

Federal Court Hears NY School Worship Ban Case Friday

Attorneys on Friday will try to convince a federal judge to issue an order that would allow churches to continue meeting in New York City public school buildings on weekends.

Many New York City churchgoers have been protesting the city's plans to evict them ever since the U.S. Supreme Court declined to take up the case on free speech grounds last December.

Alliance Defense Fund (ADF) attorneys won a preliminary court order in February that has temporarily allowed worship services to take place while a lawsuit against the city's policy of excluding them continues. The hearing Friday concerns an ADF motion that asks the court to convert the preliminary injunction to a permanent one.

"Religious groups, including churches, shouldn't be discriminated against simply because they want to meet in public buildings for worship services on the same terms as other groups," says ADF senior counsel Jordan Lorence. "A permanent order is needed so that faith groups that meet in empty public school buildings on weekends can continue to serve their communities. Every community service that evicted churches can no longer provide is one more community service taxpayers have to fund."

In an opinion accompanying its preliminary order in February, the U.S. District Court for the Southern District of New York wrote, "In this Court's view, losing one's right to exercise freely and fully his or her religious beliefs is a greater threat to our democratic society than a misperceived violation of the Establishment Clause."

A bill that would compel the city's Department of Education to allow the worship services has passed the New York Senate and

is awaiting action by the State Assembly.

“New York legislators can resolve this issue once and for all by making the city get rid of its bad policy,” Lorence says. “The courts have consistently ruled that the Constitution does not require New York City to ban religious worship services, so the city or the state legislature is free to repeal the policy.”