

2001

## Facts:

Under New York law, Milford Central School policy authorizes district residents to use its building after school for certain activities. Stephen and Darleen Fournier were district residents eligible to use the school's facilities. They sought approval of their proposed use and sponsorship of the Good News Club, a private Christian organization for children. The Fourniers submitted a request to hold the Club's weekly afterschool meetings at the school.

## What did the club do?

The Club filed suit alleging that the denial violated its free speech rights under the First and Fourteenth Amendments.

## What did the school propose/said?

Milford denied the request reasoning that the proposed use, including singing songs, hearing Bible lessons, memorizing scripture, and praying, was the equivalent of religious worship prohibited by the community use policy.

## The District Court

The district court upheld it as constitutional and unconstitutional because the subject matter of the club was "quintessentially religious," and the activities "fall outside the bounds of pure 'moral and character development.'" Which deemed the club's meetings as constitutional subject discrimination but not unconstitutional viewpoint discrimination.

## Constitutional question:

Did Milford Central School violate the First Amendment free speech rights of the Good News Club when it excluded the Club from meeting after hours at the school?

If a violation occurred, was it justified by Milford's concern that permitting the Club's activities would violate the Establishment Clause?

## Holding/ Decision & reasoning :

6-3, yes and no: The court stated that for the second question, the school did violate the first amendment to free speech because "Milford's restriction violates the club's free speech rights and that no Establishment Clause concern justifies that violation."

Comment: Like wtf? Why is it this case that "no establishment clause concern justifies that violation." Why apply it to this case and not the previous cases?

The first question: "Milford's restriction violates the Club's free speech rights and that no Establishment Clause concern justifies that violation." "When Milford denied the Good News Club access to the school's limited public forum on the ground that the Club was religious in nature, it discriminated against the Club because of its religious viewpoint in violation of the Free Speech Clause of the First Amendment."

