



Widmar v. Vincent (1981) - Justice Powell - 8/1.

Issue: May a state university, which makes its facilities generally available for the activities of registered student groups, close its facilities to a registered student group desiring to use the facilities for religious worship and discussion?

Held: **The University's regulation prohibiting the use of University buildings for purposes of religious worship or teaching is invalid.**

Reasoning: **Having once created a forum generally open for use by student groups**, the University of Missouri at Kansas City assumed an obligation to justify its discrimination and exclusions under applicable constitutional norms. **In order to justify discriminatory exclusion from a public forum based on the religious content of a group's intended speech, it must show that its regulation is necessary to serve a compelling state interest and that it is narrowly drawn to achieve that end.** The University claims a compelling state interest in maintaining strict separation of church and State. The parties agree that 2 of the 3 *Lemon* prongs were met; i.e., that an open-forum policy (including nondiscrimination against religious speech) would have a secular purpose and would avoid entanglement with religion. The State argued, however, that allowing religious groups to share the limited public forum would have the "primary effect" of advancing religion. The question is not whether the creation of a religious forum would violate the Establishment Clause. **The question is, given that the University has opened its facilities for use by student groups, can it now exclude groups because of the content to their speech? An open forum does not confer any imprimatur of state approval on religious sects or practices.** The state's asserted interest of "separation" is limited by the Free Exercise and Free Speech Clauses.