

GOOD FRIDAY RULING YIELDS RIGHT RESULT

On January 18, the U.S. Supreme Court rejected an appeal by a retired school teacher that maintained that a Maryland law requiring the closing of all public schools on Good Friday was a violation of the constitutionally required separation of church and state.

While the Catholic League approved of the conclusion it was not satisfied with the court's reasoning. This is how we explained our position to the media:

"It is welcome news that Maryland has the right to continue its tradition, begun in 1865, to close all public schools on Good Friday. But the rationale employed by the 4th U.S. Circuit Court of Appeals, which the high court left standing, is unsatisfactory.

"In *Koenick v. Felton*, the 4th Circuit ruled that 'The four-day holiday around Easter is supported by a pragmatic, legitimate secular purpose.' The court was referring to the expected high absentee rate among teachers and students surrounding the Easter holiday. It should instead have squarely faced the issue by saying that the Maryland law was accommodating—not sponsoring—a religious tradition that is grounded in our nation's history. Indeed, in Montgomery County, Maryland, schools properly close on Yom Kippur and Rosh Hashanah; this accommodates Judaism without sponsoring anything.

"Some states close schools at the beginning of hunting season, but no one contends that by doing so those who don't hunt are somehow discriminated against. What the state is doing in such instances is simply accommodating a tradition dear to its citizenry; it is not sponsoring hunting.

“There is a profound difference between accommodation and sponsorship. Former Supreme Court Justice Warren Burger said it best when he said that the Constitution ‘affirmatively mandates accommodation, not merely tolerance, of all religions, and forbids hostility toward any.’”