



RELIGIOUS FREEDOM WEEKLY
from
Americans for Freedom of Religion

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Supreme Court Rejects Maine's Ban on Tuition Aid to Religious Schools

"There is nothing neutral about Maine's program," wrote Chief Justice John Roberts. "The state pays tuition for certain students at private schools - so long as the schools are not religious. That is discrimination against religion." ⁽¹⁾

In a 6-3 decision, the Supreme Court decided in favor of families challenging a Maine law that prohibited them from receiving a state school tuition benefit because they chose to send their children to religious affiliated schools. Since some rural areas of Maine lack the student population sufficient to justify building a public school, the state provides a tuition benefit parents can use to pay for the school of their choice - unless the school is religious. In fact, some families have used this tuition benefit towards some academically selective prep schools. In a similar Montana case in a 2020 Supreme Court ruling, Justice Roberts wrote, "A state need not subsidize private education. But once a state decides to do so, it cannot disqualify some private schools solely because they are religious." ⁽²⁾

"The Court has again affirmed that states cannot exclude religious schools from generally-available public benefits based on their religious affiliation or exercise. In our pluralistic society, it is vital that all people of faith be able to participate in publicly available programs and so contribute to the common good," said Cardinal Dolan and Bishop Daly, chairmen of the USCCB Committees for Religious Liberty and Catholic Education. ⁽³⁾

Supreme Court Affirms Freedom of Religion and Speech for High School Football Coach

The Supreme Court ruled 6-3 in favor of HS coach and former U.S. Marine Jo Kennedy's right to pray quietly in thanksgiving after football games. The coach prayed for less than a minute on the 50-yard line after games when the players and coaches had already shaken hands and he was no longer coaching.

In the fall of 2015, Bremerton school officials tried to put an end to Kennedy's practice of thanksgiving by amending district policies with a new ban on "demonstrative religious activity, readily observable to students and the attending public." ⁽⁴⁾

"Respect for religious expression is indispensable to life in a free and diverse Republic - whether these expressions take place in a sanctuary or on the field, and whether they manifest through the spoken word or a bowed head," explained Justice Neil Gorsuch for the Court's majority. This decision also reminds the lower courts to be particularly vigilant when schools undermine the twin freedoms of religion and speech. "That the First Amendment doubly protects religious speech is no accident. It is a natural outgrowth of the framers' distrust of government attempts to regulate religion and suppress dissent," wrote Gorsuch. ⁽⁵⁾

(firstliberty.org, 6/24/22(1); washingtonpost.com, 6/21/22(2); aleteia.com, 6/21/22(3); ncregister.com, 6/21/22(4)(5)

The high court "has rightly ruled that the Constitution protects not just the right to be religious but also to act religious." - Cardinal T. Dolan & Bishop T. Daly