



WISCONSIN FAMILY COUNCIL
Marriage|Family|Life|Liberty



Church Connection August 2017

Strengthening, Preserving & Promoting Marriage, Family, Life & Religious Liberty

And [Jehoshaphat] set judges in the land And said to the judges, "Take heed what ye do: for ye judge not for man, but for the Lord, who is with you in the judgment. Wherefore now let the fear of the Lord be upon you; take heed and do it: for there is no iniquity with the Lord our God, nor respect of persons, nor taking of gifts."

II Chronicles 19:5-7

"With each decision of ours that takes from the People a question properly left to them — with each decision that is unabashedly based not on law, but on the 'reasoned judgment' of a bare majority of this Court—we move one step closer to being reminded of our impotence."

~the late Antonin Scalia, US Supreme Court justice, dissenting in Obergefell, the 2016 case that legally redefined marriage

Court Decisions Matter

Court decisions matter, especially those from our nation's highest court. No doubt they shouldn't matter as much as they do these days. Our founders designed a government with three equal branches meant to check and balance each other, not one where one branch holds the other two hostage. Thomas Jefferson said of this matter, "[T]he opinion which gives to the judges the right to decide what laws are constitutional and what not, not only for themselves, in their own sphere of action, but for the Legislature and Executive also in their spheres, would make the Judiciary a despotic branch." Many today contend the US Supreme Court, along with other lower federal and state courts, is dangerously close to being "a despotic branch."

Both in spite of and because of this reality, it's appropriate to rejoice when a court gets a decision right.

Such is the situation with the major religious freedom case that the US Supreme Court decided late last month.



The case involved a religious preschool, Trinity Lutheran in Columbia, Missouri, that was rejected from a state program that provides reimbursement grants to purchase rubberized surface material—like tire scraps—for children's playgrounds. The state denied the grant for the Trinity preschool playground because the playground belongs to a religious organization, even though the majority of children at the day care are not affiliated with the church. Beyond that, the Learning Center has an "open gate" policy, meaning it is open to all in the community and is frequently used by children in the neighborhood after-hours and on weekends.

The tire scrap surface project was paid for by Trinity, and then they sought reimbursement from the state's public grant program set up for this purpose. Out of 44 organizations that ap-

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Pray...

- For judges at every level of our judicial branch-- that they will be fair, impartial and unwilling to “make law” or advance a personal agenda.
- For attorneys who represent churches and Christian business owners in matters related to religious freedom.
- For President Trump as he nominates people to our federal courts.

Legal Groups Defending Religious Freedom

Alliance Defending Freedom
www.adflegal.org

Liberty Counsel
www.lc.org

Christian Law Association
www.christianlaw.org

First Liberty
www.firstliberty.org

Join Us for...

“Punching Holes in the Darkness: Bringing Light to the Critical Issues of Our Day”

A presentation by Julaine Appling, president of WFC

Thurs., Aug. 24, Pizza Ranch, Verona, 6-8 p.m.

Call 888-378-7395 to register or for more details or register online at wifamilycouncil.org/events.

plied for the grant, Trinity Lutheran’s application was ranked #5 in meeting all the qualifications but was denied solely because it is run by a church. The state asserted it was correct in denying the grant because of a provision in the Missouri Constitution.

Fortunately, the US Supreme Court got this one right. On a 7-2 vote, the high court correctly affirmed that religious organizations are constitutionally guaranteed the same opportunity to participate in government programs as non-religious groups. This decision restores vital First Amendment protections that were endangered by court decisions and state laws over the course of many years. While the state government asserted it was showing “neutrality” in its decision not to give Trinity Lutheran the grant, in reality the government isn’t being neutral when it singles out religious groups for less-than-equal treatment.

If the court had gone a different direction, consider what this might have meant. This case is very similar to a state prohibiting police from responding to a burglary at a yeshiva or parochial school, or a city stopping the fire department from putting out a fire at church or excluding the buildings owned by religious organizations from a statewide asbestos removal program.

Many are hopeful this decision will have some far-reaching positive consequences, including opening up school choice programs in states with constitutional provisions that are similar to Missouri’s. This decision might signal a return to a proper understanding and application of the First Amendment.

On the same day the Supreme Court handed down this decision, it accepted a high-profile case involving a Colorado baker who said he wouldn’t design a cake for a same-sex wedding. While the media is making this case about supposed “gay rights,” it’s inherently about religious freedom. This case will test the court’s mettle on this important matter in a different way than the Trinity case did. But for all of us as American citizens, this decision, like the Trinity decision, will matter; and we will know a little more about whether we are headed for more or less judicial despotism.

About Wisconsin Family Council

Wisconsin Family Council is a 501 (c)(3) organization that has been advancing Judeo-Christian principles and values in Wisconsin since 1986. We have largely done this by informing Wisconsin citizens, policymakers and churches about the important legislative and cultural issues so that they can be involved in strengthening, preserving and promoting marriage, family, life and religious liberty in our state.

“Church Connection” is published monthly by WFC and is available to churches in Wisconsin.

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