challenged voucher programs in Colorado and Florida using those states' no-aid clauses.

Result of a Broad Decision in *Trinity Lutheran Church of Columbia v. Comer*

Today, thanks to President Donald J. Trump, Betsy DeVos can now push school vouchers from her helm as the Secretary of Education. Also thanks to Trump, newly sworn-in Supreme Court Justice Neil Gorsuch could be part of handing DeVos the gift she tried to buy nearly two decades ago: a broad decision in *Trinity Lutheran Church of Columbia v. Comer* could undermine state no-aid clauses across the country, allowing private school vouchers in Michigan and other states.

If Trinity Lutheran wins, state and local governments could be required to give taxpayer-funded grants to houses of worship. And if the decision is broad, it could also mean that the state no-aid provisions can no longer be interpreted to ensure taxpayer dollars do not fund religious schools through private school vouchers.

In short, *Trinity Lutheran* could open the door to state private school voucher programs, which clearly harm religious freedom.

But as the DOGS have always argued: Authentic faith does not require Taxpayer assistance.

DOGS recommend the following article from Americans United for Separation of Church and State: Apr 19, 2017 by [Bill Mefford](#) in [Wall of Separation](#)

When I was in seminary in Wilmore, Ky., I served as a part-time missions pastor at a United Methodist church in town. The church was going through some transitions and was trying to figure out a vision for the coming months and years. The church had long been focused on caring for its own members through discipleship and preaching, but the members wanted to be more connected with the community, particularly with those who had yet to venture inside our doors.

So a small group of us began to find opportunities to serve the community of Wilmore and nearby Lexington. We served meals in the homeless shelter and built friendships with the

men who lived on the streets. We raised support for refugees who were being welcomed from the Democratic Republic of the Congo, and we shared meals and necessary resources for them to begin their lives anew. And we poured ourselves into the emergency relief ministry that helped poor folks who lived day-to-day and were in need of basic services. Our yearlong service culminated with a Thanksgiving celebration with the community, cooking enough turkey and stuffing, cranberry sauce, green bean casserole and apple pie for over 250 people. It was an amazing night of shared food, shared conversations and shared laughter. The people in our church were so moved by this experience – something they had never done before – that missions became one of the largest line items in our budget.

I share this with you to make this point: Serving our community required a tremendous amount of time, energy and, yes, money – but not one of us ever thought of going to taxpayers for any of the funding. If we had, we would have missed out on the passionate journey of pouring ourselves out in service to our friends and neighbors. All of the work that all of these ministry actions necessitated were steps towards finding our vision, our calling and our joy. We did not want to lose any of that simply for the ease of gaining outside resourcing. We are mutually transformed as we seek to improve the welfare of those around us.

This is why I am a little stunned that Trinity Lutheran Church in Columbia, Mo., is going to such lengths to ensure that it can apply for government funding for the playground of its religious pre-school. The church is pursuing this case, *Trinity Lutheran Church v. Comer*, all the way to the U.S. Supreme Court, where it is being argued today. The church's demands are in opposition with Missouri's Constitution, which forbids taxpayer money from going to houses of worship. I have to say, I am with the state on this one.

It's great that Trinity Lutheran wants to provide services for the community. I believe the facilities of houses of worship should be more utilized by our communities. But I would encourage my sisters and brothers at Trinity Lutheran to remember that service to the community is not something we should demand of others to provide. Serving the community is a joy that should be incumbent on people of faith to do without any need for outside compensation.

It reminds me of the kind of worship God desires from God's people in Isaiah 58. First, God describes the kind of worship that is not pleasing: worship done while there is quarreling, or in the midst of oppression of the poor or to make ourselves feel better. Instead, God says:

Is this not the fast that I choose:

To loose the bonds of injustice,

To undo the thongs of the yoke,

To let the oppressed go free,

And to break every yoke?

Is it not to share your bread with the hungry,

And bring the homeless poor into your house,

When you see the naked, to cover them,

And not to hide yourself from your own kin? (Isaiah 58: 6-7)

Following the kind of worship God desires is the promise God gives:

Then your light shall break forth like the dawn,

And your healing shall spring up quickly. (Isaiah 58:8)

I do want to emphasize that I am not advocating for, nor do I believe, that Scripture is promising a transactional form of missional engagement. For serious believers, there is nothing formulaic about our interaction with the Almighty. I believe that regardless of verse 8, our worship and missional engagement must be centered around redemptively utilizing our resources to meet the needs of others, through actions of justice and mercy. We do this simply and solely because this is what God desires. But I must also say, that like the church I served in Wilmore, the benefits of loving others will so far outweigh any sacrifices we make in our service.

And this is why I wish Trinity Lutheran Church would drop its lawsuit. In the end, its members are the ones who are missing out.

To learn more about *Trinity Lutheran Church v. Comer*, click [here](#).

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