

Supreme Court upholds NYC ban on churches in schools

David Gibson Religion News Service | Dec. 5, 2011

NEW YORK -- The U.S. Supreme Court on Monday let stand a lower court ruling that bars congregations from using space in New York City schools for after-hours worship services.

The decision appears to end a legal saga that began in 1995 when the Bronx Household of Faith sued the city for barring congregations from using public schools for religious services.

The church had been holding services at P.S. 15 in the Bronx since 2002, after it won an injunction against the initial ban.

Last June, however, the U.S. 2nd Circuit Court of Appeals ruled that the city had "a strong basis to believe" that allowing the religious services to be conducted in schools could be construed as violating the First Amendment's prohibition on an establishment of religion.

The church argued that the ban violated its First Amendment guarantee of religious expression because the city allowed other community groups to use schools for their activities.

"When worship services are performed in a place, the nature of the site changes. The site is no longer simply a room in a school being used temporarily for some activity," Judge Pierre N. Leval wrote in the appellate court's majority opinion. He added: "The place has, at least for a time, become the church."

Leval distinguished the church's worship services from Bible studies, which are allowed to meet in public schools as the result of a 2002 Supreme Court decision.

Leaders of the evangelical church, which draws about 100 worshippers on a Sunday, say they hope to have their own building completed by next summer.

City officials say about 60 religious congregations have been using public schools for worship services. It was unclear how soon those congregations would have to stop using the spaces.

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