



One Voice for Public Policy

MINNESOTA DISTRICTS

JUNE 2020 | A NEW DAY FOR RELIGIOUS LIBERTY

Religious liberty is a topic receiving a great deal of attention recently as various elements in society increasingly challenge its benefits and its relevance in today's world.

Today's context regarding religious liberty

For the better part of 30 years, religious liberty has clashed with the pro-abortion, pro-homosexual, and LGBT movements. This has become especially intense in the wake of the Supreme Court's 2015 [Obergefell ruling](#), which changed the definition of marriage, and Monday's [Harris Funeral Homes ruling](#), which essentially changed the definition of "sex" in federal law. In both cases, a secularist worldview has been accorded a privileged status over against a Scripturally-informed worldview.

Also recently, our emergence from the community lockdowns associated with the COVID-19 crisis has called attention to the great difference of opinion regarding the place of religious liberty within our society. Some are closely monitoring and guarding our right to a full, responsible religious practice, while others insist on treating churches and religious life in general as "nonessential." And this is despite religion's unique constitutional status and the obvious fact that human beings are by nature oriented to seeking and worshipping God.

A question for education funding: *Espinoza v. Montana Dept. of Revenue*

There is perhaps no place where this clash between a high regard for religious liberty verses a more dismissive attitude toward it occurs more frequently, or closer to home, than in matters related to the education of our children. Who is it that bears the primary responsibility and therefore possesses the primary authority for the education of our children? Is it parents or the state? Throughout the nation's history, at least until recently, there was no doubt that it was parents who bore both the responsibility and the authority in these matters.

Both in the popular mind and in the formal decrees of the legislature and the courts, this was a settled question.

But this isn't the only important question related to this issue. For in addition to the more theoretical authority question, there is a more practical question that needs to be addressed. Namely, does being the primary authority in the life of their children mean that parents are also the ultimate deciders when it comes to which school their children will attend? More specifically, if parents are the primary authority, has the state usurped the right of parents when it functionally vetoes the decision of parents who have chosen a religious school for their child by withholding the funds which the state has collected from all of us for the educating of all our children? In short, may the government show disfavor toward a religious view of life by disfavoring the kind of education that is specifically intended to support and nurture that religious view?

As important and consequential as these questions are, it may surprise you to know that they have never been directly asked or answered by the courts . . . until now. Currently, there is a case pending before the

U.S. Supreme Court that promises to do just that. It's called [Espinoza v. Montana Dept. of Revenue](#). Without going into great detail, it is a case that directly challenges the Montana State Constitution's language (called a "Blaine Amendment") that allows the state to effectively set aside the equal protection rights of parents to choose a religiously grounded school (or homeschool) for their children. By citing the Blaine Amendment, the state denies them the same sort of educational funding that is offered to those who choose from a variety of secular educational options.

This case builds on the [Trinity Lutheran ruling](#) a few years ago, which forcefully declared that this sort of inequitable treatment of religious people and institutions is not an act of neutrality toward religion, as is often claimed. Rather, it is an act of hostility which "cannot stand!" The Trinity Lutheran decision specifically applied that principle to what goes on at school outside the classroom (in that case, equal funding for a playground).

The Espinoza ruling will likely decide whether the same principle applies to what goes on inside the classroom . . . as would seem logical. Along with 38 other states, Minnesota's State Constitution also contains a Blaine Amendment and so will be directly impacted by this ruling.

It is hard to overstate the potential implications of this ruling. If it is decided in a way which supports the religious liberty rights of parents, it will mark an end to what has been a powerful quasi-official endorsement of secularism on the part of the government. If it is decided that parents do not forfeit their right to equal treatment under the law by virtue of exercising their religious rights with respect to the education of their children, we can anticipate a renewal of parental rights and a general strengthening of families. And, of course, most importantly, if Espinoza is decided in favor of parents, it will open up new avenues for the Gospel, as children and their parents will find many new and revitalized schools available in which to learn about the world as created and sustained by God and our Savior, Jesus Christ.

Please keep the court and its ruling in your prayers as we approach this pivotal ruling. A decision is expected to be announced by the end of June.

If you have questions about either religious liberty or anything else related to public policy, please feel free to contact me via email at fred.hinz@mnsdistrict.org or via phone at 507-317-9634.

God's blessings to you as you interact with your friends and neighbors concerning public matters on behalf of the Gospel.

In Christ,

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