

October 2016

A Monthly Publication of the Christian Law Association

THE **LEGAL**  
**ALERT**

**THE BATTLE OVER  
AMERICA'S CHILDREN**



# THE NEWEST BATTLEGROUND

The oldest public school in the United States is the Boston Latin School, and was founded in 1635. Five signers of the Declaration of Independence attended the school, including: Benjamin Franklin, John Hancock, Robert Paine, Samuel Adams, and William Hopper.

## THE LATEST PROBLEM

In fall 2016, around 50.4 million students will attend public elementary and secondary schools in the United States. These public school systems will employ approximately 3.1 million full-time teachers. Thirty years ago, the US was the leader in quantity and quality of high school diplomas. Currently our nation is ranked 36th internationally. Teacher turnover has become a huge problem for many districts. Nationwide, 14% of new teachers resign by the end of their first year, 33% leave within their first 3 years, and nearly 50% leave by their 5th year. Our public school system is facing substantial challenges in numerous areas. How did we get here?

In 1947, the United States Supreme Court took a sharp left turn in its interpretation of the Establishment Clause of the First Amendment to the United States Constitution as it was applied to public schools in America. Since then, students, teachers, school officials, parents, and local religious leaders have been struggling to understand the parameters of the Establishment Clause as it relates to religious expression in public schools.

The decision of the United States Supreme Court in the case of *Everson v. Board of Education*, 330

U.S. 1 (1947), was the first time the United States Supreme Court had held that the Establishment Clause restrained individual states and all other governmental entities from establishing or officially sponsoring religion. When Congress enacted the Bill of Rights in 1789, the Establishment Clause was intended to restrain the conduct of only the federal government. At that point in our nation's history, states were left to establish a state religion if they wished. Therefore, since public schools were creatures of state and local governments, local governing bodies, such as school boards, could include the dominant religious beliefs of the community in the local school curriculum.

Not all legal developments in this area have been negative. Despite the Establishment Clause's limitation on official religious expression in public schools, the First Amendment's Free Speech and Free Exercise Clauses continue to protect most student religious speech in public schools.

Most courts also adopt a reasonable approach to religious instruction in public schools. Even while the Establishment Clause, since the mid-twentieth century, has prohibited devotional and proselytizing religious speech by public school teachers and other school officials, teachers may still teach about religion in public schools if such teaching is objective, neutral, and academic. Court decisions during the last half-century have also continued to protect religious outreach activities in public schools by community religious leaders.

A public school may not entirely prohibit religious activities by students. The Free Speech and Free Exercise Clauses of the First Amendment to the United States Constitution protect student religious

Cover:  
Children of Attorney Stephen Peterson

speech in public schools. While teachers are limited in their devotional and proselytizing religious interaction with students by the First Amendment Establishment Clause, students have a great deal of spontaneous or unofficial religious liberty in public schools, even in today's separationist and anti-Christian legal and educational climate.

Since government schools permit students to speak with each other and to exchange viewpoints on many topics, the government must also permit students to engage in religious speech and to share their religious viewpoints in school, so long as these activities are not "disruptive" to the educational climate.

So how can Christians change this climate? Believers need to be reaching those around them more than ever for the cause of Christ!

## OUR SOLUTION

The only real solution will come from bold believers standing firmly in their resolve to proclaim Jesus Christ in our public school system. CLA constantly receives calls from parents whose children have been told to shield their faith or hide it in public schools. Often, teachers do not clearly understand the rights of students. Christian students can get involved and show their faith in public schools by the following, which are completely legal:

- **Students may hold voluntary individual or group prayer before meals, tests, and at other times when such activity will not disrupt classroom instruction;**
- **Students may voluntarily practice Bible reading during non-instructional periods;**
- **Students may discuss religion with classmates during non-instructional periods. Students may even attempt to persuade their peers concerning religious topics as long as such attempts at persuasion do not constitute harassment or actually disrupt the educational environment;**
- **Students may frequent "See-you-at-the-pole" gatherings;**
- **While others may pass secular materials and invitations, students may distribute religious literature;**



CLA is receiving dozens of calls daily about issues we never thought we would see in our lifetime!

- **Students may wear clothing or apparel with religious messages to the same extent as secular messages are allowed; and**
- **Students may incorporate religious views and beliefs in homework, artwork, and other written and oral assignments if other topics are allowed of the students' free choice.**

A student may pray silently or quietly out loud, alone or in a group, but may not disturb or disrupt other students. As long as the prayer is spontaneous and is not encouraged by a teacher or by school policy, the prayer is permitted. Students may say grace before lunch at school, and they may pray before tests to the same extent that they may engage in comparable secular non-disruptive activities.

## HOW DOES CLA HELP?

Every day, our team answers phone calls and emails about this topic and many others. We pray for the calls, and we provide those individuals with the legal help they need. The battle over children in America is a constant one, specifically with the cultural shift toward immorality and unbiblical thinking.

While we face these legal issues head on, we need God's blessing on the battles. Along with His providing hand, we need Christian young people to once again be bold in their stance for Christ, and that begins in the home. Parents, give your children the Biblical training so that the culture does not wash

them out. It is essential that they hide God's Word in their hearts and walk with steps directed by Him.

Christian students are still permitted to pray spontaneously alone or in groups at school. A stunning number of calls come into the CLA office from parents whose children in elementary school have been told that they may not bow their heads and silently or quietly say grace before eating their lunch. This is an outrageous misinterpretation of the "separation of church and state" doctrine by school officials. This is one student right that courts will routinely uphold.

Student speech has nothing whatsoever to do with the Establishment Clause or with the modern legal doctrine of "separation of church and state." Only a teacher or other school official can violate the Establishment Clause. A student is not capable of violating the Establishment Clause because the Establishment

Clause does not apply to students, but only to school or other government officials. Public school students are consumers of a government program. They are not government agents, as teachers and other school officials are. Therefore, a student may engage in private religious speech and religious activity, such as carrying a Bible or private Bible reading, during free time in school.

The law is on your side! We encourage every Christian student in public schools to carry a Bible with their school books. We must be bold in our witness from a young age. God has done so much for us, it is our reasonable service.

If you have questions about your legal rights in the public school, contact the Christian Law Association and ask about our newly revised resource.

## ABOUT THE CHRISTIAN LAW ASSOCIATION

*The Christian Law Association is a ministry of legal helps.*

Its purpose is to provide legal assistance to Bible-believing churches and Christians who are experiencing legal difficulty in practicing their religious faith. CLA represents churches, schools, individuals and a wide variety of ministries.

CLA is funded wholly by concerned Christians and churches who wish to support the fight for religious liberty in the United States, and who also have a desire to make it possible for CLA to provide cost-free legal assistance to Bible-believing churches and Christians

who are being sued, or threatened with suit, for the Biblical faith.

As a faith-based ministry, CLA appreciates the prayers and financial support of our friends and the opportunity to serve wherever needed. If the ministry of the Christian Law Association can legally serve you, it would certainly be our honor and delight to do so.

### ***CLA serves through the following ways:***

- Free legal defense of those facing difficulties for the Biblical faith
- Free legal counsel to churches and Christians for their ministries
- Legal seminars for ministries to help prevent lawsuits
- Preaching in churches across the country
- Legal books and other resources to inform Christians of their rights
- The Legal Alert radio program broadcast on over 1,500 outlets around the world
- Publication of a monthly newsletter, *The Legal Alert*
- Free legal consulting to local, state, and federal officials and legislators to provide maximum religious liberty
- Intercessory prayer ministry for requests sent to the ministry offices

**Phone: 888-252-1969 | Fax: 888-600-9899**

**WWW.CHRISTIANLAW.ORG**



**Attorney Jonathan Gibbs speaks during a CLA Seminar in Minnesota**

# THE MAGNITUDE OF VOTING



## SAME-SEX MARRIAGE

### ONE YEAR LATER

It has now been over one year since the Supreme Court, in a 5-4 decision, determined that the historically accepted right of individual states to establish laws that define marriage as a union between one man and one woman, is unconstitutional.

In 1971, the opinion for *Baker v. Nelson*, opined “The institution of marriage as a union of man and woman, uniquely involving the procreation and rearing of children within a family, is as old as the book of Genesis.” This same case, which was affirmed by the Supreme Court, also stated “The due process clause of the Fourteenth [313] Amendment is not a charter for restructuring it by judicial legislation.” Many Americans, particularly believers, are dissatisfied with the current Supreme Court’s decision to dramatically expand the class protection of the Fourteenth Amendment by judicial decree, while disregarding the legitimate political action individual states had taken to statutorily define marriage as between one man and one woman.



Josiah and Jenna Gibbs

## ONE SUPREME COURT VOTE

In America today, unsettled Christians are discussing whether or not they need to vote. We need to vote because Biblical morality is under attack in our land. One vote makes a difference to protect long-held Biblical values.

Remember, it took only one justice's vote to determine in *Obergefell v. Hodges* that “same-sex couples have a fundamental right to marry. Laws of Michigan, Kentucky, Ohio, and Tennessee were held invalid to the extent they excluded same-sex couples from civil marriage on the same terms and conditions as opposite-sex couples.” The opinion goes on to state “The limitation of marriage to opposite-sex couples may long have seemed natural and just, but its inconsistency with the central meaning of the fundamental right to marry is now manifest.”

Much has changed in America in the course of a few decades, making it all the more urgent that Christians stand up for Biblical values and pray for our nation like never before, and vote.

We need to make our voices heard as Christian Americans in order to make a difference. Prayer and faith actions go hand-in-hand. This election is important because one vote makes such a difference. Many cases that have gone before our country’s highest court have been decided down the middle, with conservative and liberal justices simply one choice away from victory. Just as one Supreme Court Justice’s vote can create decades of law, precedent upon precedent, your vote can impact which justices make those decisions. Choose to impact America by prayer and vote Biblically on those moral issues in our country.



# LEGAL CASE UPDATES & PRAYER REQUESTS

- Please pray for a **CALIFORNIA** church facing issues because the city is pushing it to get a business license.
- Please pray for a Christian school in **NORTH CAROLINA** dealing with city health code enforcement.
- Please pray for a **TEXAS** church negotiating contract terms for its lease.
- Please pray for a Christian school in **GEORGIA** as it handles discipline issues and parent/student interactions.
- Praise the Lord that a church in **SOUTH CAROLINA** was able to provide help to a church member.
- Praise the Lord a ministry in **MISSOURI** was able to update its ministry handbooks.
- Please pray for a Christian in **NEW JERSEY** facing religious discrimination troubles at work.
- Please pray for a **NORTH CAROLINA** ministry fighting a brewery opening near their location.
- Praise the Lord churches in **KANSAS, PENNSYLVANIA, TEXAS, MISSOURI, ILLINOIS**, and many others have updated their church's constitution & bylaws to further protect their ministries.
- Please pray for a ministry in **ARIZONA** being troubled by a neighbor for having meetings.
- Pray for a church in **MISSOURI** struggling with a neighbor over zoning regulations and property lines.
- Pray for a church start-up in **WASHINGTON** working through the necessary procedures to begin ministering by the end of 2016.
- Pray for a Christian school in **ARKANSAS** updating school policies to aid in protecting ministry staff and students.
- Please pray for a **WEST VIRGINIA** Christian receiving backlash while handing out tracts and witnessing.
- Pray for a Christian in **MASSACHUSETTS** who is attempting to pass out Gospel tracts but being harrassed on public property.
- Pray for a Christian camp in **NEW YORK** navigating sensitive tax issues concerning ministry property.
- Please pray for a pastor and his church in **LOUISIANA** fighting a new ordinance proposing the sale of alcohol in their small town.
- Pray for a church in **MARYLAND** seeking advice on copyright laws and how they specifically pertain to church ministries.

