



News Release

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Constitutional Amendment Seeks to End Discrimination Against Churches, Religious Schools

January 23, 2012, JEFFERSON CITY, MO – State Sen. Scott Rupp (R-Wentzville) and State Rep. Shane Schoeller (R-Willard) are proposing legislation to repeal a provision in the Missouri Constitution that for more than 100 years has been used as a pretext to deny basic public services to children who attend religious schools.

The so-called Blaine Amendment in the Missouri Constitution has created legal roadblocks to bus transportation and other services for students attending religious schools. The amendment was first passed in 1870 at a time when anti-Catholic sentiments ran high.

The legislation would replace the Blaine language with a new provision prohibiting religious discrimination in the provision of state educational services so long as they comply with the requirements of the First Amendment of the U.S. Constitution.

Sen. Scott Rupp said passing the proposed amendment was very timely: “Right now the Blaine Amendment is stopping thousands of students from receiving a quality education. Repealing the Blaine Amendment will allow the general assembly to consider programs that offer parents more options in their children’s education.”

State Rep. Shane Schoeller said: “As we focus on real education reform we need to ensure that we are giving parents the ability to decide what is best for their children and give them real ownership in their decision-making process for their children’s education. The constitutional changes we are seeking will do just that and help ensure parents continue to guide their children’s education for the best possible outcome upon graduation.”

In states without a Blaine Amendment, public authorities offer services such as secular textbooks and bus transportation to children in religious schools on the same basis as those services are provided to public school children. The U.S. Supreme Court has ruled that these programs comply with the First Amendment. The Court has also ruled favorably on tax deductions and credits claimed by parents whose children attend public, private or religious schools.

The proposed amendment would not enact by itself any particular service for private school children, such as school bus transportation. Adoption of the amendment would simply remove any constitutional impediment to the Missouri General Assembly enacting a program that would fairly benefit all school children, including those attending religious schools.

The Missouri Catholic Conference (MCC) is strongly supporting the proposed amendment as part of an effort to defend religious liberty and end discrimination against religious people and religious institutions. Mike Hoey, executive director of the MCC said, "Repealing the Blaine Amendment will pave the way for creative partnerships between church and state that promote the common good of all our citizens."

Sen. Rupp's legislation is SJR 47. Rep. Schoeller's legislation is HJR 70.

Those interested in tracking this legislation can visit the MCC's website at MOcatholic.org.

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