Taylor

Ms. Schley

May 5th, 2017

Ap Gov

Moot Court

Madam Chief Justice, and may it please the court, the State of Missouri believes, there is no violation of the 1st amendment, in the establishment clause. However, if we allow the Trinity Lutheran Church to receive funds, we then open applications from other religions to be acceptable, and then if they are denied we have an indirect violation of the establishment clause, unwillingly. The State is in no way prohibiting the practicing their religion by disallowing these funds to go to the church. Gravel playgrounds are not unsafe for children, simply, rubber is safer than gravel. The restriction of upgrading by the state is necessary to keep their hands clean from the accusation of collusion. The playground is still useable. If the state were to allow these funds to go to the church, that puts public schools at a disadvantage because these private, parochial schools already receive subsidies if they are through a church. Allowing them to receive extra funds on top of this, it is absolutely an unnecessary bonus that the church does not need. The State believes that the Church being involved in the oversight and usage of this playground is the very reason that we cannot allow this rant to be given to them. We cannot let Taxpayer money go through a church treasury, or we will be reaching over the very “wall of separation between church and state” that Thomas Jefferson warned against. It is also the opinion of the State that in allowing our grant to go to this church, we will be unwillingly thrown into more conflicts regarding the State grant program, in that any other religion that may apply for this grant, and be denied, will have grounds to sue for discrimination and violation of the Establishment Clause.

The State suggests that the court rules in favor of upholding the constitutionality of the State grant program. We believe the precedents set in Locke v Davey, should be used as Stare Decisis. The argument of allowing Taxpayer to flow through a church or theological institute in any form violates the entanglement clause of the constitution, and that this is the same argument being discussed in the court today. The Court should also look at Justice Rutledge's dissenting opinion in Everson v. Board of Education, where he states, “The 'establishment of religion' clause of the First Amendment means at least this: Neither a state nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions or prefer one religion over another. Neither can force nor influence a person to go to or to remain away from church against his will or force him to profess a belief or disbelief in any religion. No person can be punished for entertaining or professing religious beliefs or disbeliefs, for church attendance or non-attendance. No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion. Neither a state nor the Federal Government can, openly or secretly, participate in the affairs of any religious organizations or groups and vice versa. In the words of Jefferson, the clause against establishment of religion by law was intended to erect 'a wall of separation between Church and State.” (Rutledge) It is outlined here how taxpayer money should NOT under any circumstance be used to fund a theological institute, in which it would be here, no matter the usage of those funds.

The Court's decision is ultimately the final say, and shall be respected as such. But the consequences of deeming the exclusion unconstitutional far outweigh the effects of a disgruntled pre-school. Legislation would have to be drafted in 39 states to change their constitutional provisions, numerous more cases should be brought before the Court regarding

the previous withholding of funds or exclusion from theological institutions with the new precedent set here.