

The *Trinity Lutheran* Playground Case

Case Name: [*Trinity Lutheran Church of Columbia, Inc. v. Comer*](#)

Oral Argument date: April 19, 2017

Significance: The *Trinity Lutheran* playground case is the remaining religious freedom case to be heard before the Supreme Court this term.

Hashtag: #FairPlay



Background: *Trinity Lutheran* is a case about a religious preschool that was rejected from a state program that provides reimbursement grants to purchase rubberized surface material (tire scraps) for children’s playgrounds. The preschool was denied the grant for its playground solely because the playground belongs to a religious organization. Every person in Missouri – including people of faith – is required to pay a fee on their tire purchases. These fees fund the grant program. However, religious non-profit organizations are among those excluded from participating in the grant program; in other words, religious people are forced to put money into the pool, but the playgrounds at their religious organizations can’t benefit from it.

Key Principles

- Every child’s safety matters. The government should treat safety at religious schools the same as they do at secular schools.
- The government is constitutionally-required to treat religious organizations equally. The government isn’t being neutral when it discriminates against religious organizations by treating them less-than-equally.
- Equal treatment of a religious organization isn’t an endorsement by the government. But unequal treatment is unconstitutional and unfair.

Key Facts

- Out of the 44 nonprofits that applied for the playground surface grant, Trinity Lutheran’s application was ranked #5 in meeting the qualifications. However, Trinity Lutheran’s preschool was denied solely because it is run by a church.
- The playground is also used after-hours and on the weekends by children in the community.
- Over 90% of the children who attend the preschool at Trinity Lutheran do not attend the church itself.

What’s at Stake? People of faith shouldn’t be treated like second-class citizens. A victory at the Supreme Court will mean that the government cannot discriminate against religious organizations and exclude them from receiving a generally available public benefit simply because they are religious. A loss could mean that religious nonprofits could be excluded from government programs meant to serve their communities and even be denied basic safety services like fire and police protection.

This is Like...

- A state prohibiting police from responding to a burglary at a yeshiva or parochial school.
- A city stopping the fire department from putting out a fire at a church.
- A city fixing the all city sidewalks, and the crew being told to leave the sidewalk cracks in front of a mosque.
- Excluding the buildings owned by religious organizations from a statewide asbestos removal program.

Bottom Line: A skinned knee hurts just as much on the playground of a religious school as it does on the playground of a secular school.