

Church lawsuit against Missouri uncertain after rule change

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JEFFERSON CITY, Mo. (AP) — A U.S. Supreme Court case between a Missouri church and the state could be in doubt after the high court on Friday asked both parties whether the case should move forward.

Missouri Gov. Eric Greitens reversed the rule at issue on Thursday that prevents religious organizations from receiving some state grants. The change comes just days before court arguments are set to begin.

The dispute started in 2012 when the Department of Natural Resources denied Trinity Lutheran Church a grant to purchase repurposed rubber tires.

The church alleged in its lawsuit that the state violated the church's free speech rights and right to equal protection under the law, but the department cited a state constitutional amendment stating that public dollars cannot be used to aid religious organizations.

In a statement Thursday, Greitens said the new rules were not expected to affect next week's arguments. His spokesman, Parker Briden, did not respond to questions from The Associated Press about the timing of his announcement and potential conflicts between the Missouri constitution and the rule change.

Loree Anne Paradise, a spokeswoman for Missouri Attorney General Josh Hawley, said the office is still "exploring" whether the issue is resolved and the case could be moot. Hawley has recused himself from the case after speaking out on the campaign trail in favor of the church.

David Cortman, Trinity Lutheran's lawyer, said the case should move forward because the state's rule hasn't been concretely resolved.

"You had one administration that enforced and defended the policy, and then a new administration comes in and disagrees and changes it," he said. "There's nothing to prevent the next administration from changing it back."

Richard Katskee, the legal director for Americans United for Separation of Church and State, said the court is only allowed to issue decisions on cases that are live disputes. Under that rule, the case would be moot because the church could now apply for the grant, he said.

Religious groups have praised the governor's decision, saying it allows religious schools and organizations to apply for grants for secular activities such as busing for field trips and resurfacing local playgrounds.

But the American Civil Liberties Union said in a statement that it "blurs the line" between church and state.

The case could have big implications for school choice measures that are moving through the Missouri Capitol and other statehouses across the country. Lawmakers and advocates say it could open the door for more states to use public dollars for private school vouchers if the court rules in the church's favor.

Associated Press writer Mark Sherman contributed to this report from Washington D.C.