***West Side Community Schools v. Mergens* (1990)**

**Issue:** Student Clubs

**Bottom Line:** Public Schools That Allow Student-Interest Clubs Cannot Exclude Religious or Political Ones

**Background**

Bridget Mergens was a senior at Westside High School in Omaha, Nebraska. She asked her homeroom teacher, who was also the school's principal, for permission to start an after-school Christian club. Westside High already had about 30 clubs, including a chess club and a scuba-diving club. The principal denied Bridget's request, telling her that a religious club would be illegal in a public school.

The year before, in 1984, Congress had addressed this issue in the Equal Access Act, which required public schools to allow religious and political clubs if they let students form other kinds of student-interest clubs. When Bridget challenged the principal's decision, her lawsuit became the Supreme Court's test case for deciding whether the Equal Access Act was constitutional under what is known as the Establishment Clause of the First Amendment: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

**Ruling**

The Supreme Court ruled in favor of Bridget. Allowing students to meet on campus to discuss religion after school did not amount to state sponsorship of religion, the Court said: "We think that secondary-school students are mature enough and are likely to understand that a school does not endorse or support student speech that it merely permits."

**Impact**

If a public school allows only clubs tied to the school curriculum—a French club related to French classes, for instance—it can exclude clubs that don't connect to its educational mission. But once a school allows student-interest clubs—such as a scuba-diving club, environmental club, or jazz club—it cannot exclude religious clubs, political clubs, gay-lesbian clubs, or other groups.

If the club is religious in nature, however, the school must refrain from active involvement or sponsorship, so that it doesn't run afoul of the Establishment Clause, the Court said.

Information from: <http://www.nytimes.com/learning/teachers/featured_articles/20080915monday.html>

**Thematic Question:** How does the topic of rights and responsibility relate to this court case?

**Notes:**