

Justice Department backs churches renting space in public schools: New York City Board of Education objects

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The U.S. Department of Justice is urging a federal court in New York to uphold the right of religious organizations to conduct worship services in public school buildings.

In prior rulings in such cases, courts have held that religious organizations are entitled to the same access to public school buildings as other groups, and that to forbid such religious usage is to practice unlawful discrimination. The practice is growing, with more than 10,000 congregations, often newly formed ones, worshipping in public school buildings across the country. While temporarily housed in schools, many are able to save money to build their own churches.

Now the Department of Justice has made its position clear in a friend-of-the-court brief filed in May with the U.S. District Court for the Southern District of New York. In the brief the Justice Department sided with the Bronx Household of Faith in its suit against the New York City Board of Education.

The case asks whether the board may ban religious worship from a public school building as long as it allows religious clubs with outside sponsors to hold meetings. That policy proposal, according to the Department of Justice, falls short of the equal access for all groups intended in a June 2001 U.S. Supreme Court ruling.

“The city’s continued efforts to distinguish religious services and religious teachings and other activities remain misguided,” the Department of Justice writes. “As this court has already held, no such distinction may be imposed constitutionally.”

In New York City the U.S. District Court in June 2002 issued a preliminary injunction against the city’s ban on religious worship in public schools. Under the protection of that injunction, more than 20 congregations now worship in the city’s public schools.

Through this current case, the Bronx Household of Faith is seeking to make that injunction permanent; the city is seeking to have the injunction dismissed. The church's suit is proceeding with support from the Alliance Defense Fund, a conservative Christian legal defense organization based in Arizona.

Meanwhile, the New York administration of Mayor Michael Bloomberg has said it continues to be concerned that religious worship in schools violates a constitutional requirement for separation of church and state. *-Religion News Service*