

The Detroit News

OPINION

Jacques: Religious discrimination is wrong, too

[Ingrid Jacques](#), [The Detroit News](#)

Published 11:00 p.m. ET April 22, 2019



Chad and Melissa Buck of Holt have adopted five children through St. Vincent. (Photo: Becket)

Attorney General Dana Nessel's cavalier attitude toward enforcing state laws and her intent to force religious organizations to bend to her will has resulted in a federal lawsuit.

St. Vincent Catholic Charities sued Nessel and the Michigan Department of Health and Human Services last week over the state attempting to end a longstanding partnership with faith-based child-placement agencies.

The reason? Because of its deeply-held beliefs about marriage, St. Vincent doesn't want to sign off on children being placed with same-sex couples. For decades, the state of Michigan has contracted with these religious agencies and allowed them this caveat — as long as they would refer couples to another agency.

Nessel recently settled a lawsuit from the ACLU regarding this practice, which was made law in 2015.

"The Attorney General/ACLU settlement agreement does nothing to serve the best interest of children," stated the Michigan Catholic Conference. "[The] lawsuit will push-back against the ongoing adversarial efforts to move the Catholic Church and the services they provide out of the public square."

No one in this suit is advocating that LGBT couples be excluded from fostering or adopting children. That would be discriminatory and wrong.

This is all about whether it's necessary to force religious institutions who do this important work to violate their beliefs or stop working with the state to help kids find loving homes. The state needs all the partners it can find. There are 12,000 children in the foster care system and not enough families to care for them. St. Vincent and others like it make up a small percentage of the private adoption agencies the state works with, so there are other options for LGBT couples.

Nick Reaves is counsel at the nonprofit religious liberty law firm Becket, which is representing St. Vincent, as well as Melissa and Chad Buck, who have adopted five children, and Shamber Flore, who was adopted through the agency. He says the state has violated St. Vincent's First and Fourteenth Amendment rights.

Reaves says Nessel's calling out these Catholic organizations is a form of "religious targeting," and that the state is showing bias against them.



This is also a free speech issue. In partnering with the state, St. Vincent is responsible for conducting home studies prior to placing a child, and doesn't receive taxpayer funding to do so. It's only after St. Vincent has approved of a home that the state will in turn license the family to foster and start providing financial aid to the families through the agency.

Shamber Flore was adopted through the agency. (Photo: Courtesy of the Becket Fund)

"It's wrong to say every organization has to work with every family that comes its way," Reaves says. "It's not a one size fits all."

St. Vincent's evaluation of a home environment is its free expression, and not governed by the state.

"States can't regulate things they don't pay for," Reaves says.

More lawsuits related to religious liberty in the public square are arising around the country. Becket filed a nearly identical case last year against the city of Philadelphia when it chose to bar Catholic Social Services from placing children in foster homes, simply because city leaders disagree with the agency's religious beliefs.

Philadelphia officials made this decision even though they also face a shortage of homes for children — much like what's happening in Michigan.

"Michigan is facing a foster care crisis," Reaves says. "Why would you shut down agencies?"

ijacques@detroitnews.com

<https://www.detroitnews.com/story/opinion/2019/04/23/jacques-religious-discrimination-wrong-too/3538439002/>