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Caplan v. Town of Acton

Supreme Judicial Court of Massachusetts, Middlesex - March 9, 2018 - 479 Mass. 69 - 92 N.E.3d 691

Taxpayers brought action against town, seeking injunctive relief and a declaration that town's grants of funds to church under the Community Preservation Act violated the state constitution's anti-aid provision.

The Superior Court denied taxpayers' motion for a preliminary injunction. Taxpayers' application for direct appellate review was granted.

The Supreme Judicial Court held that:

- As a matter of first impression, the anti-aid amendment does not categorically ban the grant of public funds to a church;
- Constitutionality of grants, rather than constitutionality of Act, was at issue;
- Record was insufficient to determine whether town had hidden, improper purpose of aiding church;
- Effects of grants was to substantially aid church;
- Grants risked infringing on liberty of conscience, entangling government with religion, and threatening civic harmony; and
- Taxpayers were likely to succeed on merits of claim with regard to stained glass window grant, but not master plan grant.

The state constitution's anti-aid amendment does not impose a categorical ban on the grant of public funds to a church solely because it is a church; rather, under the three-factor test, whether a church can receive such a grant depends on the grant's purpose, effect, and the risk that its award might trigger the risks that prompted the passage of the anti-aid amendment.

Constitutionality of town's grants to church was at issue in taxpayers' action against town for a violation of state constitution's anti-aid provision, rather than constitutionality of statutes establishing procedure for municipalities to make discretionary grants for historic resource projects, and thus principle of statutory construction that affords a statute presumption of constitutionality validity did not apply; statutes did not authorize appropriation of public funds to church or other private institution within scope of anti-aid amendment, and taxpayers challenged specific discretionary grants made pursuant to statutes.

Record was insufficient to determine whether town had hidden, improper purpose of aiding church, as element of determining whether town violated state constitution's anti-aid provision by granting funds to church for historic preservation; trial court denied reasonable discovery, including deposition of person designated by town and oral and written communications regarding decision-making process, to ascertain whether there was hidden purpose.

Effect of town's grants of funds to church was to substantially aid church, as element of determining

whether town violated state constitution’s anti-aid provision by granting funds allegedly for historic preservation; grants were neither minimal nor insignificant in amount, contributing 90% of $111,930 in costs, and grants would have helped defray costs that church would otherwise have had to shoulder on its own, allowing money saved to be used to support its core religious activities and, in effect, underwriting its function as active house of worship.

Town’s grants of funds to church risked infringing on taxpayers’ liberty of conscience, entangling government with religion, and threatening civic harmony, as element of determining whether town violated state constitution’s anti-aid provision by granting funds allegedly for historic preservation; grants were to be used to renovate main church building where church conducted worship services and stained glass windows featuring explicit religious imagery, and grants limited church’s ability to make future alterations without town’s approval.

Taxpayers were likely to succeed on merits of claim that town’s grant of funds for historic preservation of church’s stained glass windows violated state constitution’s anti-aid provision, and thus taxpayers were entitled to preliminary injunction; even though there may have been no other motivating purpose besides historic preservation, grants substantially aided church in its essential function, and, in light of explicit religious imagery of stained glass, grants risked dangers anti-aid provision was enacted to avoid.

Further discovery was required before one could determine whether taxpayers were likely to succeed on merits of claim that town’s master plan grant to church, allegedly for historic preservation, violated state constitution’s anti-aid provision, and thus taxpayers were not yet entitled to preliminary injunction; even though taxpayers were likely to succeed on claim regarding grant for church’s stained glass windows, master plan grant was broader in scope and included renovation of two private residences, and restoration of main church building implicated risks different from those arising from restoration of residences.

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