student groups. In *Widmar v. Vincent*,[180] the Court held that allowing student religious groups equal access to a public college's facilities would further a secular purpose, would not constitute an impermissible benefit to religion, and would pose little hazard of entanglement. Subsequently, the Court held that these principles apply to public secondary schools as well as to institutions of higher learning. In 1990, in *Westside Community Board of Education v. Mergens*,[181] the Court upheld application of the Equal Access Act [182] to prevent a secondary school from denying access to school premises to a student religious club while granting access to such other "noncurriculum" related student groups as a scuba diving club, a chess club, and a service club.[183] Justice O'Connor stated in a plurality opinion that "there is a crucial difference between *government* speech endorsing religion and *private* speech endorsing religion. 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 on a nondiscriminatory basis." [184]

Similarly, public schools may not rely on the Establishment Clause as grounds to discriminate against religious groups in after-hours use of school property otherwise available for non-religious social, civic, and recreational purposes. In *Lamb's Chapel v. Center Moriches School District*,[185] the Court held that a school district could not, consistent with the free speech clause, refuse to allow a religious group to use school facilities to show a film series on family life when the facilities were otherwise available for community use. "It discriminates on the basis of viewpoint," the Court ruled, "to per-

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[180] 454 U.S. 263, 270–75 (1981).

[181] 496 U.S. 226 (1990). The Court had noted in *Widmar* that university students "are less impressionable than younger students and should be able to appreciate that the University's policy is one of neutrality toward religion," 454 U.S. at 274 n.14. The *Mergens* plurality ignored this distinction, suggesting that secondary school students are also able to recognize that a school policy allowing student religious groups to meet in school facilities is one of neutrality toward religion. 496 U.S. at 252.

[182] Pub. L. 98–377, title VIII, 98 Stat. 1302 (1984); 20 U.S.C. §§ 4071–74. The Act requires secondary schools that receive federal financial assistance to allow student religious groups to meet in school facilities during noncurricular time to the same extent as other student groups and had been enacted by Congress in 1984 to apply the *Widmar* principles to the secondary school setting.

[183] There was no opinion of the Court on Establishment Clause issues, a plurality of four led by Justice O'Connor applying the three-part *Lemon* test, and concurring Justices Kennedy and Scalia proposing a less stringent test under which "neutral" accommodations of religion would be permissible as long as they do not in effect establish a state religion, and as long as there is no coercion of students to participate in a religious activity.

[184] 496 U.S. at 242.

[185] 508 U.S. 384 (1993).