



DISCRIMINATION AGAINST SMALL CHURCH CONGREGATIONS

USCCB Fact Sheet

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RELIGIOUS LIBERTY UNDER ATTACK A Concrete Example

In 1994, New York City's Department of Education denied the request of the Bronx Household of Faith and several other churches to rent space from public schools on weekends for worship services, even though non-religious groups could rent the same schools for scores of other uses. Litigation began soon afterward, and now, nearly 18 years later, about 60-80 small church and synagogue congregations continue to fight for their rights guaranteed by the U.S. Constitution. The church groups have been serving their communities for years and simply wish to be able to rent vacant school space as the City allows other groups to do.

In June 2011, a federal appellate court upheld New York City's ban on private worship services meeting in vacant public schools on weekends. The court stated that a church could conduct a meeting in the NYC public schools that contained singing, praying, preaching, and fellowship, but that they could not conduct a "worship service." But some denominations' worship services consist *only* of singing, praying, preaching, and fellowship.

New York City claims that it only goes on the word of the religious group—that is, if the group says that it is not conducting a worship service, then it can meet. However, the churches claim that the City and school employees have been investigating what the churches do in the public schools and that the City has made its own assessments of whether the meetings constitute a "worship service" or not.

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.

In June, a federal district court issued a permanent injunction against the City's policy, ruling that the policy violated the Free Exercise Clause and the Establishment Clause of the U.S. Constitution. However, the City has fought against the churches' constitutional rights every step of the way, so litigation and appeals are expected to continue. The appellate court that upheld the ban on worship services last year expects to issue another decision before school starts this fall.

On the legislative front, the New York Senate passed a bill in January essentially repealing New York City's ban on private worship services, but the bill has stalled in the New York Assembly.

While New York City's discrimination would not frequently affect Catholic parishes, which generally own their own buildings, this kind of discrimination can be devastating to many smaller congregations, who merely seek to rent vacant space in schools on weekends, as civic clubs and other organizations do. The City's policy is a simple case of discrimination against religious believers.

Is our most cherished freedom truly under threat?

Among many current challenges, New York City's policy severely diminishes many churchgoers' right to exercise freely and fully their religious beliefs. Without religious liberty properly understood, all Americans suffer.

What can you do to ensure the protection of religious freedom?

Text the word "Freedom" to 377377 for updates from the bishops on current threats to religious liberty. Also, please visit www.usccb.org/freedom for more information on how you can take action to protect religious liberty!